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**ACTS
AND
RESOLVES**

PASSED BY THE
General Court of Massachusetts
IN THE YEAR

2002

PUBLISHED BY
William Francis Galvin
SECRETARY OF THE COMMONWEALTH



The General Court, which was chosen November 7, 2000, assembled on Wednesday, the second day of January 2002 for the second session.

Her Excellency Jane M. Swift served as Acting Governor for the political year of 2002.



2002 ACTS AND RESOLVES

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Secretary of the Commonwealth

Chapter 1. AN ACT AUTHORIZING THE TOWN OF GROVELAND TO ESTABLISH A SCENIC ROADS ADMINISTERING AUTHORITY.

Be it enacted, etc., as follows:

Notwithstanding section 15C of chapter 40 of the General Laws, the town of Groveland may establish a joint committee to consist of its board of selectmen and 4 members of the Groveland road study committee to be appointed by the committee, for the purpose of administering the scenic roads by-law of the town.

Approved January 11, 2002.

Chapter 2. AN ACT RETURNING TAX TITLE PROPERTIES TO PRODUCTIVE USE.

Be it enacted, etc., as follows:

SECTION 1. Chapter 58 of the General Laws is hereby amended by inserting after section 8B the following section:-

Section 8C. A city or town may establish, relative to sites or portions of sites that will be used as affordable housing, as defined in section 1 of chapter 60, or affordable housing and commercial, an agreement between the city or town and the developer of said sites or portions of sites, regarding the abatement of up to 75 per cent of the real estate tax obligations and up to 100 per cent of the outstanding interest and penalties on said sites or portions of sites, if the commissioner has approved in writing the request of the city or town to grant the abatement. Upon the written request of a city or town to grant such an abatement, the commissioner shall make a determination within 30 days from the date of the receipt of the request or the request shall be deemed approved. The agreement, for the purpose of developing affordable housing on such sites and redevelopment in such communities, shall include, but shall not be limited to, the amount outstanding, the per cent of interest to accrue if determined applicable by the parties, the description of quantifiable monthly payments, the inception date of such payments, the date of the final payment, late penalties, the number of affordable units, and any other contractual obligations arranged between the parties. The terms of repayment shall be set at the discretion of the municipality and shall be included in the agreement between the parties. A city or town that accepts this section shall adopt an ordinance or by-law specifying the method for negotiating and approving agreements under this section. Copies of each such agreement shall be signed by the municipal officer required by the ordinance or by-law and by the owner of the property in question, notarized, attested to by the city or town clerk, and provided to the department of housing and community development, the commissioner, the city council or board of selectmen, and the owners of the property in question. An abatement under this paragraph may be granted only for a new owner of a parcel who is not liable for any of the outstanding

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charges secured by the municipality's lien. This section shall take effect in any city or town only upon its acceptance by such city or town. The commissioner, in consultation with the department of housing and community development, may make, and from time to time revise, such reasonable rules and regulations that are consistent with provisions of the preceding paragraph as he deems necessary to carry out the provisions of this paragraph.

SECTION 2. Section 1 of chapter 60 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting before the definition of "Abandoned Property" the following definition:-

"Affordable housing", housing with an affordable housing restriction recorded with the registry of deeds in the county where the property is located that requires the housing, for not less than 45 years, to be rented or owned by families and individuals whose income at initial occupancy is no more than 120 per cent of the area median income as determined by the federal department of housing and urban development guidelines and adjusted for family size and that thereafter such units shall be rented or sold, subject to such restrictions on appreciation as determined by the municipality to be reasonable and necessary to maintain long term affordability, to families or individuals at incomes of no more than 120 per cent of the area median income.

SECTION 3. Section 65 of said chapter 60, as so appearing, is hereby amended by inserting after the word "eighty-one A", in line 7, the following words:- , or there has been a certification pursuant to section 81B that the redemption amount as determined pursuant to section 62 exceeds the assessed value of the parcel.

SECTION 4. Section 69A of said chapter 60, as so appearing, is hereby amended by inserting after the word "eighty-one A", in line 8, the following words:- , or there has been a certification pursuant to section 81B that the redemption amount as determined pursuant to section 62 exceeds the assessed value of the parcel.

SECTION 5. Said chapter 60 is hereby further amended by inserting after section 77B the following section:-

Section 77C. Cities and towns, acting through their legislative bodies, may accept a deed, in which all persons who have an interest in title join as grantors, in lieu of foreclosure to any parcel of land within the city or town which meet the requirements set forth in this section. Upon acceptance and recording of that deed, any real estate taxes and other municipal charges and liens shall be treated as having been paid, and shall be accounted for by the city or town in the same manner as if a tax title foreclosure had been completed. The procedure provided for in this section shall apply only to property upon which there are no other liens or encumbrances other than the liens of the city or town. No grantor under this section may purchase or otherwise acquire from the city or town any parcel of land acquired by the city or town under this section.

SECTION 6. Section 79 of said chapter 60, as so appearing, is hereby amended by striking out, in line 14, the figure "\$10,000" and inserting in place thereof the following figure:- \$15,000.

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SECTION 7. The first paragraph of said section 79 of said chapter 60, as so appearing, is hereby amended by adding the following sentence:- The dollar value of such parcels specified in the previous sentence shall be increased every January 1 by the percentage increase of the Consumer Price Index for Urban Consumers prepared by the Bureau of Labor Statistics of the United States Department of Labor for the previous calendar year.

SECTION 8. Said chapter 60 is hereby further amended by inserting after section 81A the following section:-

Section 81B. Whenever a city or town shall have purchased or taken land for nonpayment of taxes under section 43 or 53, and the treasurer of the city or town certifies that the redemption amount as determined pursuant to section 62 exceeds the assessed value of the parcel, the treasurer shall make an affidavit of such certification which shall be recorded in the registry of deeds for the district wherein the land lies. Upon the recording of the affidavit, the treasurer shall bring a petition in the land court pursuant to section 65 for the foreclosure of all rights of redemptions of the land.

Approved January 11, 2002.

Chapter 3. AN ACT AUTHORIZING THE TOWN OF NORWOOD TO USE CERTAIN CONSERVATION LAND FOR ROADWAY AND BRIDGE PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. The conservation commission of the town of Norwood may transfer care, custody and control of a certain parcel of conservation land located in the town to the board of selectmen to be used for roadway and bridge construction purposes. The parcel is shown as Lot 14 on a plan entitled "Subdivision Plan of Land in Norwood, MA by Toomey-Munson & Associates, Inc.", dated February 14, 2000 and revised September 13, 2000 and filed at the Norfolk county registry of deeds.

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

Approved January 17, 2002.

Chapter 4. AN ACT AUTHORIZING THE TOWN OF MILTON TO TRANSFER LAND TO THE MILTON SCHOOL DEPARTMENT.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the board

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of selectmen of the town of Milton may transfer to the care, custody and control of the Milton school department for school purposes, for construction of an access road between Gile road and Blue Hills parkway, the land currently used for conservation purposes shown as parcel A on a plan designated "Plan of Land, Blue Hills Parkway in Milton, Massachusetts, (Norfolk County) Approval Not required, scale 1"=60', dated February 9, 2001, as revised through March 22, 2001, prepared by BSC Group", which plan is to be recorded with the Norfolk county registry of deeds. Parcel A contains 1,401 + square feet as shown on the plan.

SECTION 2. In consideration for the conveyance in section 1, the town of Milton shall transfer to the care, custody and control of the Milton conservation commission for conservation purposes, a certain parcel of land shown as parcel B on the plan described in section 1.

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

Approved January 17, 2002.

Chapter 5. AN ACT RELATIVE TO GROUP MARKETING PLANS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for renewal of certain insurance group marketing plans, 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 to the contrary, a group marketing plan approved and in effect, pursuant to section 193R of chapter 175 of the General Laws, during calendar year 2001 may be approved upon renewal, notwithstanding that less than 35 per cent of its members are insured during calendar year 2002.

Approved January 17, 2002.

Chapter 6. AN ACT RELATIVE TO THE FINANCES OF REGIONAL SCHOOL COMMITTEES.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 16A of chapter 71 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the seventh and eighth sentences and inserting in place thereof the following 4 sentences:- The treasurer and

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assistant treasurer shall be persons of ability and experience and may, by vote of the committee, be compensated for their services. A treasurer of a member municipality of the district shall be eligible for appointment as treasurer or assistant treasurer. The treasurer and assistant treasurer of the district shall be subject to sections 35 and 109A of chapter 41, to the extent applicable. A business manager, assistant superintendent for business or employee with title of similar import with responsibilities similar to those of a town accountant shall be subject to section 52 of said chapter 41 and shall not hold the office of treasurer or assistant treasurer or hold any responsibilities for the receipt or disbursement of money.

SECTION 2. Said section 16A of said chapter 71, as so appearing, is hereby further amended by adding the following paragraph:-

The committee shall solicit proposals and contract with an independent certified public accountant to perform an annual financial audit and make management recommendations, and shall receive the audit report in public session. Copies of the audit shall be provided within 10 days to the director of accounts and to the board of selectmen, town manager, mayor or city manager, as the case may be, in each member municipality.

Approved January 17, 2002.

Chapter 7. AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF SWAMPSCOTT.

Be it enacted, etc., as follows:

SECTION 1. The charter of the town of Swampscott, which is on file in the office of the archivist of the commonwealth, as provided in section 12 of chapter 43B of the General Laws, is hereby amended by adding the following 11 chapters:-

Chapter 7 Board of Selectmen.

SECTION 7-1: Duties.

(a) Powers and Duties in General - The board of selectmen shall serve as the chief policy making agency of the town and shall be responsible for the formulation and promulgation of policy directives and guidelines to be followed by all town agencies serving under it. The board of selectmen shall also be responsible for development and promulgation of policy guidelines for elected town officers and multiple member bodies not serving under the board, in conjunction with those officers and bodies.

(b) Licensing Authority - The board of selectmen shall be the licensing board for the town and shall have power to issue licenses in accordance with the provisions of the General Laws and town by-laws.

(c) Appointment - The board of selectmen shall appoint a town administrator, individuals who are to serve as representatives or delegates of the town to the governing or

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advisory boards of regional or district authorities, and such other town officials and members of multiple member bodies as provided for in chapter 14.

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

(e) Contracts - The board of selectmen shall be the signatory authority for all contracts within its jurisdiction as provided for in the General Laws, town by-laws, by vote of town meeting, or otherwise.

Chapter 8 Town Administrator.

SECTION 8-1: Appointment; Qualifications; Term.

The board of selectmen shall appoint a town administrator from a list prepared by a screening committee. The board of selectmen shall appoint the town administrator to serve for a renewable contract not to exceed 5 years and shall fix the compensation for the officer annually within the amount appropriated by town meeting. The town administrator shall be appointed solely on the basis of demonstrated executive and administrative qualifications. The town administrator shall be a person especially fitted by education, training and previous experience in public or business administration to perform the duties of the office. A town administrator need not be a resident of the town. The town administrator shall not have served in an elective office in the town of Swampscott government for at least 12 months prior to appointment, with the exception of town meeting member. The members of the 2001 town government study committee shall not be eligible for appointment as the first Swampscott town administrator.

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

The board of selectmen shall provide for a semi-annual review of the job performance of the town administrator in the first year and annually thereafter, which shall, at least in summary form be a public record. The town administrator's review shall be a public record.

Any vacancy in the office of the town administrator shall be filled as soon as possible by the board of selectmen, and in the interim they shall appoint a qualified town administrative officer or employee to serve as a temporary town administrator to perform the duties of the office. The temporary appointment may not exceed 3 months, but 1 renewal may be voted by the board of selectmen to extend for a second 3 months. Compensation for the temporary administrator shall be set by the board of selectmen.

SECTION 8-2: Powers and Duties.

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

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

(b) To recommend for appointment and in appropriate circumstances to remove or discipline subject to the provisions of civil service law and any collective bargaining agreements as may be applicable, all department heads, officials and employees for whom no other method of selection or discipline is provided. The recommendations for appointments or removals become effective upon approval of the majority of the board of selectmen based upon the recommendation of the town administrator.

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

(d) To attend all regular and special meetings of the board of selectmen, and other meetings deemed appropriate by the board of selectmen unless unavailable for reasonable cause, and shall have a voice, but not vote, in all of its proceedings.

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

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

(g) To have jurisdiction over the rental and use of town facilities and property except school property. The town administrator shall be responsible for the maintenance and repair of all town buildings and facilities placed under the town administrator's control by by-law or by vote of the town or otherwise.

(h) To prepare and present each year a balanced annual operating budget for the town and a proposed capital outlay program for the 5 fiscal years next ensuing in accordance with existing by-laws.

(i) To assure that an inventory of property of the town, both real and personal, is kept, including property within the jurisdiction of the school committee, in accordance with generally accepted government accounting principles.

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

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

(l) To see that the General Laws, the town's charter and by-laws and other votes of the town meeting, and votes of the board of selectmen, or other elected boards that the town administrator has operational jurisdiction over, which require enforcement by the town administrator or other officials subject to the direction and supervision of the town administrator are faithfully executed, performed or otherwise carried out.

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

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

(o) To recommend to the board of selectmen, who are granted the authority to make changes upon majority vote, the reorganization, consolidation or abolishment of town departments or agencies serving under the supervision of the town administrator, in whole, or in part, provide for new departments or agencies, or providing or to recommend providing for a reassignment of powers, duties and responsibilities among the departments or agencies so established or existing.

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

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

SECTION 8-3: Acting Town Administrator.

(a) Temporary absence - By letter filed with the town clerk, the town administrator shall recommend a qualified town administrative officer or employee who, with the approval

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of the board of selectmen, shall exercise the powers and perform the duties of town administrator during a temporary absence of the town administrator. During a temporary absence the board of selectmen may not revoke the designation until at least 10 working days have elapsed, whereupon it may appoint another qualified town administrative officer or employee to serve until the town administrator shall return.

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

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

SECTION 8-4: Removal and Suspension.

The board of selectmen may, by a minimum vote of 4 of its members, terminate and remove, or suspend, the town administrator from office in accordance with the following procedure:-

(a) The board of selectmen shall adopt a preliminary resolution of removal by a minimum vote of 4 of its members which must state the reason or reasons for removal. This preliminary resolution may suspend the town administrator for a period not to exceed 45 days. A copy of the resolution shall be delivered in hand or by certified mail, return receipt requested, to the town administrator.

(b) Within 5 days after receipt of the preliminary resolution the town administrator may request a public hearing by filing a written request for the hearing with the board of selectmen. This hearing shall be held at a meeting of the board of selectmen not later than 30 days after the request is filed nor earlier than 20 days. The town administrator may file a written statement responding to the reasons stated in the resolution of removal with the board of selectmen provided the same is received at its office more than 48 hours in advance of the public hearing.

(c) The board of selectmen may adopt a final resolution of removal, which may be made effective immediately, by the affirmative vote of at least 4 of its members not less than 10 nor more than 21 days following the delivery of the preliminary resolution to the town administrator, if the town administrator has not requested a public hearing; or within 10 days following the close of the public hearing if the town administrator has requested one. Failure to adopt a final resolution of removal within the time periods as provided in this section shall nullify the preliminary resolution of removal and the administrator shall, at the expiration of the time, forthwith resume duties of the office. The town administrator shall continue to receive full pay and benefits until the adoption of a final resolution by the board of selectmen.

The action of the board of selectmen in suspending or removing the town administrator shall be final, it being the intention of this provision to vest all authority and

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fix all responsibility for such suspension or removal in the board of selectmen.

Chapter 9 Finance and Fiscal Procedures.

SECTION 9-1: Fiscal Year.

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

SECTION 9-2: School Committee Budget.

Submission to town administrator - The budget for the ensuing fiscal year as adopted by the school committee shall be submitted to the town administrator in sufficient time, but no later than February 15, to enable the town administrator to consider the effect of the school department's requested appropriation upon the total town operating budget which is required to be submitted under this chapter.

SECTION 9-3: Submission of Budget and Budget Summary.

Within the time fixed by by-law, before the town meeting is to convene, the town administrator, after consultation with the board of selectmen, shall submit to the board of selectmen a proposed town operating budget for the ensuing fiscal year with an accompanying budget summary and supporting analysis. The proposed operating budget, summary and supporting analysis shall be based, in part, on annual departmental appropriation requests received by the town administrator, who shall provide copies of the same, within 7 days of receipt, to the finance committee. Copies of the proposed operating budget shall be available for examination by the public. The board of selectmen shall by a majority vote approve a balanced budget and submit the budget to the finance committee no later than the first day of March for the ensuing fiscal year.

SECTION 9-4: Budget Summary.

The budget summary prepared by the town administrator shall explain the budget for all town departments both in fiscal terms and in terms of work programs. It shall describe important features of the budget, indicate any major variations from the current year in financial policies, expenditures and revenues together with the reasons for the variations, summarize the town's debt position and include other materials as the town administrator deems desirable, or the board of selectmen may reasonably require.

SECTION 9-5: The Budget.

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

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

(b) proposed capital expenditures for current operations during the ensuing fiscal year, detailed by town department, and the proposed methods of financing each capital expenditure; and

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

SECTION 9-6: Action on the Budget.

Action by Town Meeting - Upon receipt of the proposed operating budget approved by the selectmen, the finance committee may review, investigate or amend the proposal as it deems necessary and appropriate. The finance committee budget proposal, as amended, shall be placed before town meeting for its approval, subject to further amendments from the floor. Supplemental budget information including, but not limited to, the budget summary, income and expense projections, program descriptions shall also be available to town meeting for its approval. Supplemental budget information shall not be subject to town meeting approval.

SECTION 9-7: Capital Improvement Program.

The capital improvement committee shall recommend a capital improvement program to the town administrator by February 1, including:-

(a) a clear and concise summary of its contents;

(b) proposed capital expenditures for the ensuing year;

(c) a 5 year capital improvement plan with supporting information as to the need, cost and method of financing for each projected capital expenditure.

The town administrator shall serve as an ex-officio non-voting member of the capital improvement committee, providing technical assistance when necessary.

SECTION 9-8: Approval of Warrants.

The town administrator shall be the chief fiscal officer of the town. Warrants for the payment of town funds prepared by the town accountant in accordance with the provisions of the General Laws shall be submitted to the town administrator. The approval of the warrant by the town administrator shall authorize payment by the town treasurer, but the board of selectmen shall approve warrants in the event of the absence of the town administrator or a vacancy in the office of town administrator.

SECTION 9-9: Annual Financial Forecast.

The town administrator shall report to the board of selectmen, the finance committee, and the school committee no later than November 15 of each year and present a financial forecast for the next fiscal year detailing anticipated revenues, transfers and expenditures.

SECTION 9-10: Five-Year Budget Plan.

The town administrator shall submit as supplemental information to town meeting a 5-year budget plan detailing anticipated revenues and expenditures.

Chapter 10
Transitional Provisions.

SECTION 10-1: Time of Taking Effect.

(a) Screening Committee - Forthwith following the election at which Chapter 7 to 17, inclusive, are approved by the voters, a screening committee shall be established for the purpose of soliciting, receiving, and evaluating applications for the position of town administrator.

The screening committee shall consist of 5 persons who shall be chosen as follows: 1 member or designee of the board of selectmen, the school committee, the finance committee, and 2 elected town meeting members appointed by the town moderator. Persons so designated may, but need not, be members of the agency by which they are designated. Appointments made by the town moderator shall be made last in time in order that in making appointments the moderator may, insofar as it may be feasible so to do, appoint persons who will broaden the membership base of the committee to be most representative of the demographic and occupational base of the town.

Not more than 30 days following the election at which Chapter 7 to 17, inclusive, are approved by the voters, the several persons chosen as aforesaid shall meet to organize and to plan a process to advertise the vacancy and to solicit by other means candidates for the office. The committee shall proceed notwithstanding the failure of any town agency to designate its representatives.

The screening committee shall review the applications received by it, screen the applicants by checking and verifying work records and other credentials, and interview the number of candidates as it deems necessary, desirable or expedient. If, in the sole judgment of the screening committee, there are no candidates deemed acceptable then the screening committee shall report to the board of selectmen and request that the advertising and solicitation process be reinstated.

Not more than 90 days following the date on which the committee meets to organize, the committee shall submit to the board of selectmen the names of not less than 3 and not more than 5 persons whom it believes to be best suited to perform the duties of the office of town administrator. The selectmen may, upon a majority vote of the screening committee, grant an extension to the 90 day period, the extension not to exceed 30 days. The board of selectmen may only grant 2 30-day extensions.

Within 30 days following the date the list of nominees is submitted to it, the board of selectmen shall choose, by the affirmative vote of at least 3 of its members, 1 of the nominees to serve as town administrator. If the board of selectmen does not select 1 of the finalists, the process shall commence again beginning with the advertising of a vacancy and solicitation of candidates.

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

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A screening committee shall be established whenever the office of town administrator shall become vacant.

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

(1) have at least a master's degree from a recognized, accredited college or university. Such degree shall be in a relevant discipline. Three additional years of experience as defined in clause (2) and a bachelor's degree from a recognized, accredited college or university may also meet the minimum educational requirements for this position;

(2) have preferably served full time as an administrative officer of a city or town for not less than 3 years, or have demonstrated executive, management and administrative qualifications and be fitted by education, training and previous experience in the public or private sector.

SECTION 10-2: Board of Public Works.

(a) The elected board of public works shall be eliminated and the terms of the elected members of the board shall cease upon acceptance of this act by the voters.

(b) There shall be a department of public works with a superintendent of public works serving as department head. The board of selectmen shall be responsible for establishing and setting policy with regard to public works matters.

(c) There shall be a 3 person board of public works, appointed by the selectmen. The duties, responsibilities and authority of this board shall be established by the selectmen.

SECTION 10-3: Town Treasurer/Collector/Clerk.

The term of the elected incumbent of the offices of the town treasurer/collector/clerk shall terminate at the time this charter amendment is adopted by the voters, however, at that time the incumbent shall be deemed to have been appointed to the combined appointed treasurer/collector/clerk position through June 30, 2004. The first appointee to the position of treasurer/collector/clerk shall receive the salaries of the existing fiscal year 2002 appropriation for the elected positions of treasurer/collector/clerk and such other amount as town meeting may appropriate therefor.

Chapter 11 Board of Assessors.

SECTION 11-1: Composition, Term of Office.

There shall be an elected board of assessors consisting of 3 members, for terms of 3 years each, so arranged so that the term of office of 1 member shall expire each year.

SECTION 11-2: Powers and Duties.

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

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vote. In addition, the board of assessors may advise the assessing department, when warranted, on all other matters.

SECTION 11-3: Appointment of Full or Part Time Assistant Assessors.

Full or part time assistant assessors shall be appointed in the following manner: The board of assessors shall serve as a screening committee. The board of assessors shall review all applications received by it, screening the applications by checking and verifying work records and other credentials of the applicants. The board of assessors shall recommend not less than 2 applicants to the town administrator for appointment. The town administrator shall recommend and the board of selectmen shall appoint from among the applicants recommended by the board of assessors the position of full time or part time assistant assessors.

Chapter 12 Board of Health.

SECTION 12-1: Composition, Term of Office.

There shall be an elected board of health consisting of 3 members for terms of 3 years each, so arranged that the term of office of 1 member shall expire each year.

SECTION 12-2: Powers and Duties.

The board of health shall be responsible for advising the town administrator and board of selectmen on all aspects relating to health issues. The board of health shall have the powers and duties given to a board of health under the Constitution and General Laws of the commonwealth, and additional powers and duties authorized by the charter, by by-law or by other town meeting vote. In addition, the board of health may advise the health department, when warranted, on all other matters.

SECTION 12-3: Appointment of Health Agent.

The health agent shall be a person especially fitted by education, training, or previous experience to perform the duties of the office. The health agent shall be appointed in the following manner: The elected board of health shall serve as a screening committee. The board of health shall review applications received by it, screening the applications by checking and verifying work records and other credentials of the applicants. The board of health shall recommend not less than 2 applicants to the town administrator for appointment. The town administrator shall recommend and the board of selectmen shall appoint from among the applicants recommended by the board of health the position of health agent.

Chapter 13 Library Trustees.

SECTION 13-1: Composition, Term of Office.

There shall be an elected board of library trustees consisting of 3 members, for terms of 3 years each, so arranged so that the term of office of 1 member shall expire each year. In addition, the board of library trustees may advise the library department, when warranted, on all other matters.

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SECTION 13-2: Powers and Duties.

The library trustees shall have all the powers and duties given to a board of library trustees under the Constitution and General Laws of the commonwealth, and additional powers and duties authorized by the charter, by by-law or by other town meeting vote.

SECTION 13-3: Appointment of Head Librarian.

The head librarian shall be appointed in the following manner: The elected board of library trustees shall serve as a screening committee. The board of library trustees shall review applications received by it, screening the applications by checking and verifying work records and other credentials of the applicants. The board of library trustees shall recommend not less than 2 applicants to the town administrator for appointment. The town administrator shall recommend and the board of selectmen shall appoint from among the applicants recommended by the library trustees the position of head librarian.

Chapter 14 Appointment Summary.

SECTION 14-1: The board of selectmen shall have the right to appoint the following: - town administrator; conservation commission to consist of 7 members appointed for terms of 3 years each; zoning board of appeals to consist of 5 regular members, appointed for terms of 5 years each, and 2 associate members, appointed for terms of 2 years each; council on aging, as provided by by-law; cable television oversight committee; constables; arts lottery council; Swampscott historical commission; building code board of appeals; harbor advisory board; recreation commission; an affirmative action committee; 4th of July committee; Veteran's Day committee; Memorial Day committee; War Memorial Scholarship Fund committee; an election commission; and any other committee not referred to in this charter and which town meeting or the board of selectmen deem appropriate.

SECTION 14-2: The town administrator shall recommend and the board of selectmen shall appoint from among the applicants recommended by the town administrator, the following: - superintendent of public works and all other employees of a department of public works; police chief and all other employees of the police department; fire chief and all other employees of the fire department; town accountant and all other employees of that office; inspector of buildings and all other employees of that office; wire inspector and all other employees of that office; inspector of gas appliances and gas fittings and all other employees of that office; plumbing inspector and all other employees of that office; animal control officer and all other employees of that office; sealer of weights and measures and all other employees of that office; parking clerk and all other employees of that office; town counsel and all other employees of that office; town engineer and all other employees of that office; tree warden and all other employees of that office; veteran's services director, veteran's agent, veteran's graves officer and burial agent and all other employees of that office; health agent, animal inspector and other personnel of the department of health and all other employees of that office; town treasurer/collector/clerk and all other employees of that office; civil defense director and related civil defense personnel and all other employees of that office; full or part

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time assistant assessors and all other employees of that office; head librarian and all other employees of that office; the harbor master and all other employees of that office; and any other nonschool employees not previously addressed.

Chapter 15
Continuation of Government.

SECTION 15-1: Continuation of Government.

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

Chapter 16
Review Committee to be Appointed.

SECTION 16-1: Review Committee to be Appointed.

The town moderator shall appoint a committee consisting of 1 member of each of 6 precincts and 1 member at large which shall prepare a report to be presented at the annual town meeting 4 years after the effective date of Chapters 7 to 16, inclusive. The review committee shall have the power to make recommendations necessary in the interest of good town government.

SECTION 2. This act shall be submitted for acceptance to the voters of the town of Swampscott at an annual or special town election in the form of the following question which shall be placed on the official ballot: "Shall an act passed by the general court in the year 2001 entitled 'An Act relative to the charter of the town of Swampscott', be accepted?"

If a majority of the votes cast in answer to said question is in the affirmative, this act shall take effect as of July 1, 2002, but not otherwise.

Approved January 20, 2002.

Chapter 8. AN ACT RELATIVE TO TOWN MEETING MEMBERS IN THE TOWN OF BURLINGTON.

Be it enacted, etc., as follows:

SECTION 1. Section 4 of chapter 686 of the acts of 1970 is hereby amended by striking out the third paragraph, as amended by section 7 of chapter 160 of the acts of 1993, and inserting in place thereof the following paragraph:-

A town meeting member who is removed by a revision of precincts from the precinct from which the member was elected shall not retain membership after the next annual election as an elected member from the precinct from which the member has been removed.

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The term of a town meeting member who is not removed by a revision of precincts from the precinct from which the member was elected shall not be affected by such revision.

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

Approved January 24, 2002.

Chapter 9. AN ACT RELATIVE TO THE DISPOSITION OF CERTAIN PROPERTY IN THE CITY OF LOWELL.

Be it enacted, etc., as follows:

SECTION 1. The commissioner of capital asset management and maintenance, subject to the provisions of sections 40E to 40I, inclusive, of chapter 7 of the General Laws, may solicit, evaluate and select development proposals, enter into land disposition agreements, sell, lease for a term not to exceed 65 years, including all extensions thereof, or otherwise grant, convey or transfer to 1 or more developers, any interest in the site defined in this section, or portion thereof and any facilities, associated improvements or appurtenances on the site, on such terms and conditions as the commissioner deems appropriate, for the purpose set forth in section 2.

The site is bounded by Perkins Street, Suffolk Street, Hall Street and Cabot Street, all in the city of Lowell, known as the "Ames Building" property. The site is currently under the care and control of the University of Massachusetts at Lowell.

SECTION 2. The site shall be used for the purpose of constructing and operating a public parking garage. If the site ceases to be used at any time for public parking purposes, the commissioner may, by recording a notice thereof in the appropriate registry of deeds, cause title to the site, together with all buildings and other structures located on the site, to revert to the commonwealth under the care and control of the division of capital asset management and maintenance. If any such reverter occurs, further disposition of the parcel of land shall be subject to sections 40E to 40J, inclusive, of chapter 7 of the General Laws.

Without limiting any other provision of this act, the commissioner may permit retail uses on the ground floor of the parking garage.

SECTION 3. The amount of consideration for the sale, lease or other disposition of any interest in the site or portion thereof shall be not less than the full and fair market value of the property as determined by an independent appraisal.

The inspector general shall review and approve the appraisal and the review shall include an examination of the methodology utilized for the appraisal. The inspector general shall prepare a report of his review and file the report with the commissioner of capital asset management and maintenance for submission to the house and senate committees on ways and means and the joint committee on state administration.

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SECTION 4. The developer selected by the commissioner under this act shall be responsible for all costs of any appraisal, surveys and other expenses relating to the transfer of the site or for any cost, liabilities and expenses of any nature and kind for the development, maintenance or operation of the site. Without limiting the foregoing, if the commissioner so determines, the developer selected by the commissioner under this act shall be responsible for all costs of demolition of existing structures on the site.

SECTION 5. The commissioner may retain, accept or acquire by transfer, lease or eminent domain under chapter 79 of the General Laws or otherwise, grant by deed, transfer, lease, or otherwise, any rights-of-way or easements in, over and beneath the site or portions thereof or any other property of the commonwealth contiguous to the site for drainage, access, egress, utilities and other purposes, as the commissioner deems necessary and appropriate to carry out the purposes of this act.

SECTION 6. The University of Massachusetts, with the approval of the commissioner, may enter into contracts with the developer of the parking garage to be located on the site for use by employees, students, visitors and general public associated with the University of Massachusetts campus in Lowell.

Approved January 24, 2002.

Chapter 10. AN ACT AUTHORIZING THE TOWN OF NEEDHAM TO ESTABLISH A POST RETIREMENT INSURANCE LIABILITY FUND.

Be it enacted, etc., as follows:

SECTION 1. The town meeting of the town of Needham may 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 Post Retirement Insurance Liability Fund. Any interest or other income earned by the fund shall be added to and become part of the fund. The treasurer of the town shall be the custodian of the fund and may deposit the proceeds in national banks or invest the proceeds by deposit in savings banks, cooperative banks or trust companies organized under the laws of the commonwealth or in federal savings and loan associations situated in the commonwealth, or invest the same in such securities as are legal for the investment of funds of savings banks under the laws of the commonwealth. Amounts shall be appropriated to or expended from the fund by any town meeting by majority vote only in accordance with an actuarial schedule developed by the town. The schedule shall be designed to reduce to zero any unfunded liability attributable to the payment of such premiums or direct payments. The schedule shall also be designed to maintain appropriations as a fixed ratio of the current and predicted future payroll of the

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town. The treasurer may employ any qualified bank, trust company, corporation, firm or person for advice on the investment of the fund and to prepare an actuarial study and may pay for such advice and services from the fund.

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

Approved January 24, 2002.

Chapter 11. AN ACT PROVIDING FOR THE 2002 ANNUAL TOWN ELECTION IN THE TOWN OF MILTON TO BE HELD ON MARCH 26, 2002.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law or by-law to the contrary, the 2002 annual town election in the town of Milton shall be held on March 26, 2002. Nomination papers for this election may be obtained until the filing deadline for certification of signatures. Nomination papers shall be filed with the board of registrars for certification of signatures not later than 5:00 p.m. on Friday, February 15, 2002. The board of registrars shall complete certification of signatures on nomination papers not later than 12:00 noon on Tuesday, February 19, 2002. Nomination papers shall be filed with the town clerk not later than 5:00 p.m. on Tuesday, February 19, 2002. All other dates set forth in the laws pertaining to the election shall apply. The polls shall be open from 7:00 a.m. until 8:00 p.m. for the election of town officers and the determination of matters as by law are required to be determined by official ballot.

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

Approved January 31, 2002.

Chapter 12. AN ACT AUTHORIZING THE TOWN OF TRURO TO HOLD A LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of operating the town of Truro's public golf course and clubhouse, the town may hold a license for the sale of all alcoholic beverages to be drunk on the premises of the clubhouse.

SECTION 2. Notwithstanding section 58 of chapter 44 of the General Laws, the town of Truro may pay bills incurred for the purchase of all alcoholic beverages acquired for use with the license authorized in section 1.

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

Approved January 31, 2002.

Chapter 13. AN ACT FURTHER DEFINING THE CRIME OF INCEST.

Be it enacted, etc., as follows:

Chapter 272 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out section 17 and inserting in place thereof the following section:-

Section 17. Persons within degrees of consanguinity within which marriages are prohibited or declared by law to be incestuous and void, who intermarry or have sexual intercourse with each other, or who engage in sexual activities with each other, including but not limited to, oral or anal intercourse, fellatio, cunnilingus, or other penetration of a part of a person's body, or insertion of an object into the genital or anal opening of another person's body, or the manual manipulation of the genitalia of another person's body, shall be punished by imprisonment in the state prison for not more than 20 years or in the house of correction for not more than 2½ years.

Approved January 31, 2002.

Chapter 14. AN ACT CHANGING RESPONSIBILITY FOR ASSESSING IN THE TOWN OF ACUSHNET.

Be it enacted, etc., as follows:

Section 4-1-3 of the charter of the town of Acushnet which is on file in the office of the archivist of the commonwealth as provided in section 12 of chapter 43B of the General Laws is hereby amended by striking out, in line 1, the word "assessment,".

Approved January 31, 2002.

Chapter 15. AN ACT AUTHORIZING THE TRIAL COURT TO ESTABLISH A SICK LEAVE BANK FOR ROSEANNE MOORE, 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 of the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

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

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Whenever Roseanne Moore terminates employment with the trial court or requests to dissolve the sick leave bank, the balance of sick leave shall be transferred to the trial court paid leave bank.

Approved January 31, 2002.

Chapter 16. AN ACT AUTHORIZING THE TOWN OF SUDBURY TO USE CERTAIN CONSERVATION LAND FOR MUNICIPAL PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. The town of Sudbury may transfer care, custody and control of a certain parcel of conservation land located in the town from the conservation commission of the town to the board of selectmen to be used for municipal purposes. The parcel is shown as Lot #3 on a plan of land entitled "Plan of Land in Sudbury, Massachusetts (Middlesex County) showing transfer from Tippling Rock Conservation Area to Municipal Use", drawn by Schofield Brothers of New England, Inc., dated June 25, 2001.

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

Approved January 31, 2002.

Chapter 17. AN ACT ESTABLISHING AN ELECTED WATER AND SEWER COMMISSION IN THE TOWN OF CHARLTON.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, there shall be in the town of Charlton a water and sewer commission consisting of 5 members to be elected by the voters of the town as provided in section 2. The commission shall have the powers and duties conferred on water and sewer commissions by chapter 40N of the General Laws and all other applicable laws of the commonwealth governing the establishment and operation of water and sewer commissions, and upon election and qualification shall succeed to all the responsibilities and powers of the present Charlton water and sewer commission under all applicable law.

SECTION 2. At the next annual town election, the town of Charlton shall hold an election to fill the positions of the 5 members to the water and sewer commission. Of the initial members, 1 shall be elected for a 1 year term, 2 shall be elected for 2 year terms, and 2 shall be elected for 3 year terms. The terms of office for the initial members of the commission shall commence immediately upon qualification and shall expire at the close of the next annual Charlton town election in accordance with the length of their initial terms of

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office. Upon the expiration of the initial terms, each term of each member thereafter elected shall be a 3 year term.

If a vacancy shall occur in the membership of the commission, the commission shall notify in writing the Charlton board of selectmen within 10 days of the vacancy, and the remaining members of the commission shall meet jointly with the Charlton board of selectmen within 30 days of the notification of vacancy on the commission at a duly posted public meeting and vote as 1 body by roll call vote to appoint a successor to fill the vacancy until the next annual Charlton town election, at which election a commissioner shall be elected to fill the remaining, unexpired term of the vacant position. If the vacancy is not filled within 30 days by failure of the Charlton board of selectmen and commission to meet to fill the vacancy, the Charlton board of selectmen shall meet and vote within 15 days following expiration of the 30 day period to appoint a successor to fill the vacancy on the commission to serve the vacated term until the next annual Charlton town election.

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

Approved January 31, 2002.

Chapter 18. AN ACT RELATIVE TO THE GRANTING OF LICENSES FOR THE SALE OF WINES AND MALT BEVERAGES TO BE DRUNK ON THE PREMISES IN THE TOWN OF SHARON.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any limitations imposed by section 11 of chapter 138 of the General Laws as to the time and manner of voting on the questions or any other general or special law to the contrary, in accordance with the vote taken under question 9 at the annual election held on May 1, 2001, the board of selectmen of the town of Sharon may grant licenses for the sale of wines and malt beverages to be drunk on the premises in restaurants and function rooms having seating capacities of not less than 50 persons.

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

Approved January 31, 2002.

Chapter 19. AN ACT AUTHORIZING THE TOWN OF NATICK TO GRANT CERTAIN LICENSES FOR THE SALE OF WINES AND MALT BEVERAGES TO BE DRUNK ON THE PREMISES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 11 of chapter 138 of the General Laws or any

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other general or special law to the contrary, the town of Natick may grant to restaurants with seating capacities of not less than 50 persons licenses for the sale of wines and malt beverages to be drunk on the premises; provided, however, that not more than 7 such licenses shall be in effect at any 1 time for restaurants with seating capacities of not less than 50 but not more than 99 persons. The licenses shall be subject to all of said chapter 138, except said section 11.

SECTION 2. The authority conferred by this act shall not increase the number of licenses authorized to be issued by the board of selectmen of the town of Natick for the sale of alcoholic beverages to be drunk on the premises.

SECTION 3. Notwithstanding section 11 of chapter 138 of the General Laws, this act shall be submitted to the voters of the town of Natick at the next annual town election in the form of the following question which shall be placed on the official ballot to be used at such election.

"Shall an act passed by the general court in the year 2002 entitled, 'An Act authorizing the town of Natick to grant certain licenses for the sale of wines and malt beverages to be drunk on the premises', be accepted?" If a majority of the votes cast in answer to said question is in the affirmative, this act shall therefore take full effect in the town of Natick but not otherwise.

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

Approved January 31, 2002.

Chapter 20. AN ACT ESTABLISHING THE POSITION OF DIRECTOR OF FINANCE IN THE TOWN OF DEDHAM.

Be it enacted, etc., as follows:

SECTION 1. The charter of the town of Dedham, which is on file in the office of the archivist of the commonwealth, as provided in section 12 of chapter 43B of the General Laws, is hereby amended by striking out in subsection (a) of section 3-1 the words "a treasurer, a collector".

SECTION 2. Said charter is hereby further amended by striking out sections 3-6 and 3-12.

SECTION 3. Section 4-2 of said charter is hereby amended by adding the following clause:

(s) To appoint the director of finance.

SECTION 4. Said charter is hereby further amended by striking out section 5-1 and inserting in place thereof the following section:-

Section 5-1 Director of Finance

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(a) Appointment, Term of Office - There shall be a director of finance appointed by the town administrator with the consent of the board of selectmen for a definite term of not more than 3 years per term. The director of finance shall be a person qualified by education, training and previous experience to perform the duties of the office. A director of finance may be removed from office in accordance with the procedures established in section 6-15.

(b) Salary - In establishing the annual salary for the director of finance the town administrator shall take into account both the quality of the applicant or incumbent and the economic forces of the human resource market.

(c) Powers and Duties - In addition to all of the powers and duties conferred and imposed by law upon town accountants and town comptrollers, the director of finance shall have the following powers and duties:

(1) The director of finance shall be responsible for coordinating and directing all aspects of the town's financial practices and procedures consistent with Massachusetts General Laws, shall oversee the functions of the town collector and town treasurer, and shall have oversight of all accounting, treasury, collection, and risk management functions of the town.

(2) The director of finance shall be responsible to assure that all financial transactions of the town are in accordance with all requirements of federal, state, county and local law and all rules and regulations relating thereto.

(3) The director of finance shall be responsible to assure that all financial resources of the town are adequately safeguarded and utilized.

(4) The director of finance shall be responsible for both short term and long term financial planning for the town.

(5) The director of finance shall be an ex-officio member of every multiple member body of the town which is in any way concerned or involved with financial planning, policies or practices, specifically including the finance committee or any other committee established to advise the town meeting with respect to appropriations to be made. The director of finance may designate another to attend any meeting of any such multiple member body to represent the views of the director of finance.

(6) The director of finance shall appoint, with the consent of the town administrator, a collector. The collector shall be a person qualified by education, training and previous experience to perform the duties of the office. Subject to the supervision of the director of finance, the collector shall collect all accounts due to the town and shall have all of the powers and duties which collectors may have under the constitution and laws of the commonwealth. The collector may also exercise such additional powers and duties as may from time to time be assigned to that office by the charter, by by-law or by other vote of the town meeting. A collector may be removed from office in accordance with the procedures established in section 6-15.

(7) The director of finance shall appoint, with the consent of the town administrator, a treasurer. The treasurer shall be a person qualified by education, training and previous experience to perform the duties of the office. Subject to the supervision of the director of

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finance the treasurer shall receive and take charge of all funds belonging to the town and shall have all of the powers and duties which treasurers may have under the constitution and laws of the commonwealth. The treasurer may also exercise such additional powers and duties as may from time to time be assigned to that office by the charter, by by-law or by other vote of the town meeting. A treasurer may be removed from office in accordance with the procedures established in section 6-15.

(8) The director of finance shall oversee the automated data processing and information systems and procurements.

(d) Acting Director of Finance - In the event of a vacancy in the office, or the temporary absence of the director of finance due to illness or other cause, the town administrator may appoint an acting director of finance to serve for not more than 10 days. If a vacancy will exist for more than 10 days, the consent of the board of selectmen shall be required for any such temporary appointment.

(e) Bond - The director of finance shall give bond to the town with a surety company authorized to transact business in the commonwealth as surety, for the faithful performance of the duties of said office. The premium for such bond shall be paid by the town.

SECTION 5. Notwithstanding sections 1 and 3, the incumbent in the office of treasurer upon the effective date of this act shall continue to hold the office and perform the duties thereof until the expiration of his term or a precedent vacating of office. The incumbent treasurer shall be the first appointed treasurer under this act unless he shall refuse the appointment.

SECTION 6. This act shall be submitted for acceptance to the voters of the town of Dedham at an annual or special town election in the form of the following question which shall be placed on the official ballot: "Shall an act passed by the general court in the year 2002, entitled 'An Act establishing the position of director of finance in the town of Dedham' be accepted?"

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

Approved January 31, 2002.

Chapter 21. AN ACT AUTHORIZING THE TOWN OF WARE TO EXTEND HEALTH INSURANCE TO RETIRED TOWN EMPLOYEES.

Be it enacted, etc., as follows:

SECTION 1. Except for those eligible for coverage under section 12 of chapter 32A of the General Laws, the town of Ware shall pay 50 per cent of the premium to be paid for employees retired from the service of the town under the first sentence of section 9 of chapter 32B of the General Laws for group life insurance and group general or blanket hospital, surgical, medical, dental and other health insurance.

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SECTION 2. This act shall take effect upon its acceptance by the board of selectmen of the town of Ware or by vote of an annual or special town meeting.

Approved February 2, 2002.

Chapter 22. AN ACT RELATIVE TO CLINICAL REPORTS IN CERTAIN ACTIONS FOR THE APPOINTMENT OF GUARDIANS AND CONSERVATORS.

Be it enacted, etc., as follows:

SECTION 1. Section 6 of chapter 201 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the word "physicians", in line 13, the following words:- , certified psychiatric nurse clinical specialists.

SECTION 2. Said section 6 of said chapter 201, as so appearing, is hereby further amended by inserting after the word "physician", in line 31, the following words:- or certified psychiatric nurse clinical specialist.

SECTION 3. Section 6A of said chapter 201, as so appearing, is hereby amended by inserting after the word "worker", in line 17, the following words:- or certified psychiatric nurse clinical specialist.

SECTION 4. Section 16B of said chapter 201, as so appearing, is hereby amended by inserting after the word "worker", in line 15, the following words:- or certified psychiatric nurse clinical specialist.

Approved February 8, 2002.

Chapter 23. AN ACT DESIGNATING NATURAL HERITAGE FUNCTIONS OF THE DEPARTMENT OF FISHERIES, WILDLIFE AND ENVIRONMENTAL LAW ENFORCEMENT.

Be it enacted, etc., as follows:

SECTION 1. Section 7F of chapter 21 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in lines 6 and 8, the word "non-game" and inserting in place thereof, in each instance, the following words:- natural heritage.

SECTION 2. Section 8 of chapter 21A of the General Laws, as so appearing, is hereby amended by striking out, in lines 80 and 84, the word "nongame" and inserting in place thereof, in each instance, the following words:- natural heritage and endangered species.

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SECTION 3. Section 17D of chapter 66 of the General Laws, as so appearing, is hereby amended by inserting after the word "heritage", in line 3, the following words:- and endangered species.

SECTION 4. Section 2 of chapter 131 of the General Laws, as so appearing, is hereby amended by striking out, in line 9, the word "nongame" and inserting in place thereof the following words:- natural heritage and endangered species.

SECTION 5. Said section 2 of said chapter 131, as so appearing, is hereby further amended by striking out, in line 16, the word "game" and inserting in place thereof the following word:- wildlife.

SECTION 6. Section 5B of said chapter 131, as so appearing, is hereby amended by striking out, in line 1, the words "nongame wildlife" and inserting in place thereof the following words:- natural heritage and endangered species.

SECTION 7. Said section 5B of said chapter 131, as so appearing, is hereby further amended by striking out, in line 4, the word "nongame".

SECTION 8. Said section 5B of said chapter 131, as so appearing, is hereby further amended by striking out, in line 9, the word "nongame" and inserting in place thereof the following words:- natural heritage and endangered species.

SECTION 9. Section 10B of said chapter 131, as so appearing, is hereby amended by striking out, in line 4, the word "nongame" and inserting in place thereof the following words:- natural heritage and endangered species.

SECTION 10. Section 23 of said chapter 131, as so appearing, is hereby amended by striking out, in lines 30 and 31, the words "section twenty-six A" and inserting in place thereof the following words:- section 4 of chapter 131A.

SECTION 11. Section 90 of said chapter 131, as so appearing, is hereby amended by striking out, in line 119, the word "(CMR8.01)" and inserting in place thereof the following words:- established pursuant to section 4 of chapter 131A.

SECTION 12. Section 4 of said chapter 131A, as so appearing, is hereby amended by striking out, in lines 2 and 8, in each instance, the word "nongame" and inserting in place thereof, in each instance, the following words:- natural heritage and endangered species.

Approved February 8, 2002.

Chapter 24. AN ACT AUTHORIZING THE TOWN OF MAYNARD TO ISSUE AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES 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 Maynard may grant 1 additional license for the sale of all alcoholic

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beverages to be drunk on the premises under section 12 of said chapter 138. The license shall be subject to all of said chapter 138 except said section 17.

Approved February 8, 2002.

Chapter 25. AN ACT RELATIVE TO A SPECIAL FUND IN THE TOWN OF PLYMOUTH.

Be it enacted, etc., as follows:

Chapter 211 of the acts of 1998 is hereby amended by striking out section 3 and inserting in place thereof the following section:-

Section 3. Beginning with the April, 2007 annual town meeting, the town may appropriate from the fund by a $\frac{2}{3}$ vote of the town meeting for any lawful purpose, except capital expenditures, to offset any loss of revenue resulting from the deregulation of the electric utility industry.

Approved February 8, 2002.

Chapter 26. AN ACT AUTHORIZING THE TOWN OF FAIRHAVEN TO ISSUE 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, the licensing authority of the town of Fairhaven may grant to Excel Restaurant Group, Inc. d/b/a Hickory Creek, a license for the sale of wines and malt beverages to be drunk on the premises at 142 Huttleston avenue in the town of Fairhaven under section 12 of said chapter 138. The license shall be subject to all of said chapter 138, except said section 17. The license authorized by this act shall not be transferred to another location but may be transferred to another person at the same location.

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

Approved February 8, 2002.

Chapter 27. AN ACT RELATING TO THE DEBT LIMIT OF THE TOWN OF MILLIS.

Be it enacted, etc., as follows:

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SECTION 1. Notwithstanding any general or special law to the contrary, the indebtedness incurred by the town of Millis dated January 15, 2001, in the amount of \$8,523,521, pursuant to the votes passed under Article 1 of the warrant for the October 28, 1996 special town meeting and under Article 38 of the warrant for the May 11, 1998 annual town meeting, for remodeling, reconstructing and making extraordinary repairs to the Millis middle/high school building, shall not be included in determining the limit of indebtedness of the town under section 10 of chapter 44 of the General Laws.

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

Approved February 8, 2002.

Chapter 28. AN ACT RELATIVE TO CERTAIN SCHOOL CONSTRUCTION PROJECTS IN THE TOWNS OF MILTON AND WINCHESTER AND THE CITIES OF BROCKTON, EVERETT, REVERE AND WALTHAM.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, in order to implement their school building program, the towns of Milton and Winchester and the cities of Brockton, Everett, Revere and Waltham may, in addition to the prequalification requirements under section 44D of chapter 149 of the General Laws, establish and impose a requirement that only contractors and subcontractors with a worker's compensation rating bureau of 125 per cent or less shall be eligible to submit a bid or offer. A contractor or subcontractor with a modification factor of up to 135 per cent shall be eligible to submit a bid or offer, if the modification factor was caused by a single loss.

SECTION 2. The school building programs of these cities and towns shall not be subject to section 44F of chapter 149 of the General Laws except for the form of contract set forth in paragraph (c) of subsection (4) of said section 44F for a period not to exceed 2 years after the effective date of this act, and thereafter the provisions of said section 44F shall apply for any future design, construction, repair, renovation, remodeling, equipping, furnishing or any partial or complete demolition of public school facilities in the towns of Milton and Winchester and the cities of Brockton, Revere and Waltham.

SECTION 3. The towns of Milton and Winchester and the cities of Brockton, Everett, Revere and Waltham shall submit to the inspector general proposed bidding documents for the school building program before their issuance. The inspector general shall review such bidding documents to assure that the subcontracting policies and procedures set forth therein comply in purpose and intent with the comparable subcontracting policies and procedures of federal acquisition regulations applicable to construction of buildings and structures. Upon approval of the proposed bidding documents by the inspector general, the

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city or town may proceed with notice and advertising of the contracts. Submission of bidding documents, for the review by the inspector general under this section, and notice and advertising thereof, before the effective date of this act, shall comply with this act, if this act is effective before any contracts are awarded pursuant to those bidding documents. These cities and towns shall also submit to the inspector general for review and approval the proposed contracts with construction contractors selected in accordance with sections 44A to 44E, inclusive, and 44G to 44M, inclusive, of chapter 149 of the General Laws to assure that the contracts comply in purpose and intent with the subcontracting policies and procedures of the federal acquisition regulations applicable to buildings and structures.

SECTION 4. The inspector general shall review the process by which subcontractors were selected to work on the school building program. The review shall include, but not be limited to, the effect of section 1 on the authorized school building program; an examination of the methodology utilized by which such subcontractors were selected; the benefits, if any, of such subcontractor selection process compared to the benefits if section 44F of chapter 149 of the General Laws had been followed; and the recommendation of the inspector general to the general court concerning the continued use of exempting such school building programs by cities and towns from said section 44F. These cities and towns shall, upon the request of the inspector general, submit all documentation deemed necessary by the inspector general to complete the review. The inspector general shall prepare a report of his review and recommendation and file the same with the house and senate committees on ways and means, the house and senate committees on post audit and with the chairmen of the joint committee on state administration within 6 months of the completion of the school building program.

SECTION 5. For the purpose of this act, the words "school building program" shall mean the design, construction, repair, renovation, remodeling, equipping, furnishing or the partial or complete demolition of not more than 3 public school facilities in each of these cities and towns.

SECTION 5A. Paragraph (1) of section 39F of chapter 30 of the General Laws shall apply to all subcontracts executed in connection with any school building program undertaken under this act.

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

Approved February 8, 2002.

Chapter 29. AN ACT ESTABLISHING CONGRESSIONAL DISTRICTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for a new division of the commonwealth into congressional districts, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1 Chapter 57 of the General Laws is hereby amended by striking out section 1, as appearing in the 2000 Official Edition, and inserting in place thereof the following section:-

Section 1. For the purpose of electing representatives in the Congress of the United States and delegates and alternate delegates to the national conventions of political parties, until otherwise provided by law, the commonwealth is divided into the following 10 districts, each of which shall elect 1 representative:

First Congressional District - Consisting of the cities and towns in Berkshire and Franklin counties; the cities of Holyoke and Westfield and the towns of Blandford, Chester, Granville, Montgomery, Russell, Southwick, Tolland, and West Springfield, all in the county of Hampden; the towns of Amherst, Belchertown, Chesterfield, Cummington, Easthampton, Goshen, Granby, Hatfield, Huntington, Middlefield, Pelham, Plainfield, Southampton, Ware, Westhampton, Williamsburg, and Worthington, all in the county of Hampshire; the towns of Ashby, Pepperell, and Townsend, all in the county of Middlesex; the cities of Fitchburg, Gardner, and Leominster, and the towns of Ashburnham, Athol, Barre, Hardwick, Hubbardston, Lunenburg, New Braintree, Oakham, Petersham, Phillipston, Royalston, Sterling, Templeton, West Brookfield, Westminster, and Winchendon, all in the county of Worcester.

Second Congressional District - Consisting of the cities of Agawam, Chicopee, and Springfield, and the towns of Brimfield, East Longmeadow, Hampden, Holland, Longmeadow, Ludlow, Monson, Palmer, Wales, and Wilbraham, all in the county of Hampden; the city of Northampton, and the towns of Hadley and South Hadley, all in the county of Hampshire; the town of Bellingham, in the county of Norfolk; the towns of Blackstone, Brookfield, Charlton, Douglas, Dudley, East Brookfield, Grafton, Hopedale, Leicester, Mendon, Milford, Millbury, Millville, North Brookfield, Northbridge, Oxford, Southbridge, Spencer, Sturbridge, Sutton, Upton, Uxbridge, Warren, and Webster, all in the county of Worcester.

Third Congressional District - Consisting of the cities of Attleboro and Fall River, Wards 1 to 3, inclusive, Ward 4, precincts A and B, Ward 5, precincts A and B, Ward 6, precincts B and C, and Ward 8, precinct D, and the towns of North Attleborough, Rehoboth, Seekonk, Somerset, and Swansea, all in the county of Bristol; the city of Marlborough and the towns of Ashland, Holliston, and Hopkinton, all in the county of Middlesex; the towns of Franklin, Medway, Plainville, and Wrentham, all in the county of Norfolk; and the city of Worcester and the towns of Auburn, Boylston, Clinton, Holden, Northborough, Paxton, Princeton, Rutland, Shrewsbury, Southborough, West Boylston, and Westborough, all in the county of Worcester.

Fourth Congressional District - Consisting of the cities of Fall River, Ward 4, precinct C, Ward 5, precinct C, Ward 6, precinct A, Ward 7, Ward 8, precincts A to C, inclusive, and Ward 9, New Bedford, and Taunton, and the towns of Acushnet, Berkley, Dartmouth, Dighton, Fairhaven, Freetown, Mansfield, Norton, Raynham, and Westport, all

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in the county of Bristol; the city of Newton and the town of Sherborn, in the county of Middlesex; the towns of Brookline, Dover, Foxborough, Millis, Norfolk, Sharon, and Wellesley, all in the county of Norfolk; the towns of Halifax, Lakeville, Marion, Mattapoisett, Middleborough, Rochester, and Wareham, all in the county of Plymouth.

Fifth Congressional District - Consisting of the cities of Haverhill and Lawrence, and the towns of Andover and Methuen, all in the county of Essex; the city of Lowell, and the towns of Acton, Ayer, Billerica, Boxborough, Carlisle, Chelmsford, Concord, Dracut, Dunstable, Groton, Hudson, Littleton, Maynard, Shirley, Stow, Sudbury, Tewksbury, Tyngsborough, Wayland, precincts 1, 3, and 4, and Westford, all in the county of Middlesex; the towns of Berlin, Bolton, Harvard, and Lancaster, all in the county of Worcester.

Sixth Congressional District - Consisting of the cities of Beverly, Gloucester, Lynn, Newburyport, Peabody, and Salem, and the towns of Amesbury, Boxford, Danvers, Essex, Georgetown, Groveland, Hamilton, Ipswich, Lynnfield, Manchester-by-the-Sea, Marblehead, Merrimac, Middleton, Nahant, Newbury, North Andover, Rockport, Rowley, Salisbury, Saugus, Swampscott, Topsfield, Wenham, and West Newbury, all in the county of Essex; the towns of Bedford, Burlington, North Reading, Reading, Wakefield, and Wilmington, all in the county of Middlesex.

Seventh Congressional District - Consisting of the cities of Everett, Malden, Medford, Melrose, Waltham, and Woburn, and the towns of Arlington, Belmont, Framingham, Lexington, Lincoln, Natick, Stoneham, Watertown, Wayland, precinct 2, Weston, and Winchester, all in the county of Middlesex; and the city of Revere and the town of Winthrop, in the county of Suffolk.

Eighth Congressional District - Consisting of the cities of Cambridge and Somerville, in the county of Middlesex; and the cities of Boston, Wards 1 and 2, Ward 3, precincts 1 to 4, inclusive, 7 and 8, Ward 4, Ward 5, precincts 1 and 2, 6 to 10, inclusive, Ward 7, precinct 10, Wards 8 to 12, inclusive, Ward 13, precincts 1 and 2, and 4 to 6, inclusive, Ward 14, Ward 15, precincts 1 to 5, inclusive, and 7 to 9, inclusive, Ward 16, precincts 1 and 3, Ward 17, precincts 1 to 3, inclusive, and 5 to 12, inclusive, Ward 18, precincts 1 to 8, inclusive, 13 to 15, inclusive, and 21, Ward 19, precincts 1, 3 to 6, inclusive, 8 and 9, and Wards 21 and 22, and Chelsea, all in the county of Suffolk.

Ninth Congressional District - Consisting of the town of Easton, in the county of Bristol; the towns of Avon, Braintree, Canton, Dedham, Holbrook, Medfield, Milton, Needham, Norwood, Randolph, Stoughton, Walpole, and Westwood, all in the county of Norfolk; the city of Brockton, and the towns of Bridgewater, East Bridgewater, Hanson, precincts 1 and 3, West Bridgewater, and Whitman, all in the county of Plymouth; the city of Boston, Ward 3, precincts 5 and 6, Ward 5, precincts 3 to 5, inclusive, and 11, Ward 6, Ward 7, precincts 1 to 9, inclusive, Ward 13, precincts 3, and 7 to 10, inclusive, Ward 15, precinct 6, Ward 16, precincts 2 and 4 to 12, inclusive, Ward 17, precincts 4, 13, and 14, Ward 18, precincts 9 to 12, inclusive, 16 to 20, inclusive, 22 and 23, Ward 19, precincts 2, 7, and 10 to 13, inclusive, and Ward 20, all in the county of Suffolk.

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Tenth Congressional District - Consisting of the cities and towns in the counties of Barnstable, Dukes County, and Nantucket; the city of Quincy and the towns of Cohasset and Weymouth, all in the county of Norfolk; the towns of Abington, Carver, Duxbury, Hanover, Hanson, precinct 2, Hingham, Hull, Kingston, Marshfield, Norwell, Pembroke, Plymouth, Plympton, Rockland, and Scituate, all in the county of Plymouth.

SECTION 2. The supreme judicial court shall have jurisdiction of a civil action relative to the establishment of congressional districts under section 1. A complaint in the action shall be filed in the court within 10 days after the effective date of this act.

The foregoing was laid before the Lieutenant-Governor, Acting Governor on the thirty-first day of January, 2002 and after ten days had the force of law as prescribed by the Constitution as it was not returned by her to the branch in which it originated with her objections thereto within that time.

Chapter 30. AN ACT VALIDATING THE ACTIONS TAKEN AT CERTAIN TOWN MEETINGS HELD IN THE TOWN OF OAK BLUFFS.

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, the acts and proceedings taken by the town of Oak Bluffs at the special town meeting held on April 11, 2000, the annual town meeting held on April 11 and 12, 2000, and the April 13, 2000 annual town election, and all actions taken pursuant thereto, are hereby ratified, validated and confirmed to the same extent as if the warrants for the town meetings and election had been published in full compliance with law and town by-laws.

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

Approved February 13, 2002.

Chapter 31. AN ACT VALIDATING CERTAIN ACTIONS BY THE BLACKSTONE VALLEY VOCATIONAL REGIONAL SCHOOL DISTRICT AND ITS MEMBER TOWNS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the proceedings taken by the Blackstone Valley Vocational Regional School District authorizing \$36,000,000 debt for school construction purposes, including the vote adopted by its regional

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district school committee on March 1, 2001, are hereby ratified, validated, approved and confirmed, and that debt may be issued by the district at 1 time or from time to time in accordance with chapters 44 and 71 of the General Laws, without the taking of any further action by the committee or by any of the member towns of the district.

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

. Approved February 13, 2002.

Chapter 32. AN ACT LIMITING THE AMOUNT OF FEES THAT STAFFING AGENCIES MAY CHARGE EMPLOYEES FOR TRANSPORTATION.

Be it enacted, etc., as follows:

SECTION 1. Section 27C of chapter 149 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the word "thereof", in lines 2 and 11, the following words:-, or staffing agency or work site employer.

SECTION 2. Said section 27C of said chapter 149, as so appearing, is hereby further amended by striking out, in lines 4 and 13, the words "or 148B" and inserting in place thereof, in each instance, the following words:-, 148B or 159C.

SECTION 3. Section 150 of said chapter 149, as so appearing, is hereby amended by striking out, in line 22, the words "or 152A" and inserting in place thereof the following words:-, 152A or 159C.

SECTION 4. Said chapter 149 is hereby further amended by inserting after section 159B the following section:-

Section 159C. (a) For purposes of this section, the following words shall have the following meanings:-

"Employee", a person employed directly by a staffing agency to provide temporary or part-time employment services to a work site employer or a person for whom a staffing agency procures or arranges temporary or part-time employment with a work site employer. "Employee" includes persons under 18 years of age engaged in domestic service in the home of the employer or persons engaged in agricultural service.

"Employer", an individual, company, corporation or partnership acting in the interest of an employer directly or indirectly.

"Employment", a trade, occupation or branch of industry, any particular method or process used therein, and the service of any particular employer by an employee as defined in this section, which shall include, but not be limited to, private domestic service by persons under 18 years of age or service as a farm laborer, including all practices connected with agriculture, the tillage of the soil, the preparation and marketing of crops and the construction and maintenance of farm property and equipment, customarily performed by a farmer on a farm.

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"Staffing agency", an individual, company, corporation or partnership that procures or provides temporary or part-time employment to a person who then works under the supervision or direction of a work site employer.

"Work site employer", an individual, company, corporation or partnership with which a staffing agency contracts or otherwise agrees to furnish persons for temporary or part-time employment.

(b) If a staffing agency or work site employer or a person acting directly or indirectly in either's interest offers transportation services to an employee and charges a fee for such services, the staffing agency or work site employer shall charge such employee no more than the actual cost to transport such employee to or from the designated work site. The fee, if any, to cover the transportation service costs for each such employee shall not exceed 3 per cent of such employee's total daily wages, and shall not reduce the employee's total daily wages below the minimum wage earned for the day. If a staffing agency or work site employer or a person acting directly or indirectly in either's interest requires the use of such transportation services, no fee may be charged.

(c) No staffing agency or work site employer or a person acting directly or indirectly in either's interest may deduct the costs for transportation services from the wages of an employee without the express written authorization of the employee. A staffing agency or work site employer shall furnish to the employee a copy of the signed authorization in a language that the employee can understand.

(d) Whoever violates this section shall be punished or shall be subject to a civil citation or order as provided in section 27C.

Approved February 13, 2002.

Chapter 33. AN ACT AUTHORIZING AND DIRECTING THE REINSTATEMENT OF ROBERT W. AYLWARD AS A MEMBER IN SERVICE OF THE TEACHERS' RETIREMENT SYSTEM.

Be it enacted, etc., as follows:

Notwithstanding any general or special law to the contrary, Robert W. Aylward shall be eligible to be reinstated as a member in service of the teachers' retirement system as of the effective date of this act if he repays to the teachers' retirement system an amount equal to the total amount of any retirement allowance received by him together with interest thereon, such repayment to be made in 1 sum or in installments as the teachers' board of retirement shall prescribe. Upon such reinstatement, regular deductions shall be made from his regular compensation pursuant to paragraphs (b) and (b)½ of subdivision (1) of section 22 of chapter 32 of the General Laws, for purposes of which his date of entry into service shall be the date he waived his retirement allowance. Upon completion of such repayment, said Robert W. Aylward shall be entitled to creditable service for all periods for which deductions were made from his regular compensation.

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Upon reinstatement as a member in service of the teachers' retirement system, Robert W. Aylward shall be eligible, upon the payment of regular deductions together with interest thereon, to establish creditable service with the system for the period of service during which he previously waived his retirement allowance. Such payment will be made in 1 sum.

If Robert W. Aylward retires again before the completion of made payments, he shall, in addition to credit for his actual membership service rendered since the date of his reinstatement under this act, be entitled to credit for the portion of his payments actually made, together with regular interest thereon to the date such retirement becomes effective, bears to the total amount of what his make-up payments, together with regular interest thereon to such latter date, would have been had he made payment thereof in 1 sum on such latter date. Any pension allowance, or other retirement benefit provided under this act shall be exclusive of and in the alternative to any other pension, allowance, or other retirement benefit, including any provided for under general or special law.

Approved February 15, 2002.

Chapter 34. AN ACT RELATIVE TO VOTING PRECINCTS IN THE TOWN OF FRAMINGHAM.

Be it enacted, etc., as follows:

SECTION 1. The first sentence of section 2 of chapter 143 of the acts of 1949, as amended by chapter 488 of the acts of 1976, is hereby further amended by striking out the word "seventeen".

SECTION 2. Said section 2 of said chapter 143, as so amended, is hereby further amended by striking out the third sentence and inserting in place thereof the following sentence:- The boundaries shall be reviewed and if need be, wholly or partly revised by the selectmen in May of the year following the federal census, or in May of any year when so directed by a vote of the representative town meeting held no later than the end of April of that year.

SECTION 3. Section 3 of said chapter 143, as most recently amended by section 1 of chapter 54 of the acts of 1992, is hereby further amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

The membership of the representative town meeting elected in each precinct shall consist of 12 registered voters other than persons elected or appointed to some other town office, which will result in a total elected membership in the town equal to 12 times the number of voting precincts.

SECTION 4. The second paragraph of said section 3 of said chapter 143, as appearing in chapter 207 of the acts of 1976, is hereby amended by inserting after the first sentence the following sentence:- In the event revisions are made to at least $\frac{2}{3}$ of the voting

precincts, registered voters in all precincts shall elect town meeting members as provided for in the first paragraph.

Approved February 21, 2002.

Chapter 35. AN ACT RELATIVE TO THE CRIMES OF ASSAULT AND BATTERY AND ASSAULT AND BATTERY BY MEANS OF A DANGEROUS WEAPON.

Be it enacted, etc., as follows:

SECTION 1. Chapter 265 of the General Laws is hereby amended by striking out section 13A, as appearing in the 2000 Official Edition, and inserting in place thereof the following section:-

Section 13A. (a) Whoever commits an assault or an assault and battery upon another shall be punished by imprisonment for not more than 2½ years in a house of correction or by a fine of not more than \$1,000.

A summons may be issued instead of a warrant for the arrest of any person upon a complaint for a violation of any provision of this subsection if in the judgment of the court or justice receiving the complaint there is reason to believe that he will appear upon a summons.

(b) Whoever commits an assault or an assault and battery:

(i) upon another and by such assault and battery causes serious bodily injury;

(ii) upon another who is pregnant at the time of such assault and battery, knowing or having reason to know that the person is pregnant; or

(iii) upon another who he knows has an outstanding temporary or permanent vacate, restraining or no contact order or judgment issued pursuant to section 18, section 34B or 34C of chapter 208, section 32 of chapter 209, section 3, 4 or 5 of chapter 209A, or section 15 or 20 of chapter 209C, in effect against him at the time of such assault or assault and battery; shall be punished by imprisonment in the state prison for not more than 5 years or in the house of correction for not more than 2½ years, or by a fine of not more than \$5,000, or by both such fine and imprisonment.

(c) For the purposes of this section, "serious bodily injury" shall mean bodily injury that results in a permanent disfigurement, loss or impairment of a bodily function, limb or organ, or a substantial risk of death.

SECTION 2. Section 15A of said chapter 265, as so appearing, is hereby amended by striking out subsection (b) and inserting in place thereof the following 3 subsections:-

(b) Whoever commits an assault and battery upon another by means of a dangerous weapon shall be punished by imprisonment in the state prison for not more than 10 years or in the house of correction for not more than 2½ years, or by a fine of not more than \$5,000, or by both such fine and imprisonment.

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(c) Whoever:

(i) by means of a dangerous weapon, commits an assault and battery upon another and by such assault and battery causes serious bodily injury;

(ii) by means of a dangerous weapon, commits an assault and battery upon another who is pregnant at the time of such assault and battery, knowing or having reason to know that the person is pregnant;

(iii) by means of a dangerous weapon, commits an assault and battery upon another who he knows has an outstanding temporary or permanent vacate, restraining or no contact order or judgment issued pursuant to section 18, section 34B or section 34C of chapter 208, section 32 of chapter 209, section 3, 4 or 5 of chapter 209A, or section 15 or 20 of chapter 209C, in effect against him at the time of such assault and battery; or

(iv) is 17 years of age or older and, by means of a dangerous weapon, commits an assault and battery upon a child under the age of 14; shall be punished by imprisonment in the state prison for not more than 15 years or in the house of correction for not more than 2½ years, or by a fine of not more than \$10,000, or by both such fine and imprisonment.

(d) For the purposes of this section, "serious bodily injury" shall mean bodily injury which results in a permanent disfigurement, loss or impairment of a bodily function, limb or organ, or a substantial risk of death.

Approved February 21, 2002.

Chapter 36. AN ACT AUTHORIZING CERTAIN MILITARY PERSONNEL TO RECEIVE GROUP INSURANCE DISCOUNTS.

Be it enacted, etc., as follows:

The fourth paragraph of section 193R of chapter 175 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in line 60, the word "and",- and by striking out clause (8) and inserting in place thereof the following 2 clauses:- (8) that such trade union, association, or organization shall have a constitution and by-laws and be formed in good faith for purposes other than that of obtaining insurance and; (9) that notwithstanding clauses (1) to (8), inclusive, a group marketing plan shall include any system, design or plan whereby motor vehicle or homeowner insurance is offered pursuant to a group marketing plan filed with the commissioner by an insurer that, without a sponsoring entity, limits the issuance or renewal of motor vehicle or homeowner insurance to persons who became policyholders of the insurer while engaged in military service.

Approved February 21, 2002.

Chapter 37. AN ACT CLARIFYING THE DEFINITION OF PHYSICIAN.

Be it enacted, etc., as follows:

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Chapter 112 of the General Laws is hereby amended by inserting after section 8 the following section:-

Section 8A. No person may, directly or indirectly, use the title "physician" or display or use the term physician in any title, advertisement, listing of affiliations, communication with the public or in any other manner to indicate or imply in any way that such person offers to engage or engages in the practice of medicine or in the provision of health care services to patients within the commonwealth who is not registered by the board of registration in medicine as a physician under section 2. This section shall not apply to use of the term "chiropractic physician" by individuals licensed and practicing under sections 89 to 97, inclusive, or the use of the term "podiatric physician" by individuals licensed and practicing under sections 13 to 22, inclusive, or the use of the term "physician assistant" by individuals licensed and practicing under sections 9C to 9K, inclusive. A person who violates this section shall be punished by a fine of not less than \$100 and not more than \$1,000 or by imprisonment for not less than 30 days and not more than 1 year in the house of corrections, or by both such fine and imprisonment.

Approved February 21, 2002.

Chapter 38. AN ACT RELATIVE TO THE CONSERVATION COMMISSION OF THE TOWN OF SUTTON.

Be it enacted, etc., as follows:

The conservation commission of the town of Sutton may provide by rules promulgated under this act for the imposition of reasonable fees for the employment of outside consultants and shall account for and expend such funds in accordance with section 53G of chapter 44 of the General Laws.

Approved February 21, 2002.

Chapter 39. AN ACT REGULATING THE SALE OF MERCURY THERMOMETERS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to protect the water supply and the public health by regulating the sale of mercury thermometers, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health and convenience.

Be it enacted, etc., as follows:

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SECTION 1. Chapter 270 of the General Laws is hereby amended by adding the following section:-

Section 24. No person shall sell or supply, including online, retail mercury fever thermometers, except in the case of a medical necessity as determined by a licensed physician or by prescription. Manufacturers of mercury fever thermometers sold or supplied in the commonwealth in such cases of medical necessity shall furnish clear instructions on the careful handling of thermometers to avoid breakage and proper cleanup should a breakage occur. This section shall not apply to digital thermometers using mercury-added button cell batteries. A violation of this section shall be punished by a fine of not more than \$500.

SECTION 2. Section 1 shall not prevent the depleting of a retailer's current inventory on the effective date of this act.

Approved February 21, 2002.

Chapter 40. AN ACT PROVIDING FOR A BOARD OF PUBLIC WORKS IN THE TOWN OF PEPPERELL.

Be it enacted, etc., as follows:

SECTION 1. There shall be in the town of Pepperell a board of public works consisting of 3 members to be elected at the 2002 annual election in the manner prescribed in section 69D of chapter 41 of the General Laws, and such other members as provided in this act.

SECTION 2. Until the election of the board of public works at the 2002 annual town election the board of selectmen of the town shall serve as and perform all functions of a board of public works, as provided for in the second paragraph of section 69D of chapter 41 of the General Laws, superseding and replacing the incumbent highway surveyor, sewer commission, water commission, cemetery commission and the park's portion of the parks and recreation commission.

SECTION 3. The board of selectmen shall, under section 69E of chapter 41 of the General Laws, appoint an acting superintendent of public works and an acting assistant superintendent of public works who shall serve in the respective offices until removed or replaced by the board of public works to be elected at the year 2002 annual town election.

SECTION 4. Upon the election of the 3 members of the board of public works, as provided in section 1, the board of selectmen may appoint 2 additional members of the board, 1 for a 1 year term and 1 for a 2 year term. Upon expiration of these terms, appointments shall be for 2 year terms.

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

Approved February 21, 2002.

Chapter 41. AN ACT PROTECTING THE PRIVACY OF ELDERLY PERSONS.

Be it enacted, etc., as follows:

Section 8B of chapter 40 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by adding the following sentence:- The names, addresses, telephone numbers, or other identifying information about elderly persons in the possession of the council shall not be public records, but the use of these records shall comply with sections 14 to 24, inclusive, of chapter 19A as a condition of receiving a government contract, program grant or other benefit, or as otherwise required by law.

Approved February 21, 2002.

Chapter 42. AN ACT EXEMPTING HERBERT STACEY AND TIMOTHY GETCHELL FROM THE MAXIMUM AGE REQUIREMENTS AS A POLICE OFFICER IN THE CITY OF METHUEN.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding sections 58, 61A and 61B of chapter 31 of the General Laws or any other general or special law to the contrary, Herbert Stacey and Timothy Getchell may have their names certified for original appointment to the position of police officer in the city of Methuen, notwithstanding having reached the age of 32 before their taking any civil service examination in connection with such appointment. In all other respects, Herbert Stacey and Timothy Getchell shall be eligible for appointment to the position of police officer in the city of Methuen, only insofar as they qualify and are selected for employment under the procedures provided in chapter 31 of the General Laws, any regulations of the civil service commission and any lawful hiring practices of the city of Methuen.

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

Approved February 21, 2002.

Chapter 43. AN ACT PROVIDING FOR CIVIL SERVICE COMMISSION REVIEW OF STATE POLICE DISCIPLINARY PROCEEDINGS.

Be it enacted, etc., as follows:

Chapter 22C of the General Laws is hereby amended by striking out section 13, as appearing in the 2000 Official Edition, and inserting in place thereof the following section:-

Section 13. Any uniformed member of the state police who has served for 1 year or more and against whom charges have been preferred shall be tried by a board to be appointed

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by the colonel or, at the request of the officer, may be tried by a board consisting of the colonel. Any person aggrieved by the finding of such a trial board may appeal the decision of the trial board under sections 41 to 45, inclusive of chapter 31. A uniformed officer of the state police who has been dismissed from the force after trial before such a trial board, or who resigns while charges to be tried by a trial board are pending against him, shall not be reinstated by the colonel.

This bill was returned by the Lieutenant-Governor, Acting Governor to the House of Representatives, the branch in which it originated, with her objections thereto, was passed by the House on January 16, 2002, and in concurrence by the Senate on February 12, 2002, the objections of the Lieutenant-Governor, Acting Governor notwithstanding, in the manner prescribed by the Constitution, and therefore has the force of law.

Chapter 44. AN ACT RELATIVE TO THE LICENSING OF AMUSEMENT PARKS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 140 of the General Laws is hereby amended by striking out section 205A, as appearing in the 2000 Official Edition, and inserting in place thereof the following section:-

Section 205A. As used in this section, the words "amusement device" shall mean a mechanical ride or device constructed and designed to carry 1 or more persons for entertainment or amusement purposes and which is powered by means of internal combustion or electrical energy; provided, however, that the commissioner of public safety, hereinafter called the commissioner shall have the discretion to further define an amusement device operated under this section. No person shall, individually or through an agent, operate or cause to be operated a ferris wheel, carousel, inclined railway or similar amusement device unless such person has obtained a license from the commissioner. The commissioner, upon receipt of proof that a person has obtained liability insurance as required by this section and upon certification by the liability insurance carrier that an amusement device has met the safety standards of mechanical strength, rigidity and control established by the commissioner, shall issue a license for the operation of the amusement device. A certificate of examination by a person who possesses a certificate of competency to inspect amusement devices, issued under section 62 of chapter 146, and a certificate of liability insurance shall be furnished to the commissioner 10 days prior to the opening of the amusement device. The fee for a license under this section shall be determined annually by said commissioner of administration under section 3B of chapter 7 for the filing thereof. The license shall expire 1 year from the date of issuance, unless revoked for cause, and shall be valid throughout the commonwealth. A traveling carnival shall notify the commissioner at least 1 month in advance as to the location and dates that the carnival will be in the commonwealth.

If an injury requiring medical treatment has occurred on such an amusement device, reasonably due to a defect or malfunction in the amusement device, or if the amusement device constitutes a hazard to life, limb or property, as determined by the commissioner or his designee or by an agent of the insurance carrier, the amusement device shall be closed immediately and, within 48 hours, the owner or operator shall notify the commissioner or his designee in writing upon a form approved by the commissioner and the insurance carrier. The amusement device shall remain closed until all necessary repairs have been completed to the satisfaction of the commissioner or his designee and the insurance carrier. All such injuries shall be investigated by inspectors in the division of inspection. The licensee shall pay to the commissioner a fee, as determined under chapter 7, for each hour or fraction thereof spent by each inspector while engaged in an investigation.

If the insurance contract expires or is cancelled, notice shall be furnished by the insurance carrier to the commissioner at least 10 days prior to termination and the amusement device shall be closed not later than the date of termination and shall remain closed until insurance is obtained.

Every ferris wheel, carousel, inclined railway or similar amusement device shall have embossed on the control unit and prominently displayed on at least 3 areas of the amusement device procedures for braking and allowing the amusement device to come to a safe stop.

All insurance examiners authorized by this section to conduct examinations shall be certified by the department of public safety. An owner and an operator of an amusement park or amusement device shall each maintain and preserve a log of all regular maintenance schedules, service and repair reports, periodic inspections performed and any accident or injury which may have occurred on an amusement device, which shall be made available upon request to an inspector in the division of inspection. Amusement devices at an amusement park of a permanent nature shall be inspected annually by a certified inspector.

This section shall not apply to recreational tramways, as defined by section 711 of chapter 143, or manually operated amusement rides with coined devices. Owners of permanent or traveling amusement parks shall comply with the standards of the American Society for Testing Materials on amusement rides and devices and shall conduct daily inspections on amusement devices by both ride operators and trained maintenance personnel. Owners shall maintain permanent and extensive training, inspection and maintenance policies relative to routine and emergency safety and shall employ full-time emergency medical personnel and maintain ambulance services within the park. All amusement parks of a permanent or traveling nature shall have at least 1 individual on staff that is certified by the commissioner as qualified to oversee the operation, maintenance and inspection of amusement devices; provided, however, that no minor shall operate an amusement device. The operator of any such park or amusement device shall furnish to the commissioner proof that all amusement devices in the park are covered for an amount of at least \$1,000,000 for combined single limit bodily injury and property damage and which meet the rules and regulations as established by the commissioner. Operational programs and policies relative

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to the training, inspection, maintenance and safety of amusement parks shall be subject to review and modification by the commissioner or his designee. Proof of coverage shall include, but not be limited to, proof of liability insurance issued by an insurance company approved to do business within the commonwealth, or a bond, security or other type of indemnity against liability providing substantially equivalent coverage.

The operator of a permanent or traveling amusement park shall annually certify to the commissioner that a policy has been established to prohibit and prevent the use of drugs and alcohol by park employees in the workplace, and such policy may include a random drug and alcohol testing program for those employees, which meets standards promulgated by the commissioner.

Whoever violates this section shall, for each such violation, be punished by a fine of not more than \$1,000 or by imprisonment for not more than 1 year, or both.

SECTION 2. Section 60 of chapter 146 of the General Laws, as so appearing, is hereby amended by adding the following sentence:- An individual, who is an employee of an amusement park or who performs or has performed inspections of amusement devices for the division shall be eligible for a certificate of competency to inspect amusement devices.

SECTION 3. The commissioner of public safety, in conjunction with members of the permanent amusement park industry and the American Society for Testing Materials, shall, within 6 months of the effective date of this act, promulgate rules and regulations regarding certification of state inspectors and other individuals certified for the amusement park industry.

Approved February 28, 2002.

Chapter 45. AN ACT PROMOTING ENERGY EFFICIENCY AND CONSERVATION.

Be it enacted, etc., as follows:

SECTION 1. Section 19 of chapter 25 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in line 1, the word "five" and inserting in place thereof the following figure:- 10.

SECTION 2. Said section 19 of said chapter 25, as so appearing, is hereby further amended by striking out, in line 11, the words "year 2002" and inserting in place thereof the following words:- years 2002 to 2007, inclusive.

SECTION 3. Said section 19 of said chapter 25, as so appearing, is hereby further amended by striking out, in line 26, the word "March 1, 2001" and inserting in place thereof the following word:- January 1, 2006.

SECTION 4. Section 2 of chapter 166A of the General Laws, as so appearing, is hereby amended by inserting before the first paragraph the following paragraph:-

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There shall be established in the department of telecommunications and energy a division of community antennae television. Subject to the provisions of section 4 of chapter 25, the chairman of the department shall designate a director of said division who shall have the full scope of authority of all the provisions of this chapter, including, but not limited to, presiding at hearings pursuant to section 2A; the right to maintain or intervene in an action pursuant to section 12; the authority to hear appeals and issue enforcement orders pursuant to section 14; the authority to regulate rates pursuant to section 15; the authority to promulgate rules and regulations pursuant to section 16; its enforcement powers pursuant to section 17; and all other authority to carry out the duties and responsibilities of this chapter. Appeals of any decision, order, or ruling of the director may be brought within 14 days of the issuance of said decision to the full body of the commissioners of the department. When so requested by any party interested, the department shall rule upon any question of substantive law properly arising in the course of any proceeding before the division within 14 days. Except as otherwise provided in this chapter, appeals taken from the orders of the department shall be governed by section 5 of chapter 25.

SECTION 5. Said section 2 of said chapter 166A, as so appearing, is hereby further amended by adding the following paragraph:-

As of December 31, 2001, and annually thereafter, the department shall report to the general court concerning the appeals that came before the division for that particular calendar year. The report shall detail the nature of each appeal and its outcome. Each annual report shall be filed with the clerks of the senate and house of representatives who shall forward the same to the joint committee on energy and the house and senate committees on ways and means. The report shall be made available to the public by the department.

SECTION 6. Section 4 shall take effect as of December 31, 2001.

Emergency Letter: February 28, 2002 @ 5:08 P.M.

Approved February 28, 2002.

Chapter 46. AN ACT RELATIVE TO THE CALCULATION OF CERTAIN RETIREMENT CONTRIBUTIONS AND BENEFITS.

Be it enacted, etc., as follows:

SECTION 1. Subdivision (3) of section 40 of chapter 15A of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by adding the following paragraph:-

(f) After December 31, 1995, no contribution shall be made under any provision of this section in excess of, or on the basis of compensation in excess of, any limitation that may be imposed pursuant to federal law, including, but not limited to, the limitations in 26 U.S.C. sections 401(a)(17), 402(g), 403(b) and 415, to the extent such limitations apply. The board of higher education may adopt rules and regulations as it deems necessary from time to time to effectuate the purposes of this section, including, but not limited to, rules or regulations

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establishing such limitations only when it determines that such limitations are necessary to comply with applicable provisions of the United States Internal Revenue Code. For these purposes section 13212(d)(3) of the Revenue Reconciliation Act of 1993, Public Law 103-66, which provides for a special governmental limit under 26 U.S.C. section 401(a)(17), and section 1.401(a)(17)-1(d)(4) of the United States Treasury Regulations, which provides rules implementing said section 13212(d)(3), shall apply to all members in service who were members in service on or before December 31, 1995.

SECTION 2. The definition of "Regular compensation" in section 1 of chapter 32 of the General Laws, as so appearing, is hereby amended by adding the following 2 paragraphs:-

Notwithstanding any provision of this chapter to the contrary, after December 31, 1995, regular compensation for any member shall not include salary, wages or other compensation in whatever form in any calendar year in excess of any annual limitation that may be imposed pursuant to federal law on the amount of compensation that may be taken into account when calculating benefits under plans described in 26 U.S.C. section 401(a), including, but not limited to, the applicable limits for any calendar year under 26 U.S.C. section 401(a)(17). The limitations applicable in a calendar year to members who were members in service on or before December 31, 1995 shall be the limit provided in section 1.401(a)(17)-1(d)(4) of the United States Treasury Regulations. The limitations applicable to a member under the preceding 2 sentences shall be calculated and applied by the board of the system that pertains to such member based upon the applicable provisions of said section 401(a)(17) and the regulations promulgated under that section including said section 1.401(a)(17)-1(d)(4), as in effect and applicable to governmental plans from time to time.

If, as a result of a mistake in applying the limitations of the preceding paragraph, contributions or deductions are made by or on behalf of any member of a system based on compensation in excess of the limitations specified in such preceding paragraph, the board of the system that pertains to such member shall direct the taking of corrective action with respect to such excess which is consistent with such rules or procedures as may be established from time to time by the United States Internal Revenue Service.

SECTION 3. Subdivision (3) of section 5 of said chapter 32, as so appearing, is hereby amended by adding the following paragraph:-

(f) Notwithstanding any other provision of this chapter to the contrary, after December 31, 1995, no retirement allowance shall be payable to a member in any calendar year, which for the purposes of applying the limitations of this paragraph shall be the limitation year, in excess of any annual limitation that may be imposed pursuant to federal law on plans described in 26 U.S.C. section 401(a), including, but not limited to, the applicable limitations of 26 U.S.C. section 415. The limitations applicable to a member under the preceding sentence shall be calculated and applied by the board of the system that pertains to such member based upon the applicable provisions of said section 415 and the regulations promulgated thereunder as in effect from time to time and the retirement allowance calculated for such member under the other provisions of this section shall not exceed the limitations applicable to the member under the preceding sentence.

If, as a result of a mistake in applying the foregoing limitations, any member of a system receives a retirement allowance in any calendar year that exceeds such limitations, the board of the system that pertains to such member shall direct the taking of corrective action with respect to such excess which is consistent with such rules or procedures as may be established from time to time by the United States Internal Revenue Service.

SECTION 4. Paragraph (e) of subdivision (8) of section 22 of said chapter 32, as so appearing, is hereby amended by striking out the third and fourth sentences and inserting in place thereof the following 2 sentences:- All amounts required by the pension funds and special funds for military service credit of such systems and all amounts required by the separate funds for such systems established by section 104, excluding any employee contributions paid into the fund established by paragraph (a) of section 104, shall be provided by distribution of such amounts from the Commonwealth's Pension Liability Fund. Any such distribution shall be detailed in a written report by the commissioner of administration and filed in advance with the house and senate committees on ways and means. Except as otherwise provided in this subdivision or section 104, and subject to the provisions of the operating trust agreement adopted by the PRIM board pursuant to subdivision (2A) of section 23, any such distribution shall be made pursuant to sections 1 to 28, inclusive.

SECTION 5. Section 22C of said chapter 32, as so appearing, is hereby amended by inserting after the word "system", in line 3, the following words:- , including, without limitation, the amounts required under section 104.

SECTION 6. Subdivision (1) of section 22D of said chapter 32, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- In each fiscal year the governmental units within such a retirement system shall appropriate to the Pension Fund and Pension Reserve Fund of such system and, if applicable, to 1 or both of the separate funds described in section 104 the amount necessary to fully fund the system, including, without limitation, any amounts required by section 104, pursuant to that schedule.

SECTION 7. Said chapter 32 is hereby further amended by adding the following section:-

Section 104. (a) Notwithstanding any other provision of this chapter to the contrary, there shall be established with respect to the state employees' retirement system and the teachers' retirement system, and with respect to any other system that has established a funding schedule pursuant to the provisions of subdivision (6A) of section 22 or section 22D and that accepts the provisions of this paragraph by majority vote of the board of such system, a separate fund, which shall be entitled the section 401(a)(17) excess fund and shall be maintained by the board of such system to provide benefits to such member, or beneficiary of such member, who was in service prior to the effective date of this section and whose retirement allowance granted pursuant to sections 1 to 28, inclusive, had been calculated using, or for whom contributions or deductions in any year is or had been based on, regular compensation. Benefits provided to any such member or beneficiary pursuant to this paragraph shall be calculated by the applicable board based on the difference between (i) the

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amount of the retirement allowance that would have been payable to such affected member, or his beneficiary, pursuant to said sections 1 to 28, inclusive, if such benefit, deduction or contribution had been determined without regard to the limitations of 26 U.S.C. section 401(a)(17), and (ii) the amount of the retirement allowance actually payable to such member or beneficiary under this chapter, taking into account the limitations imposed by said 26 U.S.C. section 401(a)(17). Benefits shall be paid under this paragraph in the same manner, and subject to the same requirements and restrictions, as retirement allowances otherwise payable pursuant to said sections 1 to 28, inclusive, except to the extent necessary to comply with 26 U.S.C. section 401(a)(17). The benefits payable pursuant to the provisions of this paragraph combined with any amounts paid pursuant to the provisions of any other section of this chapter shall in no event exceed any limits on retirement allowances established by said sections 1 to 28, inclusive, except such limitations contained in the definition of regular compensation in section 1 with respect to 26 U.S.C. section 401(a)(17). Regular and additional deductions shall be collected from any such member in service prior to the effective date of this section as provided in subdivision (1) of section 22 without regard to the limitations contained in said definition of regular compensation with respect to said 26 U.S.C. section 401(a)(17), and any such deductions based on regular compensation in excess of said limitations shall be transferred to said separate fund rather than to the Annuity Savings Fund. The applicable board shall maintain records of such excess deductions, and the crediting of regular interest thereon, as if such deductions were accumulating in an individual member account in the Annuity Savings Fund, and it shall be an obligation of said separate fund to pay any amount in respect of such deductions and interest that any such member would have been entitled to withdraw had such deductions and interest accumulated in the Annuity Savings Fund, but such deductions and interest may be commingled with other moneys in that fund and used for the purposes of that fund. In the case of the state employees' and teachers' retirement systems, such separate fund shall be maintained as part of the PRIT Fund, and moneys shall be transferred to such separate fund from the commonwealth's Pension Liability Fund in such amount as may be determined by the state board of retirement and teachers' retirement board, respectively. In the case of all other systems, moneys shall be appropriated to such fund pursuant to subdivision (1) of section 22D.

(b) Notwithstanding any other provision of this chapter to the contrary, there shall be established with respect to the state employees' retirement system and the teachers' retirement system, and with respect to any other system that has established a funding schedule under subdivision (6A) of section 22 or section 22D and that accepts the provisions of this paragraph by majority vote of the board of such system, a separate fund, which shall be a qualified governmental plan excess benefit arrangement, as described in 26 U.S.C. section 415(m), and which shall be entitled the Section 415 Excess Benefit Fund and maintained by the board of such system, solely for the purpose of paying benefits as described herein. Such benefits shall be paid from such separate fund to members, or beneficiaries in respect of members, who were in service prior to the effective date of this section, and the amounts in such fund shall be used for no other purpose. The amount of the

benefit payable to such a member or beneficiary from such separate fund shall be the difference between (i) the amount of the retirement allowance that would have been payable pursuant to sections 1 to 28, inclusive, including, without limitation, the limitations of section 26 U.S.C. section 401(a)(17) contained in the definition of regular compensation in section 1, if the limitations of section 26 U.S.C. section 415, contained in paragraph (f) of subdivision (3) of section 5, did not exist, and (ii) the amount of the retirement allowance actually payable to the member or beneficiary under said sections 1 to 28, inclusive, taking into account the limitations contained in said paragraph (f) of subdivision (3) of section 5. No amounts may be deferred, either directly or indirectly, by any member from such member's compensation to such qualified governmental plan excess benefit arrangement. Benefits shall be paid under this section in the same manner, and subject to the same requirements and restrictions, as retirement allowances otherwise payable under said sections 1 to 28, inclusive, except to the extent necessary to comply with 26 U.S.C. section 415. The benefits payable under this paragraph combined with any amounts paid under any other section of this chapter shall in no event exceed the limits on retirement allowances otherwise established by said sections 1 to 28, inclusive, other than the limits imposed by said paragraph (f) with respect to 26 U.S.C. section 415. In the case of the state employees' and teachers' retirement systems, such separate fund shall be maintained as part of the PRIT Fund, and moneys shall be transferred to such separate fund from the commonwealth's Pension Liability Fund in such amount as may be determined by the state board of retirement and teachers' retirement board, respectively. In the case of all other systems, moneys shall be appropriated to such fund pursuant to subdivision (1) of section 22D.

Emergency Letter: February 28, 2002 @ 7:10 P.M.

Approved February 28, 2002.

Chapter 47. AN ACT RELATIVE TO THE ENVIRONMENTAL PROTECTION OF THE MASSACHUSETTS MILITARY RESERVATION.

Be it enacted, etc., as follows:

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

"Commission", the environmental management commission established in section 4.

"Environmental performance standards", the environmental performance standards included in the final environmental impact report regarding the activities on the northern 15,000 acres of the Massachusetts military reservation, promulgated under sections 61 to 62H, inclusive, of chapter 30 of the General Laws and certified by the secretary of environmental affairs on July 16, 2001.

"Massachusetts military reservation" or "MMR", approximately 22,000 acres of land owned by the commonwealth in Barnstable county established under chapter 196 of the acts of 1935, chapters 320 and 344 of the acts of 1936, chapter 5 of the acts of 1941, chapter 665

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of the acts of 1955 and chapter 617 of the acts of 1956, and used primarily for military purposes.

"Special military reservation commission", the commission provided with jurisdiction over the MMR under chapter 196 of the acts of 1935.

"Upper cape water supply reserve" or "reserve", a parcel of land within the MMR of 15,000 acres, more or less, owned by the commonwealth as described in a plan prepared by the executive office of environmental affairs and filed with the division of capital asset management and maintenance; but the reserve shall not include a portion of the parcel containing approximately 29 acres and associated corridors for providing services and underground utility services, to be used in connection with the construction and operation of a jail and house of correction as shown on the plan.

SECTION 2. The Upper Cape Water Supply Reserve shall be public conservation land and shall be dedicated to: (a) the natural resource purposes of water supply and wildlife habitat protection and the development and construction of public water supply systems, and (b) the use and training of the military forces of the commonwealth; provided that, such military use and training is compatible with the natural resource purposes of water supply and wildlife habitat protection.

SECTION 3. Notwithstanding any general or special law to the contrary, the commissioner of capital asset management and maintenance shall transfer the custody, care and control of the reserve, subject to any applicable lease agreements regarding the reserve, from the special military reservation commission to the division of fisheries and wildlife of the department of fisheries, wildlife and environmental law enforcement by August 1, 2002. The division of fisheries and wildlife of the department of fisheries, wildlife and environmental law enforcement may acquire care, custody and control of the reserve, subject to the requirements of this act and any applicable lease agreements regarding the reserve, for natural resource purposes, as limited and further described in section 2. The transfer shall include all books, records, documents, agreements, contracts, leases and other materials necessary for the commission to operate and manage the reserve.

SECTION 4. There is hereby created within the executive office of environmental affairs an environmental management commission. The commission shall consist of the following 3 ex officio members: the commissioner of the department of fisheries, wildlife and environmental law enforcement; the commissioner of environmental management; and the commissioner of environmental protection. Notwithstanding any general or special law to the contrary, but subject to any applicable lease agreements regarding the reserve, the commission shall oversee and monitor the military and other activities on the reserve in accordance with the purposes and provisions of this act.

SECTION 5. The purpose of the commission shall be to ensure the permanent protection of the drinking water supply and wildlife habitat of the reserve. The commission shall ensure, by oversight, monitoring and evaluation, that all military and other activities on the reserve are consistent with this purpose. The commission shall oversee compliance with and enforcement of the environmental performance standards, coordinate the actions of the

environmental agencies of the commonwealth in the enforcement of environmental laws and regulations at the reserve, as appropriate and facilitate an open and public review of all activities on the reserve.

SECTION 6. The commission shall be assisted by 2 advisory councils:

(a) a community advisory council, which shall be comprised of the following members: 1 representative of each of the towns of Falmouth, Bourne, Sandwich and Mashpee; 1 family member resident of the MMR; 2 representatives of the military; 1 representative of the Cape Cod commission; 1 representative of the Upper Cape Regional Water Supply Cooperative; 1 representative of the Wampanoag Tribe; and 5 other members to be appointed by the governor, but the town representatives shall be recommended by the towns' respective boards of selectmen; the family member resident of the MMR shall be selected from among a list of 5 persons provided by the commander of the Coast Guard Air Station Cape Cod; the military representatives shall be recommended by the military division of the commonwealth; the Cape Cod commission representative shall be recommended by the Cape Cod commission; the Upper Cape Regional Water Supply Cooperative representative shall be recommended by the Upper Cape Regional Water Supply Cooperative; and the Wampanoag Tribe representative shall be recommended by the tribal leadership. The community advisory council shall assist the commission by providing advice on issues related to the protection of the water supply and wildlife habitat on the reserve, and (b) a science advisory council, which shall be appointed by the governor and shall be comprised of 5 to 9 scientists and engineers who are recognized for their expertise in the areas of public health, water protection, wildlife habitat management or land use management. The science advisory council shall assist the commission by providing scientific and technical advice relating to the protection of the drinking water supply and wildlife habitat on the reserve.

SECTION 7. The powers of the commission shall include, but not be limited to, the following:-

- (a) to hire staff, including an environmental officer;
- (b) to enter into contracts;
- (c) to acquire real or personal property or interests or rights therein if necessary for the management of the reserve;
- (d) to accept funds or property from any source, public or private, including gifts, bequests, grants, contributions and settlements, judgments, fines or penalties in order to assist in the discharge of its duties;
- (e) to expend funds from the trust fund established in section 14;
- (f) to promulgate rules, regulations, guidelines and procedures as necessary for the administration of the commission and the advisory councils and as necessary for the effective performance of its responsibilities and duties under this act.

SECTION 8. The commission shall hire an environmental officer for the MMR. The environmental officer shall report to the commission. The duties and responsibilities of the environmental officer shall be to monitor the activities being conducted on, and the

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uses of, the reserve and the impact of such activities and uses on the water supply and wildlife habitat. The environmental officer shall also coordinate with appropriate personnel from the department of fisheries, wildlife and environmental law enforcement, the department of environmental management and the department of environmental protection to monitor and evaluate the environmental impact of activities conducted on and uses of the reserve. The personnel of the department of fisheries, wildlife and environmental law enforcement, the department of environmental management and the department of environmental protection shall support and assist the commission and cooperate with the environmental officer.

The environmental officer shall have an office located within the environmental readiness center or such other location on the MMR as may be appropriate to carry out his duties. The national guard shall provide such office space and allow the environmental officer, acting on behalf of the commission, regular and unrestricted access to all data and information from the various environmental and management programs and activities operating on the MMR. These programs and activities include, but are not limited to: the integrated training area management program; the integrated natural resources management plan; the integrated cultural resources management plan; Camp Edwards' standard operating procedures; and any other program or activity created by the army or the national guard for the purpose of managing or maintaining the northern 15,000 acres of the MMR. Access to data and information shall not include restricted or classified information, unless the environmental officer obtains the appropriate level of security clearance. The national guard shall use its best efforts to assist the environmental officer in obtaining the appropriate level of security clearance. The national guard shall also submit all draft and final impact area groundwater study reports to the commission for its information, as soon as they become available.

The commission, its staff and, as determined to be necessary by the commission, personnel of the department of fisheries, wildlife and environmental law enforcement, the department of environmental management and the department of environmental protection, shall access and inspect the reserve in order to monitor, oversee, evaluate and report to the commission on the environmental impact of military training and all other activities. As determined to be necessary by the commission, such access shall occur prior to, during and immediately following training or other activities upon notice, in accordance with Camp Edwards' standard operating procedures, regulations and security requirements.

SECTION 9. (a) The national guard shall provide the commission with an annual report describing in detail: (1) the nature and extent of military training and other activities; (2) all resource management activities; (3) the status of compliance with applicable federal and state environmental laws and regulations and the environmental performance standards; and (4) long-term trends in the major areas of resource management and activities. The commission shall make the report available to the public.

(b) The national guard shall notify the commission, in writing and within 2 business

days after discovery, of any violation of an environmental performance standard. The notification shall include the nature and extent of the violation and any corrective action that has been taken or will be taken to return to compliance. With respect to a violation of federal or state law that is reported to a federal or state agency, the national guard shall provide the commission with a copy of any notice provided to the federal or state agency.

(c) The national guard shall notify the commission, in writing and within 2 business days after the discovery, of any damage or threat of damage to the drinking water supply or wildlife habitat, even if the damage results, or may result from, an activity that is otherwise compliant with law, regulation or environmental performance standards. Damage shall not include any insignificant damage to these resources, consistent with regulations promulgated by the executive office of environmental affairs pursuant to sections 61 to 62H, inclusive, of chapter 30 of the General Laws.

SECTION 10. (a) The commission shall evaluate all information and data regarding the activities and uses of the reserve and the environmental impact upon the drinking water supply and wildlife habitat of the reserve and may take action, as described in subsection (b) and (c). The commission may consult with the science advisory council, the community advisory council, or other entities in evaluating such information and in taking such action.

(b) If the commission determines that a user has violated or is violating an environmental performance standard, the commission shall notify the violator of the violation and may: (1) in the case of imminent and substantial damage, order that any activity creating a violation cease immediately, or require adjustments in the activity to eliminate the imminent and substantial damage or threat of damage; or (2) in all other cases, require the violator to return to compliance within a reasonable time and to notify the commission of the corrective action taken, including steps to ensure future compliance. Repeated or willful violations of an environmental performance standard may result in sanctions including cessation of activities.

(c) If the commission determines, based upon sound and accepted scientific analysis and evidence, that an activity that is otherwise compliant with law, regulation or environmental performance standards, is causing or threatens to cause imminent and substantial damage to the drinking water supply or wildlife habitat of the reserve, the commission may: (1) order such activity to cease immediately; or (2) require adjustments in the activity to eliminate the imminent and substantial damage or threat of damage.

(d) After consultation with the science advisory council and the community advisory council, the commission may adjust environmental performance standards based upon sound and accepted scientific analysis, monitoring data and other relevant information. The proponent of any adjustment shall bear the burden of justifying the proposed adjustment and demonstrating that the proposed adjustment is protective of the drinking water supply and wildlife habitat. If the commission determines that a proposed adjustment may be warranted and does not significantly reduce the standard of environmental protection, it shall publish

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a notice of availability of the proposed adjustment to the environmental performance standards in the *Environmental Monitor* published by the executive office of environmental affairs, furnish copies to all members of the community advisory council and the science advisory council, and accept public comment for a period of at least 30 days following the publication date. Thereafter, the proposed environmental performance standard will become effective on a date determined by the commission. The commission shall not consider adjustments to the environmental performance standards prior to submission of the first state of the reservation report to be filed under sections 61 to 62H, inclusive, of chapter 30 of the General Laws on or about January 1, 2003, unless such an adjustment is necessary to abate imminent and substantial damage or for national security reasons.

SECTION 11. (a) Prior to issuing an order or deciding an issue that does not involve imminent and substantial damage, the commission shall provide the military with an opportunity to be heard.

(b) If the commission issues an order to cease or adjust an activity to avoid imminent and substantial damage, the commission shall provide the military an opportunity to be heard on the matter within 2 business days after issuing the order.

(c) The military may request reconsideration of any decision or order of the commission by submitting its concerns in writing. The commission shall consider all such requests. The commission shall reconsider its decision or order, in light of all relevant information, and affirm, amend or reverse its decision or order and so indicate in writing within 30 days, unless such time is further extended by mutual agreement of the parties.

The Massachusetts national guard shall comply with all decisions and orders of the commission, provided such decisions or orders do not conflict with federal or state law.

The Massachusetts national guard and any other user of the reserve shall immediately cease or adjust any activity that, in the determination of the Massachusetts national guard, causes or threatens to cause imminent and substantial damage to the drinking water supply or the wildlife habitat.

In the case of an order by the commission to abate an activity that causes or threatens to cause imminent and substantial damage to the drinking water supply or wildlife habitat, the Massachusetts national guard shall cease the activity while any request for reconsideration is pending.

SECTION 12. The state environmental agencies on the commission retain all their respective, independent enforcement authority. In response to an enforcement action brought by one of the state environmental agencies, including the department of fisheries, wildlife and environmental law enforcement, the department of environmental management and the department of environmental protection, members of the commission shall work together to implement coordinated actions at the reserve. In order to avoid, minimize and mitigate any negative impacts, they shall, in good faith and where appropriate, seek comment and input from one another, the military and the public before issuing decisions or taking actions at the reserve.

SECTION 13. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Upper Cape Water Supply Reserve Trust Fund to be administered and expended by the commission. Expenditures may be made from the trust fund, without further appropriation, for the costs associated with activities deemed appropriate by the commission in furtherance of its powers as described in this act. The fund shall retain all interest earned on sums deposited. The fund may receive such funds as may be appropriated from time to time, as well as gifts and grants of money or other contributions from any source, either public or private, and settlements, judgments, fines or penalties not designated by law for other specific purposes, to be expended for the purposes of the fund.

SECTION 14. Nothing in this act shall in any way affect existing rights, duties and liabilities as they have been or may be determined in the future relating to any pollution or other contamination of the Upper Cape Water Supply Reserve, including but not limited to contamination of soil, groundwater, surface water, current or potential drinking water supplies or the existence of unexploded ordnance, whether arising under federal, state or local law, including any statute, regulation or judicial or administrative order or decision, or under any contract or lease. This act shall not be construed to lessen or alter in any way the obligation in any lease between the United States of America, acting through any of its agencies, and the commonwealth requiring that the United States, or any agency or subdivision thereof, decontaminate lands where it terminates any lease in whole or in part. Nothing in this act shall be construed as an admission of liability for contamination of lands and waters of the reserve.

SECTION 15. Nothing in this act shall be construed to affect or modify any rights, duties, obligations or ongoing activities of the air force and coast guard within the reserve at the following locations:-

(a) the PAVE-PAWS site, so-called, consisting of approximately 87 acres as described in permit #DACA 51-4-81-475 issued by the United States Department of the Army to the United States Department of the Air Force; the site being a portion of land owned by the commonwealth and leased to the United States of America, represented by the Department of the Army, as described in its lease contract #DACA 51-4-81-475 and associated supplemental lease agreements; and

(b) the United States Coast Guard Transmitter site, so called, consisting of approximately 542 acres and shown as "Parcel P" on a plan of land entitled "Complied Plan Showing Leased Areas at Camp Edwards Military Reservation" scale 1"=2000', dated September 30, 1982, and prepared by the United States Army Corps of Engineers; the site being a portion of land owned by the commonwealth and leased to the United States of America, represented by the Department of Transportation, United States Coast Guard, as described in its lease document #31836.

SECTION 16. The Massachusetts army national guard shall have priority in the traditional training areas within the northern 15,000 acres of the MMR.

Approved March 5, 2002.

Chapter 48. AN ACT EXEMPTING CERTAIN POSITIONS IN THE TOWN OF BURLINGTON FROM THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

All positions in the accountant's office, assessor's office, planning board and building department in the town of Burlington shall be exempt from chapter 31 of the General Laws.

Approved March 6, 2002.

Chapter 49. AN ACT PROVIDING EQUITABLE COVERAGE OF SERVICES UNDER HEALTH PLANS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 175 of the General Laws is hereby amended by inserting after section 47V the following section:-

Section 47W. (a) Any individual policy of accident and sickness insurance issued pursuant to section 108 and any group blanket policy of accident and sickness insurance issued pursuant to section 110 that is delivered, issued or renewed within or without the commonwealth and that provides benefits for outpatient services shall provide hormone replacement therapy services for peri and post menopausal women and outpatient contraceptive services under the same terms and conditions as for such other outpatient services. Outpatient contraceptive services shall mean consultations, examinations, procedures and medical services provided on an outpatient basis and related to the use of all contraceptive methods to prevent pregnancy that have been approved by the United States Food and Drug Administration.

(b) Any individual policy of accident and sickness insurance issued pursuant to section 108 and any group blanket policy of accident and sickness insurance issued pursuant to section 110 that is delivered, issued or renewed within or without the commonwealth and that provides benefits for outpatient prescription drugs and devices shall provide benefits for hormone replacement therapy for peri and post menopausal women and for outpatient prescription contraceptive drugs or devices which have been approved by the United States Food and Drug Administration under the same terms and conditions as for such other prescription drugs or devices, provided that in covering all FDA approved prescription contraceptive methods, nothing in this section precludes the use of closed or restricted formulary.

(c) This section shall not apply to an individual policy of accident and sickness insurance delivered, issued or renewed pursuant to section 108 or any group blanket policy of accident and sickness insurance delivered, issued or renewed pursuant to section 110 if that policy is purchased by an employer that is a church or qualified church-controlled organization, as those terms are defined in 26 U.S.C. section 3121(w)(3)(A) and (B).

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SECTION 2. Chapter 176A of the General Laws is hereby amended by inserting after section 8V the following section:-

Section 8W. (a) Any contract between a subscriber and the corporation under an individual or group hospital service plan that is delivered, issued or renewed within or without the commonwealth and that provides benefits for outpatient services shall provide to all individual subscribers and members within the commonwealth and to all group members having a principal place of employment within the commonwealth hormone replacement therapy services for peri and post menopausal women and outpatient contraceptive services under the same terms and conditions as for such other outpatient services. Outpatient contraceptive services shall mean consultations, examinations, procedures and medical services provided on an outpatient basis and related to the use of all contraceptive methods to prevent pregnancy that have been approved by the United States Food and Drug Administration.

(b) Any contract between a subscriber and the corporation under an individual or group hospital service plan that is delivered, issued or renewed within or without the commonwealth and that provides benefits for outpatient prescription drugs or devices shall provide to all individual subscribers and members within the commonwealth and to all group members having a principal place of employment within the commonwealth benefits for hormone replacement therapy for peri and post menopausal women and for outpatient prescription contraceptive drugs or devices which have been approved by the United States Food and Drug Administration under the same terms and conditions as for such other prescription drugs or devices, provided that in covering all FDA approved prescription contraceptive methods, nothing in this section precludes the use of closed or restricted formulary.

(c) This section shall not apply to a contract between a subscriber and the corporation delivered, issued or renewed pursuant to this chapter if the contract is purchased by a subscriber that is a church or qualified church-controlled organization, as those terms are defined in 26 U.S.C. section 3121(w)(3)(A) and (B).

SECTION 3. Chapter 176B of the General Laws is hereby amended by inserting after section 4V the following section:-

Section 4W. (a) Any subscription certificate under an individual or group medical service agreement that is delivered, issued or renewed within or without the commonwealth and that provides benefits for outpatient services shall provide to all individual subscribers and members within the commonwealth and to all group members having a principal place of employment within the commonwealth benefits for hormone replacement therapy services for peri and post menopausal women and outpatient contraceptive services under the same terms and conditions as for such other outpatient services. Outpatient contraceptive services shall mean consultations, examinations, procedures and medical services provided on an outpatient basis and related to the use of all contraceptive methods to prevent pregnancy that have been approved by the United States Food and Drug Administration.

(b) Any subscription certificate under an individual or group medical service agreement that is delivered, issued or renewed within or without the commonwealth and that provides benefits for outpatient prescription drugs or devices shall provide to all individual subscribers and members within the commonwealth and to all group members having a principal place of employment within the commonwealth benefits for hormone replacement therapy for peri and post menopausal women and for outpatient prescription contraceptive drugs or devices which have been approved by the United States Food and Drug Administration under the same terms and conditions as for such other prescription drugs or devices, provided that in covering all FDA approved prescription contraceptive methods, nothing in this section precludes the use of closed or restricted formulary.

(c) This section shall not apply to a subscription certificate under an individual or group medical service agreement delivered, issued or renewed under this chapter if that subscription certificate is purchased by an employer that is a church or qualified church-controlled organization, as those terms are defined in 26 U.S.C. section 3121(w)(3)(A) and (B).

SECTION 4. Chapter 176G of the General Laws is hereby amended by inserting after section 4N the following section:-

Section 4O. (a) Any individual or group health maintenance contract that is issued, renewed or delivered within or without the commonwealth and that provides benefits for outpatient services shall provide to residents of the commonwealth and to persons having a principal place of employment within the commonwealth benefits for hormone replacement therapy services for peri and post menopausal women and outpatient contraceptive services under the same terms and conditions as for such other outpatient services. Outpatient contraceptive services shall mean consultations, examinations, procedures and medical services provided on an outpatient basis and related to the use of all contraceptive methods to prevent pregnancy that have been approved by the United States Food and Drug Administration.

(b) Any individual or group health maintenance contract that is issued, renewed or delivered within or without the commonwealth and that provides benefits for outpatient prescription drugs or devices shall provide to residents of the commonwealth and to persons having a principal place of employment within the commonwealth benefits for hormone replacement therapy for peri and post menopausal women and for outpatient prescription contraceptive drugs or devices that have been approved by the United States Food and Drug Administration under the same terms and conditions as for such other prescription drugs or devices, provided that in covering all FDA approved prescription contraceptive methods, nothing in this section precludes the use of closed or restricted formulary.

(c) The requirements of this section shall not apply to a health maintenance contract delivered, issued or renewed pursuant to this chapter if that contract is purchased by an employer that is a church or qualified church-controlled organization, as those terms are defined in 26 U.S.C. section 3121(w)(3)(A) and (B).

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SECTION 5. This act shall apply to all policies, contracts, plans and certificates of insurance issued or delivered within the commonwealth on or after January 1, 2003, and to all policies, contracts, agreements, plans and certificates of insurance in effect before that date upon renewal on or after January 1, 2003.

Approved March 7, 2002.

Chapter 50. AN ACT RELATIVE TO A CERTAIN PARCEL OF CONSERVATION LAND IN THE TOWN OF NORTH READING.

Be it enacted, etc., as follows:

Section 1 of chapter 215 of the acts of 1998 is hereby amended by striking out the second and third sentences and inserting in place thereof the following 2 sentences:- The parcel is shown as Parcel II, containing 6,100 square feet, more or less, on a subdivision plan of Swan Pond road owned by the town of North Reading, prepared by O'Neill Associates, Civil Engineers and Land Surveyors, 234 Park Street, North Reading, MA 01864, Assessor's Map 72, Parcel 35 dated April 23, 2001. The sale price shall not be less than \$2,500.

Approved March 7, 2002.

Chapter 51. AN ACT AUTHORIZING THE TOWN OF MASHPEE TO CONVEY A CERTAIN PARCEL OF LAND.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding chapter 30B of the General Laws or any other general or special law to the contrary, the town of Mashpee may convey a certain parcel of land to the Willowbend Development Corporation for use as a golf course. The parcel is shown as Map 77, Blocks 3, 5, 7, 10, 21, 23, 25, 27 and 28 on the 1999 Mashpee Assessors' Map.

SECTION 2. In consideration for the conveyance authorized in section 1, the Willowbend Development Corporation shall convey a certain parcel of land to the town of Mashpee which shall be placed under the care, custody and control of the conservation commission of the town to be used for conservation purposes under section 8C of chapter 40 of the General Laws. The parcel is shown as Map 70, Blocks 19, 24 to 37, inclusive, 29A, 62, 63, 71, 79, 80C, 86, 90, 96, 109, 115 and 134 on the 1999 Mashpee Assessors' Map. In addition to this conveyance, the Willowbend Development Corporation shall grant an easement to the town for a scenic viewpoint, sitting area and pedestrian and carry-in boat access between the town's land shown on the Assessors' Maps as Map 77, Block 32 and the waters of Shoestring bay. The land being conveyed by the Willowbend Development Corporation to the town shall be of equal or greater value than the parcel being conveyed in

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section 1 by the town to the Willowbend Development Corporation.

Approved March 7, 2002.

Chapter 52. AN ACT ESTABLISHING A VICTIMS OF DRUNK DRIVING TRUST FUND.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a victims of drunk driving trust fund, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 10 of the General Laws is hereby amended by adding the following section:-

Section 66. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Victims of Drunk Driving Trust Fund. The fund shall consist of monies paid to the courts pursuant to the third paragraph of subparagraph (1) of paragraph (a) of subdivision (1) of section 24 of chapter 90, together with any interest or earnings accrued on such monies through investment or deposit. The state treasurer shall be the custodian of the fund and shall receive, deposit and invest all monies transmitted to him under this section in accordance with sections 34, 34A and 38 of chapter 29 in such a manner as to secure the highest rate of return available consistent with the safety of the fund, and shall credit interest and earnings on the trust fund corpus to the trust fund. The state treasurer shall transfer funds from the income and receipts of the fund to the victim and witness assistance board, as established in section 4 of chapter 258B, from time to time, at the request of the board. The board shall award and administer grants from the fund, without further appropriation, to community-based programs in the commonwealth to provide counseling and support services to victims of accidents caused by persons driving under the influence of drugs or alcohol. The board shall develop, in conjunction with the department of public health's bureau of substance abuse and the Massachusetts chapter of Mothers Against Drunk Driving, written criteria for the awarding of those grants, which shall be evaluated and, if necessary, revised on an annual basis. For the purposes of this section, the word "victim" shall have the same meaning as defined in section 1 of said chapter 258B.

The board shall file a report detailing the amount of funds collected and expended from the fund along with a copy of the written criteria used to expend the funds to the house and senate committees on ways and means not later than August 15 of each calendar year. An amount not to exceed 5 per cent of the total funds deposited in the fund may be expended by the board for administrative costs directly attributable to the grants and programs funded by the fund, including, but not limited to, the costs of clerical and support personnel. Any unexpended balance of monies in the fund at the end of the fiscal year shall not revert to the

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General Fund but shall remain available for expenditure from such fund in subsequent fiscal years. No expenditure made from the fund shall cause the fund to become deficient at any point during a fiscal year.

SECTION 2. Subparagraph (1) of paragraph (a) of subdivision (1) of section 24 of chapter 90 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the second paragraph the following paragraph:-

There shall be an assessment of \$50 against a person who is convicted, placed on probation or granted a continuance without a finding or who otherwise pleads guilty to or admits to a finding of sufficient facts for operating a motor vehicle while under the influence of intoxicating liquor or under the influence of marihuana, narcotic drugs, depressants or stimulant substances, all as defined by section 1 of chapter 94C, pursuant to this section or section 24D or 24E or subsection (a) or (b) of section 24G or section 24L. The assessment shall not be subject to waiver by the court for any reason. If a person against whom a fine is assessed is sentenced to a correctional facility and the assessment has not been paid, the court shall note the assessment on the mittimus. The monies collected pursuant to the fees established by this paragraph shall be transmitted monthly by the courts to the state treasurer who shall then deposit, invest and transfer the monies, from time to time, into the Victims of Drunk Driving Trust Fund established in section 66 of chapter 10. The monies shall then be administered, pursuant to said section 66 of said chapter 10, by the victim and witness assistance board for the purposes set forth in said section 66. Fees paid by an individual into the Victims of Drunk Driving Trust Fund pursuant to this section shall be in addition to, and not in lieu of, any other fee imposed by the court pursuant to this chapter or any other chapter. The administrative office of the trial court shall file a report detailing the amount of funds imposed and collected pursuant to this section to the house and senate committees on ways and means and to the victim and witness assistance board not later than August 15 of each calendar year.

Approved March 8, 2002.

Chapter 53. AN ACT RELATIVE TO THE ASHLAND HOME RULE CHARTER.

Be it enacted, etc., as follows:

SECTION 1. The Ashland home rule charter, which is on file in the office of the archivist of the commonwealth, as provided in section 12 of chapter 43B of the General Laws, is hereby amended by striking out section 1-3 and inserting in place thereof the following section:

Section 1-3. Division of Powers.

All legislative powers of the town shall be exercised by a town meeting open to all voters. The administration of all town fiscal, prudential and municipal affairs shall be vested in the executive branch comprised of the board of selectmen and elected independent boards pursuant to their enabling legislation.

SECTION 2. The third sentence of section 2-5 of said charter is hereby amended by striking out the words "give notice of all meetings to the public".

SECTION 3. The first paragraph of section 3-1 of said charter is hereby amended by inserting before the word "The" the following letter:- (a).

SECTION 4. Said section 3-1 of said charter is hereby amended by adding the following paragraph:-

(b) The elected bodies as referenced to in paragraph (a) by law, this charter, by-law, or vote of the town may appoint any temporary or ad hoc committees as in their judgment shall from time to time be necessary or desirable specifically for the purpose of assisting the elected bodies in the exercising and fulfillment of their powers and duties referred to in this charter.

SECTION 5. Section 3-2 of said charter is hereby amended by striking out paragraph (c) and inserting in place thereof the following paragraph:-

(c) Appointment Powers.

The board of selectmen shall appoint a town manager, town counsel, registrars of voters and other such officers, boards, commissions and committees as they shall hereafter be directed to appoint by law, this charter pursuant to section 9-2, by-law, or vote of the town, and such temporary or ad hoc committees as in their judgment shall from time to time be necessary or desirable.

SECTION 6. The first sentence of paragraph (e) of section 3-2 of said charter is hereby amended by inserting after the word "Selectmen" the following words:- unless otherwise provided by law or this charter.

SECTION 7. The first paragraph of section 3-4 of said charter is hereby amended by inserting before the word "At" the following letter:- (a).

SECTION 8. Said section 3-4 of said charter is hereby amended by striking out paragraph (b) and inserting in place thereof the following paragraph:-

(b) Powers, Duties and Appointments.

The town moderator shall make appointments pursuant to section 9-2 and have other powers and duties provided for that office by the constitution and the laws of the commonwealth, by this charter, by by-law, or by town meeting vote.

SECTION 9. The last sentence of paragraph (b) of section 3-5 of said charter is hereby amended by striking out the word "other".

SECTION 10. The last sentence of paragraph (b) of section 3-9 of said charter is hereby amended by striking out the word "other".

SECTION 11. Paragraph (a) of section 3-10 of said charter is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- Four members shall be elected by the voters, and the fifth member shall be appointed by the executive office of communities and development of the commonwealth, or a successor agency.

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SECTION 12. The second paragraph of section 4-2 of said charter is hereby amended by striking out the words "twenty-four hours" and inserting in place thereof the following words:- 1 business day.

SECTION 13. Said second paragraph of said section 4-2 of said charter is hereby further amended by striking out the word "working" and inserting in place thereof the following word:- business.

SECTION 14. The first paragraph of section 4-3 of said charter is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- If the petition shall be found and certified by the town clerk to be sufficient, the town clerk shall submit the same with such certificate to the selectmen within 5 business days, and the selectmen shall, within 5 business days, give written notice of the receipt of the certificate to the officer sought to be recalled and shall, if the officer does not resign within 5 business days thereafter, order an election to be held on a date fixed by them not more than 90 days after the date of the town clerk's certificate that a sufficient petition has been filed; provided, however, that if any other town election is to occur within 100 days after the date of the certificate the selectmen shall postpone the holding of the recall election to the date of such other election.

SECTION 15. The last sentence of section 4-5 of said charter is hereby amended by striking out the word "five" and inserting in place thereof the following words:- 5 business.

SECTION 16. Section 5-1 of said charter is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- The town manager shall be a person of proven administrative ability, especially qualified by education and training with at least 3 years previous experience in public administration as a city or town manager, a city or town administrator, an assistant city or town manager, or a position with substantially similar functions, and who has performed the functions required under this charter.

SECTION 17. The first sentence of section 5-2 of said charter is hereby amended by inserting after the word "Any" the following word:- permanent.

SECTION 18. The second sentence of said section 5-2 of said charter is hereby amended by striking out the words "or the filling of any vacancy".

SECTION 19. Said charter is hereby further amended by striking out section 5-5 and inserting in place thereof the following section:-

Section 5-5. Powers of Appointment.

Except as otherwise provided by this charter pursuant to section 9-2, the town manager shall appoint, based upon merit and fitness alone, a police chief, a fire chief, a treasurer/collector, a town accountant, a town clerk and all other department heads, officers, subordinates and employees for whom no other method of selection is provided in this charter, except employees of the school department and persons serving under officers and boards elected directly by the voters of the town of Ashland.

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Appointments proposed by the town manager shall become effective on the fifteenth day following the day on which notice of the proposed appointment is filed at a board of selectmen meeting, unless the board of selectmen shall within such period, by a majority vote of the board of selectmen, vote to reject such proposed appointment.

SECTION 20. Said charter is hereby further amended by striking out section 6-2 and inserting in place thereof the following section:-

Section 6-2. Personnel System.

Subject to the approval of the board of selectmen, 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 is not limited to, the following elements: a method of administration; personnel policies indicating the rights, obligations and benefits of employees; a classification plan; a compensation plan; a method of recruiting and selecting employees based on merit principles; a centralized record keeping system; disciplinary and grievance procedures; a professional development and training program and other elements that are deemed necessary. All town agencies and positions shall be subject to the rules and regulations adopted under this section, excluding employees of the school department and employees covered by collective bargaining agreements. The personnel rules and regulations shall not apply to the position of town manager.

The board of selectmen shall appoint a personnel advisory board, which shall serve in an advisory capacity to the town manager. At least 1 member of the personnel advisory board shall be a town employee who is not otherwise represented by a collective bargaining agreement.

SECTION 21. Said charter is hereby further amended by striking out section 7-1 and inserting in place thereof the following section:-

Section 7-1. Budget Process.

(a) Annually, prior to the first day of October, the town manager 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.

(b) The schedule shall be in accordance with this charter, as set forth below, unless deviation therefrom is recommended by the town manager and approved by votes of the board of selectmen and the finance committee.

(c) Annually, prior to the first day of January, the finance committee, after consultation with the board of selectmen, the school committee, and the town manager, shall issue a policy statement that shall establish the general guidelines for the next town budget.

(d) Upon receipt of any additional specific data provided by the commonwealth or any other source, the officials, as listed in paragraph (c), shall within 10 business days, revise, update and submit the data forthwith to the town manager who, in turn, will submit said information forthwith to the board of selectmen and finance committee.

(e) All department heads, boards and committees, including the school committee, shall submit detailed budgets to the town manager at least 120 days before the date of the spring annual town meeting.

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(f) At least 90 days prior to the scheduled date of the spring annual town meeting, the town manager 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 budget message.

(g) The draft budget message shall explain the draft budget in fiscal terms and in terms of what specific projects are contemplated in the fiscal year ahead. It shall also include:

(i) an outline of the proposed financial policies of the town for the ensuing fiscal year;

(ii) a description of the important features of the budget;

(iii) an indication of any major changes from the current fiscal year in financial policy, expenditures and revenues, together with the reasons for such changes;

(iv) a summary of the town's debt position;

(v) a report showing all revenues received by the town in the 2 preceding fiscal years, together with an estimate from all sources of revenues exclusive of taxes upon property in the ensuing fiscal year, probable amount required to be levied and raised by taxation to defray all expenses and liabilities of the town, and an estimate of the tax rate necessary to raise said amount;

(vi) for each enterprise fund, submit an estimated budget including revenue, expenses and general subsidies together with projected rates;

(vii) include other such material as the town manager may deem appropriate.

(h) The draft budget shall provide a complete financial plan for all town funds and activities and shall be in such form as the town manager, in consultation with the finance committee, may establish. The draft budget shall indicate proposed expenditures for current operations and for capital projects and expenditures during the ensuing fiscal year, detailed by each town agency and by specific purposes and projects.

(i) The board of selectmen shall, at least 60 days prior to the scheduled date of the spring annual town meeting, adopt a proposed budget with or without amendments and shall submit it to the finance committee.

(j) In addition to any notice required by the laws of the commonwealth, the board of selectmen shall cause the spring report and recommendations of the finance committee to be made available to all voters, at least 7 days prior to the spring annual town meeting.

SECTION 22. Section 7-2 of said charter is hereby amended by striking out the fourth sentence and inserting in place thereof the following sentence:- The finance committee shall file a proposed budget and report of its recommendations for action 14 days prior to the scheduled date of the spring annual town meeting.

SECTION 23. Section 7-4 of said charter is hereby amended by adding the following paragraph:-

Notwithstanding the preceding paragraph, the town manager shall have the authority to designate, in writing filed with the town clerk and the board of selectmen, an individual

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who, in the town manager's absence, shall have the authority to approve the warrants which shall be sufficient to authorize payment by the town.

SECTION 24. Said charter is hereby further amended by striking out sections 8-2, 8-3 and 8-4 and inserting in place thereof the following 7 sections:-

Section 8-2. Periodic Charter Review.

Commencing in the year 2005 and at least every 5 years thereafter, a special charter review committee shall be appointed by the board of selectmen for the purpose of reviewing the provisions of the charter and to make a report concerning any proposed amendments or revisions which such committee deems necessary.

Section 8-3. (a) Notification of Resignation of Office.

Any person holding an appointive or elected office may resign that office by filing a notice of resignation with the town clerk.

(b) Notification of Appointed Vacancy to Appointing Authority.

In the event of a vacancy on a board, commission or committee, the town clerk, upon notification of such vacancy, shall, within 10 days of notification of such vacancy, notify in writing the designated appointing authority of the vacancy.

Section 8-4. Failure to Fill Appointed Vacancies - town boards, commissions or committees.

(a) Should the appointing authority fail to fill a vacancy on a board, commission or committee within 45 days of having been notified in writing by the town clerk of said vacancy, the board of selectmen shall then become the appointing authority and shall make such appointment within 45 days thereafter.

(b) In the event that the board of selectmen fails to make such appointment within 45 days, then the board of selectmen shall within 10 days after the expiration of the 45 day appointment period, file in writing with the town clerk its reason for such failure to make such appointment.

(c) Upon the failure of the board of selectmen to appoint within 45 days as set forth in paragraph (a), the majority of remaining members of the board, commission or committee shall then become the appointing authority and shall make such appointment within 45 days thereafter.

Section 8-5. Loss of Office, Excessive Absenteeism.

If any person appointed as member of a board, commission or committee shall fail to attend 4 or more consecutive meetings, or ½ or more of all the meetings of such body held over a 12 consecutive month period, the remaining members of the board, commission or committee may, by majority vote of the remaining members of such body, declare the office vacant; provided, however, that not less than 10 days prior to the date of said vote is scheduled to be taken, the body has given in hand or mailed by registered or certified mail, return receipt requested, notice of such proposed or pending vote to the last known address of such person.

Upon the occurrence of a vacancy pursuant to this section, the board, commission or

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committee shall notify the town clerk, in writing, of said vacancy in accordance with paragraph (b) of section 8-3.

Section 8-6. 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 said charter and its provisions to other persons or circumstances shall not be affected thereby.

Section 8-7. Rules of Interpretation.

The following rules shall apply when interpreting the charter:

(a) Specific provisions to prevail.

To the extent that any specific provision of the charter shall conflict with any provision expressed in general terms, the specific provision shall prevail.

(b) 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; words imparting the masculine gender shall include the feminine gender.

(c) References to General Laws.

All references to the General Laws or any other general or special law contained in the charter refer to the General Laws and are intended to include any amendments or revisions to such 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.

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, except if the last day counted in a computation falls on a Saturday, Sunday or legal holiday, the last day of the computation shall be extended to the next business day thereafter.

Section 8-8. Definitions.

Unless another meaning is clearly apparent from the manner in which the word is used, the following words as used in the charter shall have the following meanings:-

(a) "Charter", shall mean this charter and any amendments to it made through any methods provided under Article LXXXIX of the Amendments to the Constitution of the Commonwealth.

(b) "Town", shall mean the town of Ashland.

(c) "Voters", shall mean registered voters of the town.

(d) "Majority Vote", shall mean 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 its own rules.

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(e) "Town agency or agency", shall mean any board, commission, committee, department or office of town government, whether elected, appointed or otherwise constituted.

(f) "Business day", shall mean any day in which the town offices are open to conduct business.

SECTION 25. Part IX of said charter is hereby amended by striking out the title "Transitional Provisions" and inserting in place thereof the following title:- Miscellaneous Provisions.

SECTION 26. Section 9-1 of said charter is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

All by-laws, resolutions, rules, regulations and votes of town meeting which are in force at the time this charter is amended, not inconsistent with the provisions of this charter, shall continue in force until further amended or repealed.

SECTION 27. Said charter is hereby further amended by striking out section 9-2 and inserting in place thereof the following section:-

Section 9-2. Appointments.

Until such time as a different form of organization is provided in accordance with the procedures made available in section 6-1, the following organization shall be in effect in the town of Ashland:

The board of selectmen shall appoint the town manager, town counsel, zoning board of appeals, conservation commission, historical commission, council on aging, youth advisory board, town forest committee, economic development committee, registrars of voters, representative to the metropolitan area planning council, representative to Massachusetts Bay Transportation Authority, personnel advisory board, post audit committee, charter review committee, and municipal improvement committee.

The town moderator shall appoint the finance committee.

The town manager shall appoint the assistant town manager, town accountant, town treasurer/collector, town clerk, police chief, fire chief, town constables, inspector of buildings, inspector of wires, inspector of plumbing, veterans' agent, sealer of weights and measures, director of public services, emergency management coordinator, and all other officers and employees for which no other method of selection is provided by this charter.

SECTION 28. Part X of said charter is hereby amended by adding the following 4 sections under the title Historical Provisions.

Section 10-1. Existing Officials and Employees.

Any person holding a town office or employment under the town shall retain such office or employment and shall continue to perform the duties of the office until provisions shall have been made in accordance with this charter for the performance of the duties by another person or agency. No person in the permanent full-time service or employment of the town shall forfeit pay grade or time in service. Each such person shall be retained in a capacity as similar to the person's former capacity as is practical.

Section 10-2. Continuation of Government.

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All town officers, boards, commissions or agencies shall continue to perform their duties until reappointed, or reelected, 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 10-3. 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 such office, board, commission or agency.

Section 10-4. Time of Taking Effect.

This charter shall become fully effective upon ratification by the voters, except as otherwise provided in this section:

(a) Forthwith following the election at which the charter is adopted the chairman of the board of selectmen shall initiate proceedings to establish a town manager screening committee. The town manager screening committee shall be composed of 5 members, 2 of whom shall be members of the board of selectmen, 1 of whom shall be the town moderator and 2 of whom shall be citizens at large appointed by the board of selectmen. The committee shall undertake a wide search, shall review all applications received and shall conduct such interviews as deemed desirable or necessary. The screening committee shall employ a personnel consultant to assist in the recruitment and selection of the first town manager. The screening committee shall submit to the board of selectmen the names of such a number of candidates that the committee deems best suited to perform the duties of the town manager. The intention and purpose of this screening committee is to assist the board of selectmen in the recruitment and selection of the town manager but nothing in this section shall limit the right of the board of selectmen to appoint the town manager.

(b) Upon the appointment of the town manager the position of executive administrator shall be abolished; provided, however, that the executive administrator shall continue to receive a salary for a period of 90 days to assist the town in the transition. It is the intention of this charter that the incumbent executive administrator shall not automatically continue in office under the designation of town manager. The incumbent executive administrator may be a candidate for the office of town manager, if qualified.

(c) The incumbent in the office of treasurer shall continue to serve until June 30, 1989 or if a vacancy in the office shall sooner occur, the term of office of the treasurer shall be terminated and the office of treasurer shall be appointed in the manner provided by section 5-5.

(d) The incumbent in the office of town clerk shall continue to serve for the balance of the term for which the town clerk was elected. Upon the expiration of the term of office of the town clerk, or if a vacancy shall sooner occur, the office shall be appointed in the manner provided by section 5-5.

(e) The incumbent in the office of highway surveyor shall continue to serve for the balance of the term for which the highway surveyor was elected. Upon the expiration of the

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term of office of the highway surveyor, or if a vacancy shall sooner occur, the office of highway surveyor shall be appointed by the town manager, until such other form of organization is provided for in accordance with section 6-1.

(f) The incumbents serving as members of the cemetery, park and tree commission and the water and sewer commission shall continue to serve for the balance of the terms for which they were elected. Upon the expiration of the terms of office of members of the cemetery, park and tree commission and the water and sewer commission the offices shall be appointed by the board of selectmen until such other form of organization is provided for in accordance with section 6-1.

(g) Upon the appointment of a town manager, the personnel board shall be abolished and the town manager shall succeed to all the powers previously exercised by the personnel board.

(h) At the annual town election held in the year following the year in which this charter is adopted, the board of trustees of the public library shall be reduced in size from 6 members to 5 members as provided in section 3-8. The offices of the 2 members of the board of trustees of the public library, whose term of office expire in the year following the year in which this charter is adopted, shall be consolidated into 1 office, elected for a 3 year term.

(i) Until such time as provided otherwise by by-law, beginning in the year following the year in which this charter is adopted, the annual town meeting shall be called for the third Wednesday in March, annually, and the annual town election for the election of town officers and for the determination of all other matters to be decided by ballot of the voters shall be held on the third Tuesday in April of each year.

(j) At the next annual town meeting following the adoption of this charter, the town moderator shall appoint a committee of 5 members to review town by-laws and report back to the town meeting with recommendations to bring by-laws in conformity with the provisions of the charter.

SECTION 29. This act shall be submitted to the voters of the town of Ashland at the next annual or special town election in the form of the following question which shall be placed on the official ballot to be used at the election:-

"Shall an act passed by the general court in the year 2002, entitled 'An Act Relative to the Ashland Home Rule Charter', be accepted?"

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

Approved March 8, 2002.

Chapter 54. AN ACT RELATIVE TO MOTOR HOMES.

Be it enacted, etc., as follows:

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SECTION 1. Section 19 of chapter 90 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in lines 6 and 7, the words ", auto home or house trailer, forty feet, or in the case of a motor bus, forty-five feet" and inserting in place thereof the following words:- or house trailer, 40 feet, or, in the case of a motor bus or auto home, 45 feet.

SECTION 2. Said section 19 of said chapter 90, as so appearing, is hereby further amended by striking out, in lines 36 and 37, the words "or of any house trailer and tow vehicle combination".

SECTION 3. Said section 19 of said chapter 90, as so appearing, is hereby further amended by inserting after the word "feet", in line 38, the following words:- or, in the case of a house trailer and tow vehicle combination authorized by this section, 65 feet.

SECTION 4. Said section 19 of said chapter 90, as so appearing, is hereby further amended by inserting after the word "lamps", in line 46, the following words:- , shade awnings on auto homes and house trailers.

Approved March 8, 2002.

Chapter 55. AN ACT RELATIVE TO THE SPECIAL ELECTIONS FOR THE FIRST ESSEX SENATORIAL DISTRICT AND THE FIRST HAMPSHIRE REPRESENTATIVE DISTRICT.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to allow forthwith the use of certain new precincts for 2 special state elections, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the city of Lynn and the towns of Marblehead and Swampscott shall use the precincts established based on the 2000 federal census for voting in the special state primary to be held on March 26, 2002 and the special state election to be held on April 23, 2002 in the First Essex senatorial district.

SECTION 2. Notwithstanding any general or special law to the contrary, the city of Northampton shall use the precincts established based on the 2000 federal census for voting in the special state primary to be held on March 12, 2002 and the special state election to be held on April 9, 2002 in the First Hampshire representative district. The city shall not report the election results by precinct.

Approved March 11, 2002.

Chapter 56. AN ACT RELATIVE TO THE MASSACHUSETTS MEDAL OF MERIT.

Be it enacted, etc., as follows:

Section 67 of chapter 33 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the word "commonwealth", in line 29 and in lines 31 and 32, the following words:- , the United States or any other state or territory of the United States.

Approved March 14, 2002.

Chapter 57. AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF READING.

Be it enacted, etc., as follows:

Section 2.3 of the charter of the town of Reading, which is on file in the office of the archivist of the commonwealth, as provided in section 12 of chapter 43B of the General Laws, is hereby amended by inserting after the second paragraph the following paragraph:-

In the event of a tie write-in vote for a vacant town meeting position, the position shall be filled by a vote of the remaining members of the precinct from the write-in candidates whose write-in votes were tied. The town clerk shall give notice of the tie vote to the remaining town meeting members of the precinct. The town clerk shall set a time and place for a precinct meeting for the purpose of filling the vacancy. The town clerk shall give notice of the meeting to precinct town meeting members at least 7 days in advance of the meeting, and shall also publish notice of the meeting in a newspaper of general circulation in the community. A vacant position filled in this manner shall be filled for the remainder of the term.

Approved March 14, 2002.

Chapter 58. AN ACT INCREASING THE FEE FOR ADMITTING A PERSON TO BAIL.

Be it enacted, etc., as follows:

Chapter 262 of the General Laws is hereby amended by striking out section 24, as appearing in the 2000 Official Edition, and inserting in place thereof the following section:-

Section 24. (a) The maximum fee to be charged by any person authorized to take bail or release on personal recognizance in the case of a person arrested for any misdemeanor or felony shall be \$40.

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(b) If, in addition to recognizing for a court within the territorial jurisdiction of the magistrate authorizing the release, the arrested person is being required to recognize for a court outside of such territorial jurisdiction, the person, so authorized, may charge an additional \$5 for each such extraterritorial recognizance, but in no event shall the total fee for any release exceed \$50.

(c) The person authorized to take bail who goes to the place of detention where the prisoner is held shall receive the fee before completing the determination of the terms of release, regardless of whether the prisoner ultimately recognizes out-of-court, and is the only person entitled to the compensation provided for in this section. Fee splitting arrangements are prohibited. No person authorized to take bail shall administer by telephone, or otherwise than in the physical presence of the affiant, any oath or affirmation required in the course of taking bail or releasing on personal recognizance. No person authorized to take bail shall delegate the setting or taking of bail or the setting or taking of release on personal recognizance to any other person.

Approved March 15, 2002.

Chapter 59. AN ACT FURTHER REGULATING THE MINIMUM SIZE OF AMERICAN LOBSTERS.

Be it enacted, etc., as follows:

Section 44 of chapter 130 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

Beginning on January 1, 1989, the minimum size shall be 3¼ inches. Thereafter, the director may, by regulation approved by the marine fisheries advisory commission, increase the minimum size, and may establish different minimum sizes in separate geographic areas, if he determines that such increases are necessary to achieve compliance with the Atlantic States Marine Fisheries Commission Fisheries Management Plan for American lobster.

Approved March 15, 2002.

Chapter 60. AN ACT RELATIVE TO CERTAIN LICENSES FOR ALCOHOL AND DRUG COUNSELORS.

Be it enacted, etc., as follows:

Chapter 127 of the acts of 1999 is hereby amended by striking out section 215 and inserting in place thereof the following section:-

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Section 215. Notwithstanding chapter 111J of the General Laws to the contrary and subject to such rules and regulations as the department of public health may prescribe, an applicant practicing in the commonwealth as an alcohol and drug counselor on the effective date of this act and who applies for licensure within 1 year after the effective date of the regulations promulgated pursuant to this act, shall be exempt from the licensure requirements for either a licensed alcohol and drug counselor I or II, provided, however, that an applicant for an alcohol and drug counselor I license shall have: (1) a certified alcohol and drug abuse counselor certification or a certified clinical supervisor certification or a certified addiction specialist certification or a Certified Employee Assistance Professional certification or a certified alcoholism counselor certification; or (2) bonafide supervisory clinical or administrative responsibility as an executive director, program director or clinical director of a substance abuse program, as such program is defined by the department of public health; or (3) bonafide clinical or administrative responsibility as a supervisor in a substance abuse program, as such program is defined by the department of public health and shall have at least 10,000 hours of substance abuse clinical experience and 2,000 hours of supervisory experience documented by the program directors who supervised the clinical and supervisory experience; or (4) a master's degree in behavioral sciences and 4,000 hours of substance abuse clinical experience and 270 hours of education related to alcohol and drug counseling as defined by the department of public health; or (5) a bachelor's degree and 6,000 hours of substance abuse clinical experience and 270 hours of education related to alcohol and drug counseling as defined by the department of public health; and provided further, that an applicant for an alcohol and drug counselor II license shall be a substance abuse counselor with at least 6,000 hours of substance abuse counseling experience documented by the program directors who supervised the counseling experience and 180 hours of education related to alcohol and drug counseling as defined by the department of public health.

Approved March 15, 2002.

Chapter 61. AN ACT ESTABLISHING WIRELESS ENHANCED 911 SERVICES.

Be it enacted, etc., as follows:

SECTION 1. Section 18A of chapter 6A of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the definition of "Enhanced 911 service" and inserting in place thereof the following definition:-

"Enhanced 911 service", a service consisting of telephone network features provided for users of the public telephone system enabling such users to reach a public safety answering point by dialing the digits 911. Such service directs calls to appropriate public safety answering points based on selective routing, and also provides the capability for automatic number identification and automatic location identification.

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SECTION 2. Said section 18A of said chapter 6A, as so appearing, is hereby further amended by inserting after the definition of "Enhanced 911 systems" the following definition:-

"FCC Order", all orders issued by the Federal Communications Commission pursuant to the proceeding entitled "Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems" (CC Docket No. 94-102; RM 8143), or any successor proceeding, including all other criteria established therein, regarding the delivery of wireless enhanced 911 service by a wireless carrier.

SECTION 3. Said section 18A of said chapter 6A, as so appearing, is hereby further amended by inserting after the definition of "Telephone company" the following 2 definitions:-

"Wireless carrier", all commercial mobile radio services, as that term is defined in 47 U.S.C. section 332(d).

"Wireless enhanced 911 service", the service required to be provided by wireless carriers pursuant to the FCC Order.

SECTION 4. Section 18B of said chapter 6A, as so appearing, is hereby amended by striking out subsection (b) and inserting in place thereof the following subsection:-

(b) The board shall coordinate and effect the implementation of enhanced 911 service and wireless enhanced 911 service, and administer such service in the commonwealth. The board shall promulgate rules and regulations for the administration of such service in accordance with chapter 30A. Not later than 6 months after its organization, the board shall establish technical and operational standards for the establishment of public safety answering points which utilize enhanced 911 network features in accordance with section 14A of chapter 166 and section 18C of this chapter. Cities and towns shall comply with such standards in the design, implementation and operation of public safety answering points. The board may inspect each public safety answering point that utilizes enhanced 911 network features to determine if it meets the requirements of said section and all other technical and operational standards required by law. In implementing wireless enhanced 911 service, the board shall promulgate rules and regulations consistent with the provisions required by the Federal Communications Commission.

The number of public safety answering points and answering positions at primary public safety answering points shall be determined by the board according to a formula that takes into account cost, efficiency and the public safety needs of cities and towns. Applications for secondary public safety answering points shall be reviewed and approved by the board. The installation and operation costs of secondary public safety answering points shall be the responsibility of the applicant.

SECTION 5. Said section 18B of said chapter 6A, as so appearing, is hereby further amended by adding the following 2 subsections:-

(g) No provision of this section shall be construed or interpreted to alter the regulation of providers of telecommunications services pursuant to chapter 159.

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(h) The board shall work with the disability community and with cities and towns to ensure that wireless carriers are aware of the availability of and encouraged to use adaptive technology, and to ensure that wireless enhanced 911 service is accessible to persons with disabilities to the maximum extent feasible.

SECTION 6. Said chapter 6A is hereby further amended by inserting after section 18G the following section:-

Section 18H. (a) There shall be imposed on each paying telecommunication service subscriber, whose telecommunication service is capable of directly accessing and utilizing a 911 emergency telephone system, a surcharge in the amount of 30 cents per month per wireless mobile telephone number, based on the area code chosen by the subscriber. With the approval of the board, a wireless carrier may impose this surcharge based on the subscriber's billing address. Based on the actual expenditures incurred in implementing a wireless enhanced 911 system, the statewide emergency telecommunications board may increase this monthly fee to a maximum of 75 cents per month. Any increase shall be justified in its annual report to the general court. The surcharge shall be collected by the wireless carrier or reseller providing the wireless enhanced 911 service and shall be shown on the subscriber's bill as "Wireless Enhanced 911 Service Surcharge", or the appropriate abbreviation. The surcharge shall not be subject to sales or use tax. The subscriber shall be liable for the surcharge imposed under this section. The wireless carrier or reseller shall have no obligation or authority to enforce the collection of the surcharge.

(b) Each wireless carrier or reseller shall remit the surcharge revenues collected from its subscribers to the state treasurer for deposit in the Wireless Enhanced 911 Fund. The surcharge revenues shall be expended solely for the activities of the board, the creation and maintenance of public safety answering points and the recovery of costs by wireless carriers incurred in providing wireless enhanced 911 service in compliance with provisions required by the Federal Communications Commission. All costs incurred by telephone companies in assisting with the delivery of enhanced 911 service shall only be recovered pursuant to the directory assistance charging plan authorized by section 19A of chapter 159.

(c) (1) The board shall disburse funds from the Wireless Enhanced 911 Fund for the acquisition, upgrade or modification of public safety answering point equipment to be capable of receiving wireless enhanced 911 service information, including necessary computer hardware, software and database provisioning; personnel costs of approved public safety answering points and emergency communications centers which process wireless calls based on reports required in subsection (d); network development, operation and maintenance; databasc development, operation and maintenance; on premise equipment maintenance; the acquisition, provisioning, operation, and maintenance of any additional hardware, software, database or data connectivity needed to implement the FCC order throughout the commonwealth; training emergency service personnel regarding the receipt and use of wireless enhanced 911 service information; educating consumers regarding the operation, limitation, role and responsible use of wireless enhanced 911 service; and any expenses incurred by the statewide emergency telecommunications board in administering and operating the wireless enhanced 911 project.

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(2) The board shall also disburse funds, subject to the availability of the funds after the disbursement authorized in paragraph (1), to wireless carriers that provide wireless enhanced 911 service at the request of the board. The reimbursements shall be limited to all of the wireless carrier's non-recurring and recurring costs associated with designing, upgrading, leasing, purchasing, programming, installing, testing, administering, or maintaining all necessary data, hardware and software required to provide wireless enhanced 911 service. The board may enter into agreements for the payment of all non-recurring and recurring wireless enhanced 911 service costs to the wireless carrier.

(d) Each wireless carrier and each reseller shall report to the board on a quarterly basis the total surcharge revenues collected from its subscribers during the preceding quarter; the total amount billed to the board by the wireless carrier of its rates and recurring costs associated with any service, operation, administration or maintenance of wireless enhanced 911 service during the previous quarter; and the total amount billed to the board by the wireless carrier of administration costs to cover the expenses of billing, collecting and remitting the surcharge. Notwithstanding any general or special law to the contrary, such quarterly report shall not be a public record.

(e) The board shall examine call volumes and system performance of wireless public safety answering points and communications centers on an annual basis and make recommendations for the board to consider. The board shall approve funding additional personnel requirements only if necessary.

SECTION 7. Section 18H of said chapter 6A is hereby repealed.

SECTION 8. Chapter 10 of the General Laws is hereby amended by inserting after section 35V, inserted by section 7 of chapter 177 of the acts of 2001, the following section:-

Section 35W. (a) There is hereby established and set up on the books of the commonwealth a separate fund to be known as the Wireless Enhanced 911 Fund. There shall be credited to such fund all revenues received by the commonwealth from surcharges imposed under section 18H of chapter 6A; from appropriations; from gifts, grants, contributions and bequests of funds from any department, agency or subdivision of federal, state or municipal government, and any individual foundation, corporation, association or public authority; revenue derived from the investment of amounts credited to the fund; and any federal funds made available for emergency telecommunication services. The fund shall be used solely for the purposes described in said section 18H of said chapter 6A.

(b) Amounts credited to the fund shall be available for expenditure by the statewide telecommunications board, without further appropriation. The board shall report annually to the general court its planned expenditures for the next fiscal year; the uses to which the fund was used in the last fiscal year and the balance remaining in the fund; and the aggregate surcharges collected in the last fiscal year based upon quarterly reports of wireless carriers as required under subsection (d) of section 18H of chapter 6A. The report shall also include a request, if necessary, for appropriation for deposit in the fund.

SECTION 9. Section 7 of this act shall take effect on June 30, 2007. The remaining provisions of this act shall take effect on June 30, 2002.

Approved March 15, 2002.

Chapter 62. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR 2002 TO PROVIDE FOR SUPPLEMENTING CERTAIN EXISTING APPROPRIATIONS AND FOR CERTAIN OTHER ACTIVITIES AND PROJECTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to make certain supplemental appropriations forthwith for the fiscal year ending June 30, 2002, and to enact forthwith certain general and special laws, each of which is necessary or appropriate to effectuate said appropriations or for other important public purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Item 2410-1800 of section 2 of chapter 177 of the acts of 2001 is hereby amended by striking out the words "shall not transfer funds between the NN, PP and TT subsidiaries, or transfer funds to any other subsidiary" and inserting in place thereof the following words:- may transfer funds between the NN, PP and TT subsidiaries, and the commissioner of the metropolitan district commission shall provide notification to the house and senate committees on ways and means on the amount of the transfer and the intended purpose of the expenditure not less than 10 days prior to the transfer.

SECTION 2. Item 4110-2001 of said section 2 of said chapter 177 is hereby amended by adding the following words:- ; and provided further, that notwithstanding any general or special law to the contrary, once the needs of the new clients of the department who turn 22 years of age during the state fiscal year 2002 have been fully met, any funds unexpended for that purpose may be applied for the purposes of item 4110-2000.

SECTION 3. Section 1 of chapter 218 of the acts of 2001 is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

Words used in this act shall have the same meaning as they are used in said chapter 32 unless otherwise expressly provided or unless the context clearly requires otherwise. An employee who retires and receives an additional benefit in accordance with this act shall be deemed to be retired for superannuation under said chapter 32 and shall be subject to all of said chapter 32; provided, however, that for the purposes of this act, notwithstanding subdivision (1) of section 10 of said chapter 32 requiring a member classified in Group 2 to have attained age 55 on the date of his termination of service in order to receive a Group 2 benefit, any employee eligible pursuant to the criteria established in this section, who is classified in Group 2 and who is at least 50 years of age but not yet 55 years of age, shall be eligible for a retirement allowance equal to that prescribed for a member classified in Group 2 upon the application of the additional benefit in accordance with section 3.

SECTION 4. Said chapter 218 is hereby further amended by striking out section 2 and inserting in place thereof the following section:-

Section 2. Notwithstanding any provision of section 5 of chapter 32 of the General Laws that requires a retirement date within 4 months of the filing of an application for superannuation retirement, in order to receive the retirement benefit provided by this act, an eligible employee, except as otherwise provided in this act, shall file his application for retirement with the state board of retirement not earlier than January 2, 2002 and not later than January 23, 2002, except for Group 2 employees for whom the application shall be filed not later than March 29, 2002. The retirement date requested shall be not later than February 1, 2002, except for Group 2 employees for whom the retirement date requested shall be April 5, 2002. Notwithstanding section 71 of chapter 177 of the acts of 2001, any salary savings accrued to the trial court as a result of trial court employee participation in the retirement program established pursuant to this act shall be used to rehire and recall employees of the trial court laid off on March 1, 2002 in a ratio which rehires and recalls 1 employee laid off from a statutorily established position with 2 union employees laid off from a union position; provided, however, that the recall of union employees shall be accomplished in a manner negotiated between the trial court and the applicable union. The amount of salaries restored pursuant to this section shall not exceed \$240,000 in fiscal year 2002 and \$960,000 in fiscal year 2003. The chief justice for administration and management of the trial court shall transfer amounts to the items of appropriation from which personnel savings due to layoffs were achieved during fiscal year 2002 in order to effectuate the rehire and recall of employees pursuant to this section. Any employee rehired and recalled pursuant to this section shall be recalled forthwith and restored effective April 1, 2002. Notwithstanding any general or special law to the contrary, said chief justice, when filling a position vacated due to layoffs effective March 1, 2002, shall first offer a restored position to the employee who held it before the layoff. Said chief justice may transfer any remaining savings accrued during fiscal year 2002 due to the implementation of this act to any other item of appropriation in deficiency. Employees rehired and recalled to positions pursuant to this section shall be deemed to have remained in continuous service without loss of creditable service for retirement purposes and for the purposes of group health or life insurance, but shall not receive compensation or accrue vacation or sick time for any period during which he did not perform the duties of his office due solely to such layoff. This section shall not apply to a short-term layoff or temporary furlough of a specified duration, whether voluntary or pursuant to a collective bargaining agreement.

SECTION 5. The second paragraph of section 1 of chapter 219 of the acts of 2001 is hereby amended by striking out the third sentence.

SECTION 6. Section 2 of said chapter 219 is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Notwithstanding any provision of section 5 of chapter 32 of the General Laws that requires a retirement date within 4 months of the filing of an application for superannuation retirement, in order to receive the retirement benefit provided by this act, an eligible employee, except as otherwise provided in this section, shall file his application for retirement with

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the state board of retirement after January 1, 2002 and not later than February 15, 2002, except for employees whose regular compensation is funded from federal, trust or capital accounts, pursuant to chapter 29 of the General Laws, for whom the application shall be filed not later than April 19, 2002. The retirement date requested shall be March 15, 2002; provided, however, that for employees whose regular compensation is funded from federal, trust or capital accounts, pursuant to said chapter 29, the retirement date requested shall be May 30, 2002; provided further, that the refilling of positions vacated by employees who retire on May 30, 2002 from federal and trust accounts shall not be subject to the limitations set forth in sections 5 and 6; provided further, that agencies with positions vacated from federal and trust accounts shall first fill such positions with qualified persons currently employed by the commonwealth and paid with state funds; provided, however, that, if no such qualified personnel are currently employed by the commonwealth, agencies may hire new employees to backfill such positions vacated from federal and trust accounts; and provided further, that for employees of the state board of retirement, the retirement date requested shall be June 30, 2002.

SECTION 7. Said chapter 219 is hereby further amended by adding the following section:-

Section 16. (a) The speaker of the house of representatives may fill a position in the house of representatives vacated as a result of an applicant's participation in the retirement incentive program, if the speaker determines that the position is vital to the public health, public safety, or other critical operations of the commonwealth. The total annualized cost of regular compensation paid out by the commonwealth in fiscal year 2003 for refilled positions in the house of representatives shall not exceed 20 per cent of the total annualized cost of regular compensation which would have been paid out by the commonwealth during fiscal year 2003 for the positions vacated in the house of representatives pursuant to the retirement incentive program had such positions not been vacated. The total annualized cost of regular compensation paid out by the commonwealth in fiscal year 2004 for refilled positions in the house of representatives shall not exceed 20 per cent of the total annualized cost of regular compensation which would have been paid out by the commonwealth during fiscal year 2004 for the positions vacated in the house of representatives pursuant to the retirement incentive program had such positions not been vacated.

(b) The president of the senate may fill a position in the senate vacated as a result of an applicant's participation in the retirement incentive program, if the president determines that the position is vital to the public health, public safety, or other critical operations of the commonwealth. The total annualized cost of regular compensation paid out by the commonwealth in fiscal year 2003 for refilled positions in the senate shall not exceed 20 per cent of the total annualized cost of regular compensation which would have been paid out by the commonwealth during fiscal year 2003 for the positions vacated in the senate pursuant to the retirement incentive program had such positions not been vacated. The total annualized cost of regular compensation paid out by the commonwealth in fiscal year 2004

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for refilled positions in the senate shall not exceed 20 per cent of the total annualized cost of regular compensation which would have been paid out by the commonwealth during fiscal year 2004 for the positions vacated in the senate pursuant to the retirement incentive program had such positions not been vacated.

SECTION 8. Section 14 of said chapter 219 is hereby amended by adding the following 2 paragraphs:-

Notwithstanding clause (v) of section 1 of chapter 219 of the acts of 2001, employees of the Massachusetts Development Finance Agency who are contributing members of the state retirement system and who otherwise meet the eligibility provided in section 1 may apply with the state board of retirement, not later than May 15, 2002 and shall be eligible for the retirement incentive program; provided, however, that the Massachusetts Development Finance Agency shall be responsible for all costs associated with payments in lieu of accrued vacation time, unused sick leave and other benefits for those eligible members of the state retirement system who elect to retire under the retirement incentive program; and provided further, that the effective retirement date for such employees shall be not later than June 30, 2002.

Notwithstanding said clause (v) of said section 1 of said chapter 219, employees of educational collaboratives who are contributing members of the state retirement system, who have attained the age of 55 and who have 25 years of creditable service in said state retirement system may apply with the board of retirement, not later than May 15, 2002, and shall be eligible for the retirement incentive program; provided, however, that the educational collaborative from which the employee retires shall be responsible for all costs associated with payments in lieu of accrued vacation time, unused sick leave and other benefits for those eligible members of the state retirement system who elect to retire under the retirement incentive program; and provided further, that the effective retirement date for such employees shall not be later than June 30, 2002.

SECTION 9. Sections 3 to 8, inclusive, shall take effect as of December 29, 2001.
Approved March 20, 2002.

Chapter 63. AN ACT RELATIVE TO CIVIL SERVICE IN THE CITY KNOWN AS THE TOWN OF WEYMOUTH.

Be it enacted, etc., as follows:

SECTION 1. The city known as the town of Weymouth shall be governed by section 52 of chapter 31 of the General Laws for the purposes of clarifying civil service offices and positions.

SECTION 2. Section 1 shall not impair the civil service status of any person holding a civil service position on the effective date of this act.

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

Approved March 21, 2002.

Chapter 64. AN ACT RELATIVE TO THE DECLARATION OF NONCASH DIVIDENDS BY TRUST COMPANIES.

Be it enacted, etc., as follows:

The first paragraph of section 28 of chapter 172 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The board of directors may declare from net profits cash dividends annually, semi-annually or quarterly, but not more frequently, and noncash dividends at any time.

Approved March 21, 2002.

Chapter 65. AN ACT RELATIVE TO PRODUCTION OF RECORDS FOR REVIEW BY THE STATE AUDITOR.

Be it enacted, etc., as follows:

SECTION 1. Section 12 of chapter 11 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the word "audit", in line 12, the following words:- or an audit authorized by section 13.

SECTION 2. The first paragraph of said section 12 of said chapter 11, as so appearing, is hereby amended by inserting after the first sentence the following sentence:- The superior court shall have jurisdiction to enforce the production of records that the department requires to be produced pursuant to this section, and the court shall order the production of all such records within the scope of any such audit.

Approved March 21, 2002.

Chapter 66. AN ACT RELATIVE TO THE TERMS OF CERTAIN NOTES ISSUED BY THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to facilitate the issuance of notes to carry out the purposes of a certain act, 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 to the contrary, the notes that the state treasurer may issue under section 8 of chapter 235 of the acts of 1998 shall be issued for terms not to exceed 5 years from the date of issuance. All such notes shall be payable not later than June 30, 2007, as recommended by the governor in a message to the general court dated November 21, 2001, pursuant to section 3 of Article LXII of the Amendments to the Constitution.

Approved March 21, 2002.

Chapter 67. AN ACT RELATIVE TO THE TOWN OF MEDFIELD AND THE MEDFIELD SHELTER 2000, INC.

Be it enacted, etc., as follows:

SECTION 1. The town of Medfield, acting by and through its board of selectmen, may, subject to paragraphs (a), (b) and (g) of section 16 of chapter 30B of the General Laws, enter into a lease with Medfield Shelter 2000, Inc., a nonprofit corporation, of a portion of town land for a period not to exceed 30 years, and on such terms and conditions as the town deems to be in said town's best interests to enable the Medfield Shelter 2000, Inc. to construct and operate, with private funds, a private animal shelter. The Medfield Shelter 2000, Inc. is prohibited from subleasing any portion of said land, or any improvements thereon, without the prior written approval of the town of Medfield.

SECTION 2. Notwithstanding any general or special law to the contrary, the town of Medfield, acting through its treasurer/collector may transfer private donations to the proposed Medfield Shelter 2000, Inc. animal shelter project which are now being held in the town's special revenue account, account no. 31-008, in the amount of \$96,694.83.

SECTION 3. If the Medfield Shelter 2000, Inc. has not constructed an animal shelter on the leased land within 3 years after the effective date of this act, or if the shelter ceases to be used at any time for the purpose described in section 1, the parcel, together with any improvements thereon, shall revert to the town. Any further disposition of the parcel or improvements shall be subject to section 16 of chapter 30B of the General Laws.

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

Approved March 23, 2002.

Chapter 68. AN ACT RELATIVE TO THE SALE OF GAS HEATING EQUIPMENT.

Be it enacted, etc., as follows:

Chapter 148 of the General Laws is hereby amended by striking out section 25A and inserting in place thereof the following section:-

Section 25A. No person shall sell, offer for sale or install a secondhand space heater, or a secondhand portable stove which uses kerosene, range oil or number 1 fuel oil for fuel. No person shall install or use in a building which is used in whole or in part for human habitation an unvented space heater which uses oil as a fuel. No person shall sell or offer for sale, or install, use or maintain in a building which is used in whole or in part for human habitation, an unvented space heater using natural or propane gas fuel unless the appliance meets the standards for use and installation as promulgated by regulations of the board of fire prevention regulations. Whoever violates this section shall be punished by a fine of not more than \$100.

Approved March 23, 2002.

Chapter 69. AN ACT AUTHORIZING THE TOWN OF WINCHESTER TO ESTABLISH STABILIZATION FUNDS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law or rule or regulation to the contrary, the town of Winchester may establish stabilization funds for specific purposes that it considers necessary, including capital. Subject to section 2 of this act, appropriations to and from the funds may be made at any town meeting by a 2/3 vote. Expenditures from the funds shall be restricted to the specific purpose for which the fund was established and may include debt service for any such appropriations financed through borrowing. If the debt service for any school construction project is financed from any such stabilization fund, then an amount equivalent to the state reimbursement for such project shall be appropriated into the fund.

SECTION 2. If, pursuant to paragraph (g) of section 21C of chapter 59 of the General Laws, the voters of the town of Winchester approve an appropriation into the stabilization funds, the town meeting may annually appropriate such amount into the stabilization funds unless the voters, by referendum vote, approve by majority vote the appropriation of such funds for another stated purpose.

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

Approved March 26, 2002.

Chapter 70. AN ACT RELATIVE TO THE ONE TRIAL SYSTEM FOR CIVIL CASES IN CERTAIN COUNTIES.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 358 of the acts of 1996 is hereby amended by striking out the words "Norfolk, Middlesex, Berkshire and Essex", inserted by section 1 of chapter 142 of the acts of 2000 , and inserting in place thereof the following words:- Barnstable, Berkshire, Bristol, Dukes, Essex, Franklin, Hampden, Hampshire, Middlesex, Nantucket and Norfolk.

SECTION 2. Section 2 of said chapter 358 is hereby amended by striking out the words "Norfolk, Middlesex, Berkshire and Essex", inserted by section 2 of said chapter 142, and inserting in place thereof the following words:- Barnstable, Berkshire, Bristol, Dukes, Essex, Franklin, Hampden, Hampshire, Middlesex, Nantucket and Norfolk.

SECTION 3. Section 3 of said chapter 358 is hereby amended by striking out the words "Norfolk, Middlesex, Berkshire and Essex", inserted by section 3 of said chapter 142, and inserting in place thereof the following words:- Barnstable, Berkshire, Bristol, Dukes, Essex, Franklin, Hampden, Hampshire, Middlesex, Nantucket and Norfolk.

SECTION 4. The first paragraph of section 4 of said chapter 358 is hereby amended by striking out the words "Norfolk, Middlesex, Berkshire and Essex", inserted by section 4 of said chapter 142, and inserting in place thereof the following words:- Barnstable, Berkshire, Bristol, Dukes, Essex, Franklin, Hampden, Hampshire, Middlesex, Nantucket and Norfolk.

SECTION 5. The second paragraph of said section 4 of said chapter 358 is hereby amended by striking out the words "Norfolk, Middlesex, Berkshire and Essex", inserted by section 5 of said chapter 142, and inserting in place thereof the following words:- Barnstable, Berkshire, Bristol, Dukes, Essex, Franklin, Hampden, Hampshire, Middlesex, Nantucket and Norfolk.

SECTION 6. The first sentence of the first paragraph of section 5 of said chapter 358 is hereby amended by striking out the words "Norfolk, Middlesex, Berkshire and Essex", inserted by section 6 of said chapter 142, and inserting in place thereof the following words:- Barnstable, Berkshire, Bristol, Dukes, Essex, Franklin, Hampden, Hampshire, Middlesex, Nantucket and Norfolk.

SECTION 7. The first sentence of the second paragraph of said section 5 of said chapter 358 is hereby amended by striking out the words "Norfolk, Middlesex, Berkshire and Essex", inserted by section 7 of said chapter 142, and inserting in place thereof the following words:- Barnstable, Berkshire, Bristol, Dukes, Essex, Franklin, Hampden, Hampshire, Middlesex, Nantucket and Norfolk.

SECTION 8. The first paragraph of section 6 of said chapter 358 is hereby amended by striking out the words "Norfolk, Middlesex, Berkshire and Essex", inserted by section 8 of said chapter 142, and inserting in place thereof the following words:- Barnstable, Berkshire, Bristol, Dukes, Essex, Franklin, Hampden, Hampshire, Middlesex, Nantucket and

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Norfolk.

SECTION 9. The first sentence of section 7 of said chapter 358 is hereby amended by striking out the words "Norfolk, Middlesex, Berkshire and Essex", inserted by section 9 of said chapter 142, and inserting in place thereof the following words:- Barnstable, Berkshire, Bristol, Dukes, Essex, Franklin, Hampden, Hampshire, Middlesex, Nantucket and Norfolk.

SECTION 10. The first paragraph of section 8 of said chapter 358 is hereby amended by striking out the words "Norfolk, Middlesex, Berkshire and Essex", inserted by section 10 of said chapter 142, and inserting in place thereof the following words:- Barnstable, Berkshire, Bristol, Dukes, Essex, Franklin, Hampden, Hampshire, Middlesex, Nantucket and Norfolk.

SECTION 11. The first sentence of the fourth paragraph of said section 8 of said chapter 358 is hereby amended by striking out the words "Norfolk, Middlesex, Berkshire and Essex", inserted by section 11 of said chapter 142, and inserting in place thereof the following words:- Barnstable, Berkshire, Bristol, Dukes, Essex, Franklin, Hampden, Hampshire, Middlesex, Nantucket and Norfolk.

SECTION 12. The last sentence of said fourth paragraph of said section 8 of said chapter 358 is hereby amended by striking out the words "Norfolk, Middlesex, Berkshire and Essex", inserted by section 12 of said chapter 142, and inserting in place thereof the following words:- Barnstable, Berkshire, Bristol, Dukes, Essex, Franklin, Hampden, Hampshire, Middlesex, Nantucket and Norfolk.

SECTION 13. The fifth paragraph of said section 8 of said chapter 358 is hereby amended by striking out the words "Norfolk, Middlesex, Berkshire and Essex", inserted by section 13 of said chapter 142, and inserting in place thereof the following words:- Barnstable, Berkshire, Bristol, Dukes, Essex, Franklin, Hampden, Hampshire, Middlesex, Nantucket and Norfolk.

SECTION 14. The fourteenth paragraph of said section 8 of said chapter 358 is hereby amended by striking out the words "Norfolk, Middlesex, Berkshire and Essex", inserted by section 14 of said chapter 142, and inserting in place thereof the following words:- Barnstable, Berkshire, Bristol, Dukes, Essex, Franklin, Hampden, Hampshire, Middlesex, Nantucket and Norfolk.

SECTION 15. Section 9 of said chapter 358 is hereby amended by striking out the words "Norfolk, Middlesex, Berkshire and Essex", inserted by section 15 of said chapter 142, and inserting in place thereof the following words:- Barnstable, Berkshire, Bristol, Dukes, Essex, Franklin, Hampden, Hampshire, Middlesex, Nantucket and Norfolk.

SECTION 16. The first sentence of section 10 of said chapter 358, as appearing in section 16 of said chapter 142, is hereby amended by striking out the words "Norfolk, Middlesex, Berkshire and Essex" and inserting in place thereof the following words:- Barnstable, Berkshire, Bristol, Dukes, Essex, Franklin, Hampden, Hampshire, Middlesex, Nantucket and Norfolk.

SECTION 17. The second sentence of said section 10 of said chapter 358, as so appearing, is hereby amended by striking out the words "Norfolk, Middlesex, Berkshire and Essex" and inserting in place thereof the following words:- Barnstable, Berkshire, Bristol, Dukes, Essex, Franklin, Hampden, Hampshire, Middlesex, Nantucket and Norfolk.

SECTION 18. Section 11 of said chapter 358 is hereby amended by striking out the words "Norfolk, Middlesex, Berkshire and Essex", inserted by section 17 of said chapter 142, and inserting in place thereof the following words:- Barnstable, Berkshire, Bristol, Dukes, Essex, Franklin, Hampden, Hampshire, Middlesex, Nantucket and Norfolk.

SECTION 19. Section 12 of said chapter 358 is hereby amended by striking out the words "Norfolk, Middlesex, Berkshire and Essex", inserted by section 18 of said chapter 142, and inserting in place thereof the following words:- Barnstable, Berkshire, Bristol, Dukes, Essex, Franklin, Hampden, Hampshire, Middlesex, Nantucket and Norfolk.

SECTION 20. Said chapter 35 8 is hereby further amended by striking out sections 13, 14 and 15, as amended by section 19 of said chapter 142, and inserting in place thereof the following 3 sections:-

Section 13. This act shall be implemented by the chief justice for administration and management of the trial court and shall be effective in Norfolk and Middlesex counties for a period of 98 months commencing on July 1, 1996. It shall be effective in Berkshire and Essex counties for a period of 48 months commencing on September 1, 2000. It shall be effective in Barnstable, Bristol, Dukes, Franklin, Hampden, Hampshire and Nantucket counties for a period of 29 months commencing on April 1, 2002. It shall apply only to civil actions commenced on or after the aforesaid effective dates for the respective counties. Commencement of such actions shall be defined by Rule 3 of the Massachusetts Rules of Civil Procedure and Rule 2 of the Uniform Summary Process Rules.

Section 14. After August 31, 2004, civil cases pending or initiated in district courts in Barnstable, Berkshire, Bristol, Dukes, Essex, Franklin, Hampden, Hampshire, Middlesex, Nantucket and Norfolk counties in which the parties have not elected, as of the date of the expiration, either a trial by a jury of 6 or a trial by a court without a jury, shall be conducted pursuant to the General Laws and shall not be subject to this act; provided, however, that civil cases pending in those counties as of the date of the expiration in which the parties have elected either a trial by a jury of 6 or a trial by a court without a jury, shall continue to be conducted in accordance with this act.

Section 15. The chief justice for administration and management of the trial court, in consultation with the chief justices for the superior court and the district court departments, shall prepare and file with the supreme judicial court and with the clerks of the senate and house of representatives and the house and senate committees on ways and means, an interim report on the implementation of this act, on or before August 31, 2003 and a final report on said implementation on or before October 31, 2004. The reports shall provide detailed information concerning the status and effect of implementation of this act including, but not limited to, any costs incurred as a result of the implementation as well as a statistical

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analysis of the disposition of civil cases conducted pursuant to this act which indicate, for each district court and superior court in Barnstable, Berkshire, Bristol, Dukes, Essex, Franklin, Hampden, Hampshire, Middlesex, Nantucket and Norfolk counties, the total number of cases entered, the number of cases disposed before trial, the number of cases tried by a jury of 6, the number of cases tried by a court without a jury and the average time between entry and disposition of cases in each category.

SECTION 21. This act shall take effect upon its passage.

Approved March 28, 2002.

Chapter 71. AN ACT AUTHORIZING THE STATE BOARD OF RETIREMENT TO GRANT CREDITABLE SERVICE TO HARVEY J. CHOPP.

Be it enacted, etc., as follows:

Notwithstanding section 3 of chapter 32 of the General Laws or any other general or special law to the contrary, and in order to promote the public good, the state board of retirement shall credit Harvey J. Chopp of the city of Boston with creditable service for the period of August 1, 1981 to November 17, 1983 for the purpose of determining his superannuation retirement allowance pursuant to the provisions of paragraph (a) of subdivision (2) of section 5 of chapter 32 of the General Laws. Eligibility for this creditable service shall be conditioned upon payment by Harvey J. Chopp of the city of Boston into the state employees' retirement system of an amount equal to the amount that would have been deducted under said chapter 32 if he had received regular compensation during this period at an annual rate equal to the annual rate of regular compensation that he was receiving immediately before this period together with regular interest thereon. Such repayment shall be made in 1 sum or in installments as the state retirement board shall prescribe.

Approved March 28, 2002.

Chapter 72. AN ACT RELATIVE TO A BIRTH DEFECTS MONITORING PROGRAM.

Be it enacted, etc., as follows:

Chapter 111 of the General Laws is hereby amended by striking out section 67E, as appearing in the 2000 Official Edition, and inserting in place thereof the following section:-

Section 67E. (a) Within 30 days after the diagnosis in the commonwealth of a congenital anomaly, birth defect or birth injury which may lead to an incapacity or disability,

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the physician making the diagnosis shall report the anomaly, defect or injury to the department on a form to be furnished by the department. The commissioner shall require the submission of such information on reported cases up to the age of 3 years as he considers necessary and appropriate for the prevention and early detection of such anomalies, defects and injuries. Authorized officials or agents of the department may abstract and record information that is required for reporting from the medical records of children under the age of 3 years and their parents. Before abstracting or recording any additional information from an individual's medical records, department officials shall obtain the approval of a duly constituted institutional review board that reviews and approves, and thereafter annually re-approves, a research protocol submitted to it by the department. The research protocol shall specify how such records shall be reviewed, how information from them shall be abstracted and reported, the exact information to be recorded, and how the information will be used, maintained and kept confidential. The department shall collect no more information than it considers necessary and appropriate in order to conduct epidemiological surveys and to develop appropriate preventative treatment and control measures.

(b) The contents of such reports, records and information shall be solely for the use of the department and such reports, records and information shall not be open to public inspection or constitute a public record. The commissioner may make such reports, records or information contained therein available to a researcher performing medical and scientific studies for the purpose of the reduction of morbidity and mortality in the commonwealth, so long as the commissioner and a duly constituted institutional review board first approves that study.

(c) Nothing in this section shall compel any individual to submit to medical or department examination, testing or supervision.

(d) The department shall make rules and regulations to implement this section.

(e) Within 30 days after the date of birth of any child with mental retardation, or within 30 days after any child has been diagnosed as having mental retardation, the physician making the diagnosis shall report, with the approval of the parents, the mental retardation to the department of mental retardation for the purpose of having the department inform such parents of existing information and support services. The contents of this report shall be solely for the use as described in this subsection and shall not be open to public inspection or constitute a public record.

Approved March 28, 2002.

Chapter 73. AN ACT RELATIVE TO THE WATER AND SEWER COMMISSION OF THE TOWN OF MATTAPOISETT.

Be it enacted, etc., as follows:

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SECTION 1. Section 10 of chapter 220 of the acts of 1912 is hereby amended by striking out, in line 7, the word "meeting" and inserting in place thereof the following word:- election.

SECTION 2. The board of water commissioners of the town of Mattapoissett, established by section 10 of chapter 220 of the acts of 1912, shall act as the sewer commissioners of the town and shall have all the powers and duties of sewer commissioners under the General Laws.

SECTION 3. Notwithstanding any general or special law to the contrary including other sections of this act, the sewer commissioners of the town of Mattapoissett shall not grant an application to connect land to the town's municipal sewerage system unless there is at the time of the application available unused sewerage capacity in the municipal sewer system. For purposes of this section, "available unused sewerage capacity", shall mean the daily capacity available to the town under permit or municipal agreement, less: (1) the sum of existing daily usage by the town; and (2) the projected daily usage, calculated by the commissioners, that will result from completion of all pending municipal sewer projects, as to which funds have been appropriated at a special or annual town meeting for design or construction. In determining the daily usage expected to result from pending projects, the sewer commissioners may employ reasonable assumptions about the rate at which existing or potential users will connect to the municipal system after completion of those projects, and shall take into account only demand that is foreseeable within 20 years of the date of the calculation.

The sewer commissioners of the town shall determine and report publicly each year the available unused capacity for the system, not less than 30 days before the beginning of each fiscal year. In addition, the sewer commissioners shall make a determination of effective capacity within 30 days of the effective date of this act, and shall not approve any connections to the municipal sewerage system until a determination is made under this section.

SECTION 4. All votes and actions taken by the board of water commissioners acting as the board of sewer commissioners before the effective date of this act are hereby ratified, validated and confirmed in all respect as though this act had been in full force and effect at the time of taking the votes and actions.

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

Approved March 30, 2002.

Chapter 74. AN ACT FURTHER REGULATING SECURITIES.

Be it enacted, etc., as follows:

SECTION 1. Section 102 of chapter 110A of the General Laws, as appearing in the

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2000 Official Edition, is hereby amended by striking out, in line 1, the word "any" and inserting in place thereof the following words:- , directly or indirectly, any.

SECTION 2. Said chapter 110A is hereby further amended by striking out the title and section 201, as so appearing, and inserting in place thereof the following title and section:-

PART II. REGISTRATION AND NOTICE FILING PROCEDURES OF BROKER-DEALERS, AGENTS, INVESTMENT ADVISERS, FEDERAL COVERED ADVISERS AND INVESTMENT ADVISER REPRESENTATIVES.

Section 201. (a) It is unlawful for any person to transact business in this commonwealth as a broker-dealer or agent unless he is registered under this chapter.

(b) It is unlawful for any broker-dealer or issuer to employ an agent unless the agent is registered. The registration of an agent is not effective during any period when he is not associated with a particular broker-dealer registered under this chapter or a particular issuer. When an agent begins or terminates a connection with a broker-dealer or issuer, or begins or terminates those activities which make him an agent, the agent as well as the broker-dealer or issuer shall promptly notify the secretary.

(c) It is unlawful for any person to transact business in this commonwealth as an investment adviser or as an investment adviser representative unless he is so registered under this chapter.

(d) It is unlawful for:

(i) any investment adviser required to be registered to employ an investment adviser representative unless the investment adviser representative is registered under this chapter, but the registration of an investment adviser representative shall not be effective during any period when he is not employed by an investment adviser registered under this chapter; or

(ii) any investment adviser representative, as defined in Rule 203A-3(a) under the Investment Adviser Act of 1940, with a place of business, as defined in Rule 203A-3(b) under the Investment Adviser Act of 1940, in the commonwealth, who is employed by a federal covered adviser to conduct business in the commonwealth, unless registered under this chapter.

When an investment adviser representative begins or terminates employment with an investment adviser, the investment adviser in the case of clause (i) of subsection (d), or the investment adviser representative in the case of clause (ii) of said subsection (d), shall promptly notify the secretary.

(e) Every annual registration under this section shall expire on December 31.

(f) It is unlawful for any federal covered adviser to conduct advisory business in the commonwealth unless the adviser complies with the provisions of paragraph (b) of section 202.

SECTION 3. Said chapter 110A is hereby further amended by striking out section 202, as so appearing, and inserting in place thereof the following section:-

Section 202. (a) A broker-dealer, agent, investment adviser or investment adviser

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representative may obtain an initial or renewal registration by filing with the secretary or his designee an application together with a consent to service of process pursuant to paragraph (g) of section 414, and paying any reasonable costs charged for processing such filings. The application shall contain whatever information the secretary by rule requires concerning such matters as:

- (1) the applicant's form and place of organization;
- (2) the applicant's proposed method of doing business;
- (3) the qualifications and business history of the applicant; in the case of a broker-dealer or investment adviser, the qualifications and business history of any partner, officer, or director, any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling the broker-dealer or the investment adviser;
- (4) any injunction or administrative order or conviction of a misdemeanor involving a security or any aspect of the securities business and any conviction of a felony;
- (5) the applicant's financial condition and history; and
- (6) any information to be furnished or disseminated to any client or prospective client, if the applicant is an investment adviser.

The secretary may by rule or order require an applicant for initial registration to publish an announcement of the application in 1 or more specified newspapers published in the commonwealth. If no denial order is in effect and no proceeding is pending under section 204, registration shall become effective at noon of the thirtieth day after an application is filed. The secretary may by rule or order specify an earlier effective date, and may by order defer the effective date until noon of the thirtieth day after the filing of any amendment. Registration of a broker-dealer or an investment adviser automatically constitutes registration of any agent or investment adviser representative, whichever is applicable, who is a partner, officer, or director, or a person occupying a similar status or performing similar functions. No person shall be designated as a partner, officer or director or a person occupying a similar status or performing similar functions, for the purpose of the automatic registration if the designation is solely for the purpose of avoiding registration as an agent or investment adviser representative.

(b) It is unlawful for a person to transact business in the commonwealth as a federal covered adviser unless the person has made a notice filing with the secretary or his designee consisting of (1) a copy of those documents that have been filed by the federal covered adviser with the Securities and Exchange Commission, (2) a consent to service of process, and (3) a filing fee, as the secretary prescribes by rule or order, not to exceed \$300.

A notice filing shall be effective upon the receipt of a complete filing by the secretary or his designee. The notice filing shall expire annually on December 31 and may be renewed by filing those documents that have been filed with the SEC that the secretary prescribes by rule together with a filing fee of \$300.

(c) (1) Broker-dealers and broker-dealer agents.

Every applicant for initial or renewal registration shall pay a registration fee, as the

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secretary prescribes by rule or order, not to exceed \$300 in the case of a broker-dealer and not to exceed \$50 in the case of an agent, including an agent automatically registered pursuant to paragraph (a). When an agent transfers an affiliation, the agent shall pay a fee, as the secretary prescribes by rule or order, not to exceed \$50. Any person required to pay a fee under this section may transmit through any designee any fee required by this section or the rules promulgated under this section.

(2) Investment advisers and investment adviser representatives.

Every applicant for initial or renewal registration shall pay a registration fee, as the secretary prescribes by rule or order, not to exceed \$300 in the case of an investment adviser and of \$50 in the case of an investment adviser representative, including an investment adviser representative automatically registered pursuant to paragraph (a). When an investment adviser representative transfers an affiliation, the investment adviser representative shall pay a fee, as the secretary prescribes by rule or order, not to exceed \$50.

(3) Federal covered advisers.

Every person acting as a federal covered adviser in the commonwealth shall pay an initial or renewal notice filing fee, as the secretary prescribes by rule or order, not to exceed \$300.

(d) A registered broker-dealer, an investment adviser, or a federal covered adviser may file an application for registration of a successor, or file a notice filing for a successor, as applicable, whether or not the successor is then in existence, for the unexpired portion of the year. There shall be no filing fee.

(e) The secretary may, by rule or order, establish minimum financial requirements, including minimum capital and bonding requirements, for registered broker-dealers, subject to the limitations of section 15 of the Securities Exchange Act of 1934; and for investment advisers, subject to the limitations of section 222 of the Investment Advisers Act of 1940, which may include different requirements for those registered investment advisers who maintain custody of clients' funds or securities, who have discretionary authority over same or who require payment of more than \$500 in fees and more than 6 months in advance and those registered investment advisers who do not.

(f) The secretary may by rule provide that an applicant may submit 1 application for registration as both a broker-dealer agent and an investment adviser representative. Each applicant shall pay a registration fee, as the secretary prescribes by rule or order, not to exceed \$50.

(4) Any fee that is required to be paid pursuant to this section or the accompanying regulations may be transmitted through a designee.

SECTION 4. Said chapter 110A is hereby further amended by striking out section 203, as so appearing, and inserting in place thereof the following section:-

Section 203. (a) Every registered broker-dealer and investment adviser shall make and keep accounts, correspondence, memoranda, papers, books, and other records as the secretary prescribes by rule or order, except as limited by section 15 of the Securities Exchange Act of 1934, in the case of a broker-dealer, and by section 222 of the Investment

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Advisers Act of 1940, in the case of an investment adviser. All records so required, with respect to an investment adviser, shall be preserved for such period as the secretary prescribes by rule or order.

(b) With respect to investment advisers, the secretary may require that certain information be furnished or disseminated as necessary or appropriate in the public interest or for the protection of investors and advisory clients. To the extent determined by the secretary in his discretion, information furnished to clients or prospective clients of an investment adviser that would be in compliance with the Investment Advisers Act of 1940 and the rules thereunder may be used in whole or partial satisfaction of this requirement. The secretary may by rule or order require that such material be filed.

(c) Every registered broker-dealer and investment adviser shall file such financial reports as the secretary may prescribe by rule or order, except as provided by section 15 of the Securities Exchange Act of 1934, in the case of a broker-dealer, and section 222 of the Investment Advisers Act of 1940, in the case of an investment adviser.

(d) If the information contained in any document filed with the secretary is or becomes inaccurate or incomplete in any material respect, the registrant or federal covered adviser shall file a correcting amendment promptly if the document is filed with respect to a registrant, or when the amendment is required to be filed with the Securities and Exchange Commission if the document is filed with respect to a federal covered adviser, unless notification of the correction has been given under subsection (b) of section 201.

(e) All the records referred to in subsection (a) are subject at any time or from time to time to such reasonable periodic, special, or other examinations by representatives of the secretary, within or without the commonwealth, as the secretary deems necessary or appropriate in the public interest or for the protection of investors. For the purpose of avoiding unnecessary duplication of examinations, the secretary, insofar as he deems it practicable in administering this subsection, may cooperate with the securities administrators of other states, the Securities and Exchange Commission, and any national securities exchange or national securities association registered under the Securities Exchange Act of 1934.

SECTION 5. Said chapter 110A is hereby further amended by striking out section 203A, as so appearing, and inserting in place thereof the following section:-

Section 203A. (a) Each investment adviser registered under this chapter shall disseminate to each client or prospective client a document disclosing material facts. The document shall include information concerning:

- (1) compensation arrangements between the client and the investment adviser;
- (2) the nature of services offered;
- (3) business practices; and
- (4) methods for obtaining information on disciplinary history and registration of the investment adviser and persons associated with the investment adviser.

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(b) Each investment adviser and each of its representatives registered under this chapter shall disclose to each client before a purchase or sale is effected on behalf of the client:

(1) the total amount of sales commissions or other fees that may reasonably be expected to be charged or deducted in connection with the purchase or sale;

(2) that the adviser will receive the amount or a portion of the amount, or, in the case of a transaction to be effected through a broker-dealer that is a person associated or under common control with the adviser, that the broker-dealer is affiliated with the adviser and will receive the amount or portion of the amount; and

(3) the existence of any compensation arrangement with an issuer or other third party with respect to the recommended transaction.

The disclosure shall be in writing if the purchase or sale was recommended in writing. The secretary may, by rule, permit a client to waive in writing, the right to a disclosure.

SECTION 6. Section 204 of said chapter 110A, as so appearing, is hereby amended by inserting after the word "employer", in line 127, the following word:- or.

SECTION 7. Said chapter 110A is hereby further amended by striking out the title and section 301, as so appearing, and inserting in place thereof the following title and section:-

PART III. REGISTRATION AND NOTICE FILING PROCEDURES FOR SECURITIES.

Section 301. It is unlawful for any person to offer or sell any security in the commonwealth unless:-

(1) the security is registered under this chapter;

(2) the security or transaction is exempted under section 402; or

(3) the security is a federal covered security.

SECTION 8. Said chapter 110A is hereby further amended by adding the following section:-

Section 306. (a) Covered securities under section 18(b)(2) of the Securities Act of 1933.

(1) Any security that is a federal covered security under section 18(b)(2) of the Securities Act of 1933 may be offered for sale and sold into, from, or within the commonwealth upon the secretary's receipt of: a copy of the registration statement filed with the Securities and Exchange Commission or, in lieu of filing such registration statement, a notice as prescribed by the secretary by rule or order; a consent to service of process; and a fee of \$750 for a unit investment trust or \$2,000 for all other investment companies.

(2) Except as otherwise provided herein for unit investment trusts, unless otherwise extended by the secretary by rule or order, an initial notice filing under this section shall be effective commencing upon the later of the date the notice or registration statement, as applicable, is received by the secretary or the date the offering is effective with the Securities

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and Exchange Commission, until 2 months following the end of the issuer's fiscal year. A notice filing may be renewed by filing, prior to the expiration of an effective notice filing, a renewal notice as prescribed by the secretary together with a renewal fee of \$1,000. A renewal notice filing shall be effective until 2 months following the end of the issuer's next fiscal year. A notice filing by a unit investment trust shall be effective for a period determined by the secretary by rule or order.

(3) A notice filing may be amended as provided by the secretary by rule or order.

(4) A notice filing may be terminated by an issuer upon providing the secretary a notice as the secretary may require by rule or order.

(b) Covered Securities under section 18(b)(4)(D) of the Securities Act of 1933.

The secretary may, by rule or order, require the issuer of any security that is a federal covered security under section 18(b)(4)(D) of the Securities Act of 1933 to file, no later than 15 days after the first sale in this commonwealth of such federal covered security, the following:

(1) a notice on Securities and Exchange Commission Form D;

(2) a consent to service of process signed by the issuer; and

(3) any fees required by the secretary.

(c) Covered Securities under sections 18(b)(3) and 18(b)(4)(A)-(C) of the Securities Act of 1933.

The secretary, by rule or order, may require the filing of any document filed with the Securities and Exchange Commission under the Securities Act of 1933 together with annual or periodic reports of the value of securities sold or offered to be sold to persons located in this commonwealth for any security that is a federal covered security under section 18(b)(3) or (4)(A)-(C) of the Securities Act of 1933, together with a consent to service of process and any fees required by the secretary.

(d) Suspension Order.

The secretary may issue a stop order suspending the offer and sale of a federal covered security, except a federal covered security under section 18(b)(1) of the Securities Act of 1933, if he finds that:-

(1) the order is in the public interest and

(2) there is a failure to comply with any condition established under this section or any rule or order adopted hereunder.

(e) Preservation of Fraud Authority.

Consistent with section 18(c)(1) of the Securities Act of 1933, the secretary retains jurisdiction under the laws of the commonwealth, including this chapter, to investigate and bring enforcement actions with respect to fraud or deceit, or unlawful conduct by a broker or dealer, in connection with covered securities or transactions in covered securities.

(f) Waiver.

The secretary, by rule or order, may waive any or all of the provisions of this section.

SECTION 9. Section 401 of said chapter 110A, as appearing in the 2000 Official

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Edition, is hereby amended by striking out subsections (a), (b) and (c) and inserting in place thereof the following 3 subsections:-

(a) "Secretary" means the state secretary or the secretary of the commonwealth.

(b) "Agent" means any individual other than a broker-dealer who represents a broker-dealer or issuer in effecting or attempting to effect purchases or sales of securities. "Agent" shall not include an individual who represents:

(1) an issuer in:

(A) effecting transactions in a security exempted by clause (1), (2), (3), (10) or (11) of subsection (a) of section 402;

(B) effecting transactions exempted by subsection (b) of said section 402;

(C) effecting transactions in a federal covered security as described in section 18(b)(3) and 18(b)(4)(D) of the Securities Act of 1933;

(D) effecting transactions with existing employees, partners or director of the issuer if no commission or other remuneration is paid or given directly or indirectly for soliciting any person in the commonwealth; or

(2) a broker-dealer in effecting transactions in the commonwealth limited to those transactions described in section 15(h)(2) of the Securities Exchange Act of 1934.

A partner, officer, or director of a broker-dealer or issuer, or a person occupying a similar status or performing similar functions, is an agent only if he otherwise comes within this definition.

(c) "Broker-dealer" means any person engaged in the business of effecting transactions in securities for the account of others or for his own account. "Broker-dealer" shall not include:

(1) an agent;

(2) an issuer;

(3) a bank, savings institution, trust company, or the Central Credit Union Fund, Inc., established by chapter 21 6 of the acts of 1932; or

(4) a person who has no place of business in the commonwealth if:

(A) he effects transactions in the commonwealth exclusively with or through:

(i) the issuers of the securities involved in the transactions;

(ii) other broker-dealers; or

(iii) banks, savings institutions, trust companies, insurance companies, investment companies as defined in the Investment Company Act of 1940, pension or profit sharing trusts, or other financial institutions or institutional buyers, whether acting for themselves or as trustees; or

(B) during any period of 12 consecutive months he does not direct more than 15 offers to sell or buy into the commonwealth in any manner to persons other than those specified in clause (A), whether or not the offeror or any of the offerees is then present in the commonwealth.

SECTION 10. Said section 401 of said chapter 110A, as so appearing, is hereby further amended by inserting after the word "the", in line 52, the following words:- , limited

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liability company, limited liability partnership.

SECTION 11. Said section 401 of said chapter 110A, as so appearing, is hereby further amended by striking out subsection (j) and inserting in place thereof the following subsection:-

(j) "Securities Act of 1933", "Securities Exchange Act of 1934", "Public Utility Holding Company Act of 1935", "Investment Advisers Act of 1940" and "Investment Company Act of 1940" mean the federal statutes of those names as amended before or after the effective date of this chapter.

SECTION 12. Said section 401 of said chapter 110A, as so appearing, is hereby further amended by striking out subsection (m) and inserting in place thereof the following subsection:-

(m) "Investment adviser" means any person who, for compensation, engages in the business of advising others, either directly or through publications or writings, as to value of securities or as to the advisability of investing in, purchasing, or selling securities, or who, for compensation and as a part of a regular business, issues or promulgates analyses or reports concerning securities. "Investment adviser" also includes financial planners and other persons who, as an integral component of other financially related services, provide the foregoing investment advisory services to others for compensation and as a part of a business or who hold themselves out as providing the foregoing investment advisory services to others for compensation. "Investment adviser" shall not include:

(1) (A) an investment adviser representative;

(B) a bank, savings institution, or trust company;

(C) a lawyer, accountant, engineer, or teacher whose performance of these services is solely incidental to the practice of his profession, or who does not exercise investment discretion with respect to the assets of clients or maintain custody of the assets of clients for the purpose of investing such assets, except when the person is acting as a bona fide fiduciary in a capacity, such as an executor, trustee, personal representative, estate or trust agent, guardian, conservator, or person serving in a similar fiduciary capacity; and who does not accept or receive, directly or indirectly, any commission, fee or other remuneration contingent upon the purchase or sale of any specific security by a client of such persons;

(D) a publisher of any newspaper, news column, newsletter, news magazine, or business or financial publication or service whether communicated in hard copy form, or by electronic means, or otherwise, that does not consist of the rendering of advice on the basis of the specific investment situation of each client;

(E) a person whose only clients in this state are federal covered advisers, other investment advisers, broker-dealers, banks, savings institutions, trust companies, insurance companies, investment companies as defined in the Investment Company Act of 1940, employee benefit plans with assets of not less than \$5,000,000, governmental agencies or instrumentalities, or other financial institutions or institutional buyers, whether acting for themselves or as trustees with investment control;

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(F) a registered broker-dealer or broker-dealer agent;

(G) a person who has no place of business in the commonwealth and who during the preceding 12 month period has had fewer than 6 clients, other than those listed in clause (E), who are residents of the commonwealth; and

(H) other persons not within the intent of this subsection as the secretary may by rule or order designate; or

(2) a federal covered adviser.

SECTION 13. Said section 401 of said chapter 110A, as so appearing, is hereby further amended by striking out subsection (n) and inserting in place thereof the following subsection:-

(n) "Investment adviser representative" means any partner, officer, director, or a person occupying a similar status or performing similar functions, or other individual, except clerical or ministerial personnel, who is employed by or associated with:

(A) an investment adviser that is registered or required to be registered under this act, and who does any of the following:

(i) makes any recommendations or otherwise renders advice regarding securities;

(ii) manages accounts or portfolios of clients;

(iii) determines which recommendation or advice regarding securities should be given;

(iv) solicits, offers or negotiates for the sale of or sells investment advisory services;

(v) supervises employees who perform any of the foregoing; or

(B) a federal covered adviser, subject to the limitations of section 203A of the Investment Advisers Act of 1940.

"Investment adviser representative" does not include such other persons employed by or associated with either an investment adviser or a federal covered adviser not within the intent of this subsection as the secretary may designate by rule or order.

SECTION 14. Said section 401 of said chapter 110A, as so appearing, is hereby further amended by adding the following 2 subsections:-

(o) "Federal covered adviser" means a person who is registered with the Securities and Exchange Commission under section 203 of the Investment Advisers Act of 1940. "Federal covered adviser" shall not include any person who is excluded from the definition of "investment adviser" pursuant to clauses (A) to (G), inclusive, of paragraph (1) of subsection (m).

(p) "Federal covered security" means any security that is a covered security under section 18(b) of the Securities Act of 1933 or the regulations promulgated thereunder.

SECTION 15. Paragraph (a) of section 402 of said chapter 110A, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

The following securities are exempted from sections 301, 306 and 403:.

SECTION 16. The second paragraph of said paragraph (a) of said section 402 of

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said chapter 110A, as so appearing, is hereby further amended by striking out, in line 6, the words "The following securities are exempted from sections 301 and 403:"; - and by striking out clause (1) and inserting in place thereof the following clause:-

(1) any security, including a revenue obligation, issued or guaranteed by the United States, any state, including this commonwealth, any political subdivision of a state, or any agency or corporate or other instrumentality of 1 or more of the foregoing or any certificate of deposit for any of the foregoing.

SECTION 17. Said section 402 of said chapter 110A, as so appearing, is hereby further amended by striking out, in lines 24, 29 and 32, the word "the" and inserting in place thereof, in each instance, the following word:- this.

SECTION 18. Paragraph (a) of said section 402 of said chapter 110A, as so appearing, is hereby amended by striking out clause (8) and inserting in place thereof the following clause:-

(8) any security that is listed or approved for listing upon notice of issuance on the American Stock Exchange, the Boston Stock Exchange, the Chicago Stock Exchange, the New York Stock Exchange, the Pacific Stock Exchange, or any other stock exchange specified by the secretary; any other security of the same issuer which is of senior or substantially equal rank; any security called for by subscription rights or warrants so listed or approved; or any warrant or right to purchase or subscribe to any of the foregoing;

SECTION 19. Paragraph (b) of said section 402 of said chapter 110A, as so appearing, is hereby amended by striking out the introductory paragraph and inserting in place thereof the following paragraph:-

The following transactions are exempted from sections 301, 306 and 403:.

SECTION 20. Said paragraph (b) of said section 402 of said chapter 110A, as so appearing, is hereby further amended by striking out clause (2) and inserting in place thereof the following clause:-

(2) any non-issuer transaction;

(A) by a registered agent of a registered broker-dealer, and any resale transaction by a sponsor of a unit investment trust registered under the Investment Company Act of 1940, in a security of a class that has been outstanding in the hands of the public for at least 90 days provided, at the time of the transaction:

(i) the issuer of the security is actually engaged in business and not in the organizational stage or in bankruptcy or receivership and is not a blank check, blind pool or shell company whose primary plan of business is to engage in a merger or combination of the business with, or an acquisition of, an unidentified person or persons;

(ii) the security is sold at a price reasonably related to the current market price of the security;

(iii) the security does not constitute the whole or part of an unsold allotment to, or a subscription or participation by, the broker-dealer as an underwriter of the security;

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(iv) a nationally recognized securities manual designated by rule or order of the secretary or a document filed with the U.S. Securities & Exchange Commission hereinafter referred to as SEC which is publicly available through the SEC's Electronic Data Gathering and Retrieval System and contains:

(a) a description of the business and operations of the issuer;

(b) the names of the issuer's officers and the names of the issuer's directors, if any, or, in the case of a non-U.S. issuer, the corporate equivalents of such persons in the issuer's country of domicile;

(c) an audited balance sheet of the issuer as of a date within 18 months, or in the case of a reorganization or merger where parties to the reorganization or merger had such audited balance sheets, a pro forma balance sheet; and

(d) an audited income statement for each of the issuer's immediately preceding 2 fiscal years, or for the period of existence of the issuer, if in existence for less than 2 years or, in the case of a reorganization or merger where the parties to the reorganization or merger had such audited income statements, a pro forma income statement; and

(v) the issuer of the security has a class of equity securities listed on a national securities exchange registered under the Securities Exchange Act of 1934, or designated for trading on the National Association of Securities Dealers Automated Quotation System, unless:

(a) the issuer of the security is a unit investment trust registered under the Investment Company Act of 1940; or

(b) the issuer of the security has been engaged in continuous business, including predecessors, for at least 3 years; or

(c) the issuer of the security has total assets of at least \$2,000,000 based on an audited balance sheet as of a date within 18 months or, in the case of a reorganization or merger where parties to the reorganization or merger had such audited balance sheets, a pro forma balance sheet; or

(B) in a security by a registered agent of a registered broker-dealer if:

(i) the issuer of the security is actually engaged in business and not in the organizational stage or in bankruptcy or receivership and is not a blank check, blind pool or shell company whose primary plan of business is to engage in a merger or combination of the business with, or an acquisition of, an unidentified person or persons; and

(ii) the security is senior in rank to the common stock of the issuer both as to payment of dividends or interest and upon dissolution or liquidation of the issuer and such security has been outstanding at least 3 years and the issuer or any predecessors has not defaulted within the current fiscal year or the 3 immediately preceding fiscal years in the payment of any dividend, interest, principal, or sinking fund installment on the security when due and payable; or

(C) in an outstanding security if the issuer of the security has a class of securities subject to registration under section 12 of the Securities Exchange Act of 1934 and has been

subject to the reporting requirements of section 13 or 15(d) of the Securities Exchange Act of 1934 for not less than 180 days before the transaction; or has a class of securities registered under the Investment Company Act of 1940; or has filed and maintained with the secretary for not less than 180 days before the transaction information substantially comparable to the information which the issuer would be required to file under section 12(b) or section 12(g) of the Securities Exchange Act of 1934 were the issuer to have a class of its securities registered under section 12 of the Securities Exchange Act of 1934, in such form as the secretary by rule provides; or

(D) in a federal covered security pursuant to section 18(b)(4)(a) of the Securities Act of 1933 or the regulations promulgated thereunder.

SECTION 21. Said paragraph (b) of said section 402 of said chapter 110A, as so appearing, is hereby further amended by striking out clause (9) and inserting in place thereof the following clause:-

(9) any transaction pursuant to an offer directed by the offeror to not more than 25 persons other than those designated in clause (8) in the commonwealth during any period of 12 consecutive months, whether or not the offeror or any of the offerees is then present in the commonwealth, if: (A) the seller reasonably believes that all the buyers in the commonwealth, other than those designated in said clause (8), are purchasing for investment, and (B) insofar as an offer involves the payment directly or indirectly of any commission or other remuneration for soliciting any prospective buyer in the commonwealth, other than those designated in said clause (8), a notice is filed with the secretary at least 5 full business days before the offer, and the secretary does not by order disallow the exemption within the next 5 full business days; but, in any event, the secretary may by rule or order, as to any security or transaction or any type of security or transaction, withdraw or further condition this exemption, or increase or decrease the number of offerees permitted, or waive the conditions in subclauses (A) and (B) with or without the substitution of a limitation on remuneration.

SECTION 22. Said section 402 of said chapter 110A, as so appearing, is hereby further amended by striking out, in line 137, the word "the" and inserting in place thereof the following word:- this.

SECTION 23. Section 403 of said chapter 110A, as so appearing, is hereby amended by inserting after the figure "402", in line 5, the following words:- or is a federal covered security.

SECTION 24. Section 406 of said chapter 110A, as so appearing, is hereby amended by striking out, in line 12, the word "section 204(b)(4)" and inserting in place thereof the following words:- paragraph (6) of subsection (b) of section 204.

SECTION 25. Section 412 of said chapter 110A, as so appearing, is hereby amended by adding the following paragraph:-

(g) Assessments collected by the secretary pursuant to administrative actions may

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be used to assist investors. The assistance may include, but is not limited to, restitution for victims of financial fraud or other violations of this chapter.

SECTION 26. Section 413 of said chapter 110A, as so appearing, is hereby amended by inserting after the word "of", in line 2, the following words:- all notice filings made under subsection (b) of section 202 and section 306 and.

Approved March 30, 2002.

Chapter 75. AN ACT AUTHORIZING LEAVES OF ABSENCE FOR CERTAIN EMPLOYEES PARTICIPATING IN RED CROSS EMERGENCIES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to allow forthwith for the provision of volunteer disaster relief services by employees of the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 30 of the General Laws is hereby amended by inserting after section 9H the following section:-

Section 9I. (a) Any employee of the commonwealth may be granted a leave of absence with pay for the purpose of serving as an American Red Cross volunteer in specialized disaster relief services in connection with any disaster at the request of the American Red Cross for such an employee's services. The leave shall be approved at the sole discretion of the employee's supervisor and shall be limited to a total of 15 calendar days, consecutively or nonconsecutively, per calendar year. In determining whether to grant such a leave to an employee, the employing agency may consider the needs of the American Red Cross for expertise in a particular certified area as well as the work needs of the agency. Authorized leaves of absence shall be limited to only those employees of the commonwealth who are registered as certified disaster service volunteers of the American Red Cross disaster services human resources network. Within 30 days after a request by the American Red Cross for an employee's services, the American Red Cross shall submit written proof of that employee's certification as a disaster service volunteer to the employing agency involved.

(b) An employee who is granted a leave of absence pursuant to this section shall be compensated by the employee's employing agency at the employee's regular rate of pay for those regular work hours during which the employee is absent from work, but in no event shall the employee receive overtime pay, shift differential pay, hazardous duty pay or any other form of compensation in addition to the employee's regular pay. An employee who is granted leave pursuant to this section shall not lose any already existing insurance and health care coverage, seniority or any previously accrued vacation time, sick time, personal days, compensation time or earned overtime due to the employee's granted leave of absence. Leave

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authorized under this section shall not be granted for the purpose of obtaining American Red Cross disaster relief training.

(c) The commonwealth shall not be liable for workers' compensation claims seeking compensation for injuries that arise out of and during the course of an employee's authorized leave of absence with the American Red Cross as a certified disaster service volunteer. Duties performed while on disaster leave shall not be construed to be work assignments by the particular state agency employing the employee on leave. The employee's activities and volunteer functions while on a leave authorized by this section shall not be directed by the commonwealth but shall be determined and controlled solely by the American Red Cross. Volunteer functions, although similar or related to an employee's normal job functions, are performed on behalf of and for the benefit of the American Red Cross. An employee who is on an approved leave pursuant to this section shall not be deemed to be a public employee of the commonwealth while on leave for the purposes of chapter 258.

(d) Each Massachusetts chapter of the American Red Cross shall compile an annual report detailing the number of state employees who have been granted a leave of absence pursuant to this section during the previous year and listing the total number of days of leave taken by the employees during the course of that year. This annual report shall be filed with the joint committee on public service, the house and senate committees on ways and means and the human resources division of the executive office of administration and finance no later than January 15 of each year.

SECTION 2. This act shall take effect as of September 11, 2001.

Approved April 4, 2002.

Chapter 76. AN ACT AUTHORIZING THE TOWN OF TYNGSBOROUGH TO REFUND CERTAIN PAYMENTS.

Be it enacted, etc., as follows:

The town of Tyngsborough may reimburse Ronald F. Desjardins the sum of \$1,812 paid to the town as real estate taxes for the fiscal years 1987 to 2000, inclusive, and for the purchase of certain land.

Approved April 4, 2002.

Chapter 77. AN ACT RELATIVE TO THE DEBT LIMIT OF THE TOWN OF HOLLISTON.

Be it enacted, etc., as follows:

Notwithstanding any general or special law to the contrary, the indebtedness incurred

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by the town of Holliston dated December 1, 1999, in the amount of \$28,962,000 pursuant to the votes of the town passed under Article 31 of the warrant for the 1996 annual town meeting and under Article 20 of the warrant for the 1997 annual town meeting for school construction, remodeling and planning purposes, shall not be included in determining the limit of indebtedness of the town under section 10 of chapter 44 of the General Laws.

Approved April 4, 2002.

**Chapter 78. AN ACT RELATIVE TO THE RECREATION REVOLVING FUND
IN THE TOWN OF RUTLAND.**

Be it enacted, etc., as follows:

Notwithstanding section 53E½ of chapter 44 of the General Laws or any other general or special law to the contrary, the town of Rutland may increase the limit of the town's Recreation Revolving Fund to \$75,000.

Approved April 4, 2002.

**Chapter 79. AN ACT RELATIVE TO THE MANAGEMENT OF STATE
CHARTERED BANKS.**

Be it enacted, etc., as follows:

SECTION 1. Section 10 of chapter 168 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out paragraph (2) and inserting in place thereof the following paragraph:-

2. Qualifications: The business of the corporation shall be managed by a board of trustees, of which not less than a majority shall be citizens of the commonwealth. A trustee at the time of his election or within 30 days thereafter, shall be a depositor of the corporation. At least 2 trustees of the board at the time of their election shall be residents of the city or town where the main office or a branch office of the corporation is located.

SECTION 2. Section 12 of said chapter 168, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

The corporation shall have a board of investment of not less than 5 members, who shall be trustees of the corporation. Only 1 person holding the office of president, executive vice-president, senior vice-president or treasurer shall at the same time be a member of the board of investment. The board shall elect a clerk who may, but need not be a member of the board.

SECTION 3. Said chapter 168 is hereby further amended by striking out section 19, as so appearing, and inserting in place thereof the following section:-

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Section 19. No such corporation, except as provided in this section, shall make any loan or extend credit in any manner to any of its officers or to any of its directors or trustees, including a member of its board of investment, and no such officer, director or trustee, except as provided in this section, shall borrow from or otherwise become indebted to the corporation or be surety for loans by it to others or directly or indirectly, whether acting individually or as trustee holding property in trust for another person, be an obligor for money borrowed of the corporation. With the prior approval of a majority of the entire board of investment, excluding any member of that board involved in the loan or extension of credit, the corporation may make a loan or extend credit to the officer in an amount not exceeding \$35,000 on a loan or extension of credit, secured or unsecured, and in an amount not exceeding \$150,000 on a loan or extension of credit intended or secured for educational purposes, and in an amount not exceeding \$500,000 on a loan secured by a mortgage on real estate improved with a 1 to 4 family dwelling or a condominium established in accordance with chapter 183A which is to be occupied, in whole or in part, by the officer. The corporation may make a loan or extension of credit to the director or trustee, who is not an officer of the corporation, subject to the limitations contained in chapter 167E. The corporation shall not give a preferential rate of interest or other preferential terms on any loan or extension of credit to any officer, director or trustee. Any loans or extensions of credit made under this section shall be subject to section 20. For the purposes of this section, the term "officer" shall include a president, executive vice-president, senior vice-president or treasurer, and any other officer who participates in major policy functions of the corporation whether or not: (1) such other officer has an official title; but the term shall not include a person who may have an official title and may exercise a certain measure of discretion in the performance of his duties, including discretion in the making of loans, but who does not participate in the determination of major policies of the corporation and whose decisions are limited by policy standards fixed by the senior management of the corporation; (2) the title designates the officer an assistant; or (3) the officer is serving without salary or compensation.

No officer, whether acting individually or as trustee holding property in trust for another person, shall become the owner of real estate upon which a mortgage is held by the corporation; but this prohibition shall not apply to any officer who becomes the owner of real estate upon which a mortgage is held by the corporation securing a loan in an amount not exceeding \$500,000 on real estate improved with a 1 to 4 family dwelling or a condominium established in accordance with chapter 183A which is to be occupied, in whole or in part, by the officer. This section shall not apply to loans made to any officer on deposit books, or to loans as are guaranteed or insured, in whole or in part, as authorized by chapter 46 of the acts of 1945 or by any regulations thereunder.

SECTION 4. The first paragraph of section 2 of chapter 170 of the General Laws, as so appearing, is hereby amended by striking out clause *First* and inserting in place thereof the following clause:-

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First. - The name by which the corporation shall be known.

SECTION 5. Section 18 of said chapter 170, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

Every such corporation shall make available at each of its banking offices a balance sheet which presents fairly, in accordance with generally accepted accounting principles, including required footnote disclosures, its condition as of the last business day of its fiscal year, with comparative figures as to the end of the previous fiscal year. The balance sheet shall be made available not later than 30 days after the end of the corporation's fiscal year and shall remain available to its members upon request.

SECTION 6. Section 19 of said chapter 170, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

No officer or director of a bank, except as provided in this section, shall borrow from or otherwise become indebted to the bank of which he is an officer or director and no bank, except as provided in this section, shall make any loan or extend credit in any other manner to any of its officers or directors. With the prior approval of a majority of the entire board of directors, excluding any member of that board involved in the loan or extension of credit, a bank may make a loan or extend credit to the officer and the officer may become indebted to the bank in an amount not exceeding \$35,000 on a loan or extension of credit, secured or unsecured, and in an amount not exceeding \$150,000 on a loan or extension of credit intended or secured for educational purposes, and in an amount not exceeding \$500,000 on a loan secured by a mortgage on real estate improved with a 1 to 4 family dwelling or a condominium established in accordance with chapter 183A which is to be occupied, in whole or in part, by the officer, and in an amount secured by a deposit account of the officer in the bank. A bank may make a loan or extension of credit to the director, who is not an officer of such bank, subject to the limitations contained in chapter 167E. The bank shall not give a preferential rate of interest or other preferential terms on any loan or extension of credit to an officer or director. For the purposes of this section, the term "officer" shall mean a president, executive vice-president, senior vice-president or treasurer, and any other officer who participates in major policy functions of the bank whether or not: (1) the other officer has an official title; but the term shall not include a person who may have an official title and may exercise a certain measure of discretion in the performance of his duties, including discretion in the making of loans, but who does not participate in the determination of major policies of the bank and whose decisions are limited by policy standards fixed by the senior management of the bank; (2) the title designates the officer an assistant; or (3) the officer is serving without salary or compensation.

SECTION 7. The second paragraph of section 14 of chapter 172 of the General Laws, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following 2 sentences:- The directors shall elect the treasurer and any other officers as defined in section 18. The president as may be required or permitted by law or by-law may select other officers.

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SECTION 8. The first paragraph of section 16 of said chapter 172, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- The report shall be filed with the records of the meeting and shall be retained for a period of 6 years from the date of the meeting. The report shall provide a summary of the following transactions:

- (1) changes in investments;
- (2) changes in reserve or contingency accounts;
- (3) lists of the following loans, setting forth total liabilities of the borrower to the corporations, both secured and unsecured:-
 - (i) loans in excess of \$50,000 each, overdue for more than 30 days, other than real estate mortgage loans;
 - (ii) real estate mortgage loans on which interest is more than 6 months in arrears;
 - (iii) real estate mortgage loans concerning which any tax upon the underlying security has been paid and not repaid to the corporations;
 - (iv) all loans secured and unsecured, and discounts of any borrower including both direct and indirect liabilities made during which the period which brings aggregate liabilities of such borrower to an amount in excess of \$100,000, with a notation of any line of credit possessed by the borrower, but, for banks with total assets in excess of \$1,000,000,000 as of the most recent call report, the amount of aggregate liabilities outstanding to a single borrower shall be \$250,000.

SECTION 9. Section 18 of said chapter 172, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

No officer or director of a trust company, except as provided in this section, shall borrow from or otherwise become indebted to a trust company of which he is an officer or director, and no trust company, except as provided in this section, shall make any loan or extend credit in any other manner to any of its officers or directors. With the prior approval of a majority of the entire board of directors, excluding any member of that board involved in the loan or extension of credit, a trust company may loan or extend credit to an officer and the officer may become indebted to the trust company in an amount not exceeding \$35,000 on a loan or extension of credit, secured or unsecured, and in an amount not exceeding \$150,000 on a loan or extension of credit intended or secured for educational purposes, and in an amount not exceeding \$500,000 on a loan secured by a mortgage on real estate improved with a 1 to 4 family dwelling or a condominium established in accordance with chapter 183A which is to be occupied, in whole or in part, by the officer. A trust company may make a loan or extension of credit to a director, who is not an officer of the trust company, subject to the limitations contained in chapter 167E. The trust company shall not give a preferential rate of interest or other preferential terms on a loan or extension of credit to an officer or to a director. For the purposes of this section, the term "officer" shall mean a president, executive vice-president, senior vice-president or treasurer, and any other officer

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who participates in major policy functions of the trust company whether or not: (1) such other officer has an official title; but the term shall not include a person who may have an official title and may exercise a certain measure of discretion in the performance of his duties, including discretion in the making of loans, but who does not participate in the determination of major policies of the trust company and whose decisions are limited by policy standards fixed by the senior management of the trust company; (2) the title designates the officer an assistant; or (3) the officer is serving without salary or compensation.

Approved April 4, 2002.

Chapter 80. AN ACT ESTABLISHING A SPECIAL POLICE FORCE IN THE CITY KNOWN AS THE TOWN OF AGAWAM.

Be it enacted, etc., as follows:

SECTION 1. The mayor of the city known as the town of Agawam may appoint such special police officers for the city as he deems necessary for the safety and protection of the citizens of the city.

SECTION 2. Special police officers shall have the same power to make arrests and to perform other police functions as intermittent police officers and shall be subject to the same training requirements as intermittent officers.

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 who shall keep a record of all such appointments.

SECTION 4. Any person who has served in the capacity as a permanent full time police officer in the city, and who has retired or resigned under honorable conditions, shall have the right to appointment as a special police officer under this act.

SECTION 5. Special police officers appointed under this act shall not be subject to chapter 31 of the General Laws.

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

Approved April 4, 2002.

Chapter 81. AN ACT AUTHORIZING THE TOWN OF UXBRIDGE TO ESTABLISH A CAPITAL IMPROVEMENT FUND.

Be it enacted, etc., as follows:

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SECTION 1. Notwithstanding any general or special law to the contrary, the town of Uxbridge may establish and maintain a special account known as the Capital Improvement Trust Fund, and may raise and appropriate money therefor.

SECTION 2. The town of Uxbridge may appropriate to the fund by majority vote at an annual or special town meeting in any year any amount not to exceed 10 per cent of the amount raised in the preceding year by taxation of real estate and tangible personal property. The aggregate amount of the fund at any time shall not exceed 10 per cent of the equalized valuation of said town as defined in section 1 of chapter 44 of the General Laws.

SECTION 3. The fund shall be maintained by the town of Uxbridge as a separate account. The treasurer of the town shall be the custodian of the fund and may invest the funds in such separate account in the manner authorized by sections 55 and 55A of chapter 44 of the General Laws. Any interest earned on the fund shall be credited to and become part of such separate account.

SECTION 4. The town of Uxbridge may appropriate by $\frac{2}{3}$ vote at any annual or special town meeting any principal and interest within the fund for any capital purchase or debt payment for any capital purchase. Capital purchase is defined as any item with a life expectancy of more than 5 years and valued at \$50,000 or more.

SECTION 5. There shall be a capital planning committee of the town of Uxbridge consisting of 8 members. The committee shall be appointed by the board of selectmen. The committee shall be comprised of the following: 2 members of the board of selectmen, 2 members of the finance committee, 1 member of the school committee, 1 member of the department of public works commissioners, town accountant, and town treasurer/collector. Hereinafter the town may change the composition of the committee by majority vote at any annual or special town meeting.

SECTION 6. The capital planning committee of the town of Uxbridge shall consider matters relating to appropriations from the Capital Improvement Trust Fund and may, but shall not be required to, make recommendations to the town of Uxbridge or to any board, committee, or official thereof, relative to such matters and establish policies relative to the funding of capital projects of the town and set priorities and schedules for such capital projects.

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

Approved April 4, 2002.

Chapter 82. AN ACT RELATIVE TO RECALL ELECTIONS IN THE TOWN OF FAIRHAVEN.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 516 of the acts of 1990 is hereby amended by

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striking out, in line 1, the word "Twenty-five" and inserting in place thereof the following figure:- 50.

SECTION 2. Said section 2 of said chapter 516 is hereby further amended by striking out, in line 13, the word "ten" and inserting in place thereof the following figure:- 20.

SECTION 3. Section 4 of said chapter 516 is hereby amended by striking out, in line 1, the word "not".

SECTION 4. Section 7 of said chapter 516 is hereby amended by striking out, in line 1, the word "three" and inserting in place thereof the following figure:- 6.

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

Approved April 4, 2002.

Chapter 83. AN ACT VALIDATING CERTAIN ACTIONS AND AUTHORIZING CERTAIN REIMBURSEMENTS BY THE TOWN OF OAK BLUFFS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 20A of chapter 44 of the General Laws or any other general or special law to the contrary, all expenditures made from revenue funds by the town of Oak Bluffs in connection with the development of a sanitary sewer system, which expenditures were previously authorized by votes of the town, duly adopted, are hereby ratified, validated and confirmed, and all such expenditures may be reimbursed from the proceeds of any bonds or notes previously authorized to be issued by the town to finance the project, notwithstanding the failure of the town to reimburse itself for these expenditures in accordance with said section 20A of said chapter 44. The issuance by the town of any bonds or notes authorized before the passage of this act to finance the project, in order to reimburse the town for these expenditures, is hereby expressly ratified, approved, validated and confirmed.

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

Approved April 4, 2002.

Chapter 84. AN ACT RELATIVE TO A VOTING PRECINCT IN THE TOWN OF DRACUT.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, precinct 6

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of the town of Dracut shall be 1 precinct for the purpose of forming congressional, representative, senatorial or councilor districts but shall have 2 polling places for the purposes of voting at any state or municipal elections. One such polling location shall be located at the Senior Center, 951 Mammoth road, to serve voters residing at 901 and 971 Mammoth road and shall be known as precinct 6A and the other polling location shall be located at the Brookside elementary school on Lakeview avenue to serve all others in precinct 6 and shall be known as precinct 6.

SECTION 2. The board of registrars and the town clerk of the town of Dracut may take all necessary actions to assure compliance with this act including, but not limited to, assuring the accuracy of the voting lists as located at each polling location set forth in section 1. The board of registrars and town clerk shall divide precinct 6 into subprecincts as set forth in section 1, and only the names of voters who reside in each subprecinct shall appear on the voting list for that subprecinct.

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

Approved April 10, 2002.

Chapter 85. AN ACT PROVIDING FOR THE ANNUAL OBSERVANCE OF APRIL AS AUTISTIC AWARENESS MONTH.

Be it enacted, etc., as follows:

Chapter 6 of the General Laws is hereby amended by inserting after section 15KKKK, inserted by chapter 107 of the acts of 2001, the following section:-

Section 15LLLL. The governor shall annually issue a proclamation setting apart the month of April as Autistic Awareness Month and recommending that the month be observed in an appropriate manner by the people.

Approved April 10, 2002.

Chapter 86. AN ACT AUTHORIZING THE TOWN OF FRAMINGHAM TO OFFER AN ELDERLY DISCOUNT PROGRAM FOR WATER AND SEWER RATES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the board of selectmen of the town of Framingham may discount fees charged to residents over the age of 65 for the use of the town's water and sewer system.

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

Approved April 11, 2002.

Chapter 87. AN ACT DESIGNATING A CERTAIN BRIDGE IN THE TOWN OF SHARON AS THE LANCE CORPORAL DANIEL J. DABREU MEMORIAL BRIDGE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to designate forthwith a certain bridge in the town of Sharon, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

The bridge located on Route 27 spanning the commuter rail tracks in the town of Sharon near the intersection of Chestnut and Depot streets shall be designated and known as the Lance Corporal Daniel J. Dabreu Memorial bridge, in memory of Lance Corporal Daniel J. Dabreu. The department of highways shall erect and maintain a suitable marker on the bridge bearing the designation in compliance with the standards of the department.

Approved April 11, 2002.

Chapter 88. AN ACT AUTHORIZING THE APPOINTMENT OF CERTAIN PERSONS AS FIREFIGHTERS IN THE TOWN OF IPSWICH NOTWITHSTANDING THE MAXIMUM AGE REQUIREMENT.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law, rule or regulation to the contrary regulating the maximum age of applicants for appointment as a firefighter, the personnel administrator shall certify the names of Robert Bowen, Dennis Howes, Keith LeBlanc and Roland Martineau for original appointment to the position of firefighter in the town of Ipswich according to the score of each on the civil service examination for such position. If Robert Bowen, Dennis Howes, Keith LeBlanc and Roland Martineau meet all of the requirements for such appointment to this position, the town of Ipswich may appoint them.

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

Approved April 12, 2002.

Chapter 89. AN ACT AUTHORIZING CERTAIN PERSONS TO TAKE A CIVIL SERVICE EXAMINATION FOR FIREFIGHTER IN THE TOWN OF IPSWICH NOTWITHSTANDING THE MAXIMUM AGE REQUIREMENT.

Be it enacted, etc., as follows:

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SECTION 1. Notwithstanding any general or special law, rule or regulation to the contrary regulating the maximum age of applicants for appointment as a firefighter, Donald Clapp, Christopher Gregory, Kevin Lombard and Donald Smith shall be eligible to take a civil service examination for the position of firefighter in the town of Ipswich and, if they meet all other requirements, shall be eligible for certification and appointment.

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

Approved April 12, 2002.

Chapter 90. AN ACT RELATIVE TO THE NANTUCKET HISTORIC DISTRICT COMMISSION.

Be it enacted, etc., as follows:

Section 3 of chapter 395 of the acts of 1970, as most recently amended by chapter 314 of the acts of 1990, is hereby further amended by adding the following paragraph:-

The members of the commission shall be exempt from subsections (a) and (c) of section 17 of chapter 268A of the General Laws.

Approved April 12, 2002.

Chapter 91. AN ACT ESTABLISHING A CERTAIN VOTING SUBPRECINCT IN THE CITY OF NEWTON.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law, city charter provision, or local ordinance to the contrary, for purposes of the special election for ward alderman for ward 8 to be held by the city of Newton scheduled for April 30, 2002, there shall be a subprecinct consisting of a portion of ward 6 precinct 2. The subprecinct shall be known as subprecinct 6-2A and shall consist of the geographic area designated by the United States bureau of the census as census blocks 1000, 1008, 1009, 1010, 1012 and 1017, within census tract 373400.

SECTION 2. The polling place for subprecinct 6-2A shall be located at the Weeks House on Hereward road. Voters who are inhabitants of subprecinct 6-2A may vote in the special election at such location.

SECTION 3. The election commission of the city of Newton may take all necessary actions to assure compliance with this act, including, but not limited to, assuring the accuracy of the voting lists as located at each polling place. The election commission shall modify the

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voting lists such that only the names of voters who reside in subprecinct 6-2A shall appear on the voting list for such subprecinct and that such names shall not appear on the voting list for any other precinct for purposes of the special election.

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

Approved April 12, 2002.

Chapter 92. AN ACT AUTHORIZING THE CLERK OF THE TOWN OF BROOKFIELD TO ACT TEMPORARILY AS A SELECTMAN.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the clerk of the town of Brookfield shall act as a member of the board of selectmen of the town for the interim period beginning with the effective date of this act and continuing until the election and qualification of successor selectmen at a special election to be held for that purpose under the law governing elections to local office.

SECTION 2. Notwithstanding any general or special law to the contrary, for the interim period of the clerk's acting as a member of the board of selectmen, as provided in section 1, the board may act only upon limited ministerial matters and as license and permit authority, may appoint special town counsel in matters where town counsel is recused, in imminent threat or emergency, and may respond to and settle claims against the town of Brookfield.

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

Approved April 12, 2002.

Chapter 93. AN ACT RELATIVE TO THE FINANCIAL CONDITIONS IN THE TOWN OF SWANSEA.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law, town charter provision or local by-law to the contrary, the town of Swansea, with the approval of the commissioner of revenue, in this act called the commissioner, or with the approval of the finance advisory board, in this act called the board, if the board has been established under section 3, may borrow, at one time or from time to time, sums approved by town meeting and then by the commissioner or the board, but in no event in an amount in the aggregate more than \$5,000,000 to maintain and operate the town while it adjusts the level of its expenses and revenues so as to achieve balanced budgets and fiscal stability. The commissioner or board

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may limit such borrowing to an amount or amounts less than the amount or amounts approved by town meeting. Bonds or notes issued under this act for operating purposes may be issued for a term of not more than 10 years and shall be backed by the full faith of the town. The bonds and notes shall be eligible to be issued as qualified bonds or notes pursuant to chapter 44A of the General Laws. Indebtedness incurred under this act shall not be included in determining the statutory limit of indebtedness of the town 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.

The maturities of each issue of bonds or notes authorized under this act, including any refunding bonds, may, if approved by the town officers authorized to issue and approve said bonds or notes, and by the commissioner or board, 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 said bonds or notes, or in the alternative, in accordance with a schedule providing for a more rapid amortization of principal.

SECTION 2. All proceeds of any loan authorized by section 1 shall be deposited in a separate fund which shall be set up on the books of the town of Swansea and be maintained separate and apart from all other funds and accounts of the town. This fund shall be called the Town of Swansea Financial Stability Fund, in this act called the fund. The selectmen, with the approval of the commissioner or board, may authorize disbursements from the fund for operating purposes that the selectmen consider appropriate to maintain and continue town operations. Funds borrowed for operating purposes may be applied, with the approval of the director of accounts in the department of revenue, in this act called the director, as general revenue for purposes of section 23 of chapter 59 of the General Laws. The director may establish rules and procedures that he considers appropriate relating to disbursements from the fund and the reporting and accounting for these disbursements.

SECTION 3. With respect to fiscal year 2003, and in any other year which bonds or notes authorized under this act remain outstanding, no later than 10 days following the dissolution of the town's annual town meeting or June 1, whichever is earlier, the assessors and selectmen shall submit to the director of accounts a pro forma tax rate recapitulation for the following fiscal year. The director shall ascertain if the town 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 conclusion to the commissioner. If the commissioner determines that the town budget as presented would not permit certification of the tax rate for the next fiscal year to be approved, he shall certify such determination in writing and provide notice thereof with a copy of the certificate to the secretary of administration and finance of the commonwealth, the clerks of the senate and house of representatives, the board of selectmen of the town of Swansea, and the town clerk of the town of Swansea, and upon

such notifications, the board shall forthwith be established in said town with the powers and duties set forth in this act.

The board shall consist of the deputy commissioner of the division of local services in the department of revenue or his designee, the director of accounts or his designee, and the chairman of the board of selectmen or his designee. The board shall initiate and assure the implementation of appropriate initiatives to secure the financial security of the town, and shall continue in existence until the end of the third complete fiscal year following its inception, unless the members by majority vote shall annually vote to continue the existence of the board from year to year thereafter.

Until the board ceases to exist, no appropriation, borrowing authorization or transfer shall take effect until approved by the board. As used in the preceding sentence, a transfer shall not include a transfer by the advisory and financial committee from the reserve fund provided for in section 6 of chapter 40 of the General Laws. The board may approve an appropriation, borrowing authority or transfer, in whole or part. In addition to the authority and powers conferred elsewhere in this act, and notwithstanding any general or special law, town charter provision, or local by-law to the contrary, the board shall have the following authority:

(a) The authority, by majority vote, to amend at any time any appropriation, borrowing authority, transfer, or other municipal spending authority. The authority to amend, pursuant to the authority contained in this act, shall include the power to increase or decrease an existing appropriation, borrowing authorization, transfer or spending authority; the authority to eliminate an existing appropriation, borrowing authorization, transfer or spending authority; and the power to create an appropriation, transfer or spending authority. In exercising its authority under this clause, the board may act with respect to municipal spending purposes that are not the subject of separately identified appropriations.

(b) If there is no annual budget lawfully established for a fiscal year by the first day of such fiscal year, the authority, by majority vote, to establish such appropriations for that fiscal year as the board deems appropriate, and to amend, as provided for above such appropriations during the fiscal year.

(c) The authority, by majority vote, to encumber or impound, at any time, any unexpended or unencumbered appropriation or spending authority of any kind, notwithstanding the prior approval of the board of such appropriation or spending authority. To the extent that funds previously encumbered or impounded remain encumbered or impounded at the conclusion of the fiscal year, such amounts shall revert to the General Fund.

(d) In addition and without limitation of the other authority in this section, the independent authority, by majority vote, to establish, set, raise or lower any fee, rate or charge, for any service, license, permit or other municipal activity, otherwise within the authority of the town to establish, set, raise or lower. No such fee, rate or charge shall be established, set, raised or lowered without written notice to the selectmen at least 45 days before the effective date of such action.

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Action by the board, under the authority of this act, shall in all respects constitute valid and lawful action by the town for purposes of chapters 40, 41, 44, and 59 of the General Laws and for all municipal finance and other matters.

In each year during which the board continues in existence, the selectmen shall, at the same time as the annual budget is reported by the advisory and financial committee to the voters, provide to the board a copy of the proposed annual budget together with a supporting revenue and expenditure statement in such detail as the board may prescribe. The board shall review such budgetary information and may issue a report of its findings.

In order to promote and ensure the fiscal stability of the town of Swansea, the board may also require the filing of a detailed annual work plan by each municipal department, which shall be approved by the selectmen, school committee, or other elected board as appropriate, setting forth certain actions that may be implemented by each such department through its department head to ensure greater efficiency in the delivery of services by the town.

Each work plan shall be in such detail as the board may prescribe, and may include, but not be limited to, the following: (1) a plan for improved financial and spending controls; (2) budget guidelines and objectives for the fiscal year; (3) a professional and nonprofessional staffing plan; (4) a plan for other proposed savings to be implemented. Any such plan submitted by the school department shall be approved by the school committee prior to submission to the board.

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

The board may waive any reporting or filing requirements contained in this section.

The board may prepare reports of its findings and issue recommendations for further action to the selectmen, school committee or other elected board, municipal department heads, or agencies of the commonwealth that the board determines appropriate. Members of the board who are employees or officers of the commonwealth or the town of Swansea shall serve without compensation. The board may adopt such rules and procedures that it considers necessary and appropriate to effectuate the purposes of this act.

SECTION 4. The town accountant, or other official with responsibility for accounting matters, of the town of Swansea shall have the powers and duties vested in this office by general or special law, and in addition, the powers and duties provided in this act. To the extent not otherwise inconsistent with this act, the office of the town accountant shall also have the powers and duties provided by local by-law.

The town accountant shall, in addition to his other duties, provide, upon majority vote and at the written request of either the board of selectmen or the advisory and financial committee, within a reasonable time period from such request, an oral or written assessment, or both, as the selectmen or advisory and financial committee may request, of the current and future financial impact of the cost of any proposed appropriation, lease or contract arrangement for a term including more than 1 fiscal year, collective bargaining agreement

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or borrowing authorization, particularly, but not limited to, as such cost item would relate to the continuous provision of the existing level of municipal services. To the extent reasonable, this assessment shall include an analysis or other information of a financial nature as is specifically requested by the selectmen or the advisory and financial committee. The assessment and analysis shall be provided by the town accountant as his professional opinion.

SECTION 5. (a) Notwithstanding any general or special law, town charter provision or local by-law to the contrary, but subject to section 21C of chapter 59 of the General Laws, the town of Swansea shall establish a special reserve fund for extraordinary and unforeseen expenditures, which fund shall be called the Supplemental Reserve Fund to Ensure Fiscal Stability. This fund shall be separate and in addition to any amounts appropriated pursuant to section 6 of chapter 40 of the General Laws.

(b) Commencing with fiscal year 2003 and for all fiscal years thereafter, before the date when the tax rate is fixed, the board of assessors shall include in the amounts to be raised pursuant to section 23 of chapter 59 of the General Laws for such fiscal year an amount, the supplemental reserve fund sum, as determined under this act, such amount to be certified to the board of assessors by the town accountant.

(c) The supplemental reserve fund sum for fiscal year 2003 shall be an amount equal to 0.25 per cent of the gross amount to be raised for the prior fiscal year as appearing on the town's tax rate recapitulation for that prior year; the supplemental reserve fund sum for fiscal year 2004 shall be an amount equal to 0.50 per cent of the gross amount to be raised for the prior fiscal year as appearing on the town's tax rate recapitulation for that prior year; the supplemental reserve fund sum for fiscal year 2005 shall be an amount equal to 0.75 per cent of the gross amount to be raised for the prior fiscal year as appearing on the town's tax rate recapitulation for that prior year; the supplemental reserve fund sum for fiscal year 2006 shall be an amount equal to 1 per cent of the gross amount to be raised for the prior fiscal year as appearing on the town's tax rate recapitulation for the prior year; and the supplemental reserve fund sum for fiscal year 2007 and each subsequent fiscal year shall be an amount equal to 1.5 per cent of the gross amount to be raised for the prior fiscal year as appearing on the town's tax rate recapitulation for that prior year.

(d) In each year the amount required to be raised for such supplemental reserve fund may be reduced by the amount, if any, remaining in the supplemental reserve fund established for the preceding year after all expenditures have been made therefrom as authorized in this act, and this remaining amount shall be retained in such supplemental reserve fund provided for the then current fiscal year.

(e) Transfers or expenditures may be made from the supplemental reserve fund of any fiscal year during that fiscal year only, and then only by the selectmen, and if the board continues in existence at the time of such transfer or expenditure, only with the approval of the board. Each such transfer or expenditure request by the selectmen shall be accompanied by a written statement detailing the amount and the reason for the transfer or expenditure.

Except for such transfers or expenditures as are authorized in this act, there shall be no other transfers or reductions in the amount of this fund.

(f) All amounts required by this act to be raised for each fiscal year shall be certified to the board of assessors by the town accountant before the establishment of the tax rate for the then current fiscal year. While the board remains in existence, the board, to the extent it considers it appropriate to effectuate the purposes of this act, may waive in part or in whole the requirements of this section.

SECTION 6. No official of the town of Swansea, except in the case of an emergency involving the health and safety of the people or their property, shall knowingly expend or cause to be expended in any fiscal year any sum in excess of that official's departmental or other governmental unit's appropriation duly made in accordance with the law, nor commit the town, 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 town for any amounts expended in excess of an appropriation to the extent that the town 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 town under this act and to order relief that the court finds appropriate to prevent further violations of this section. Any violation of this section shall be deemed sufficient cause for removal.

SECTION 7. For the purposes of this act, the word "official" shall mean a town department head, permanent, temporary or acting, including the superintendent of schools, and all members 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 8. In any year during which bonds or notes authorized under this act remain outstanding, the commissioner of revenue shall not certify the annual tax rate of the town of Swansea until an audit report for the preceding fiscal year has been received and accepted by the commissioner. The audit report shall be prepared by a certified public accountant in accordance with generally accepted auditing standards and shall include accompanying financial statements.

In any year during which bonds or notes authorized under this act remain outstanding, the town shall submit to the commissioner 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 and include such information and detail as the commissioner may prescribe.

In any year during which bonds or notes authorized by this act remain outstanding, the town shall not issue any bond, note or other form of indebtedness without written notification to, and the approval of, the commissioner.

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

Approved April 17, 2002.

Chapter 94. AN ACT RELATIVE TO THE KOREAN WAR VETERANS MEMORIAL HIGHWAY.

Be it enacted, etc., as follows:

That portion of interstate highway route 391 beginning at exit 12 of interstate highway route 91 in the city of Chicopee and extending to High street in the city of Holyoke, excluding the bridge previously designated as the Vietnam Veterans Memorial Bridge by chapter 26 of the acts of 1982, shall be designated and known as the Korean War Veterans Memorial Highway. The department of highways shall erect and maintain suitable markers bearing the designation in compliance with the standards of the department.

Approved April 17, 2002.

Chapter 95. AN ACT AUTHORIZING THE CITY OF SALEM TO GRANT EASEMENTS IN CERTAIN PARK LAND.

Be it enacted, etc., as follows:

SECTION 1. The city of Salem, acting by and through its mayor and city council, may grant a perpetual easement in a certain parcel of park land located in the city to John J. Cempellin, his successors and assigns for the continued encroachment of a dwelling designated at 8 Woodbury Court. The easement is shown on a Mortgage Inspection Plan drawn by Northern Associates, Inc., dated July 11, 2001 which is on file with the city.

SECTION 2. The city of Salem, acting by and through its mayor and city council, may grant a perpetual easement in a certain parcel of park land located in the city to Christopher K. and Theano Alexandrou, their successors and assigns to maintain, repair, reconstruct and replace the corner of a wall supporting an inground pool. The easement is shown on a Mortgage Inspection Plan drawn by Northern Associates, Inc., dated October 30, 2001 which is on file with the city.

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

Approved April 17, 2002.

Chapter 96. AN ACT PROVIDING EQUITABLE TAX DEDUCTIONS FOR THE DEPRECIATION OF CERTAIN ASSETS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith equitable tax deductions for the depreciation of certain assets, 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 62 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in line 7, the figure "162(a)" and inserting in place thereof the following figure:- 62(a)(1).

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

(N) The deduction allowed by section 168(k) of the Internal Revenue Code, as amended and in effect for the current tax year.

SECTION 3. Section 40 of chapter 62C of the General Laws, as so appearing, is hereby amended by striking out, in lines 14, 17 and 19, the figure "45" and inserting in place thereof, in each instance, the following figure:- 120.

SECTION 4. The definition of "Net income" in section 1 of chapter 63 of the General Laws, as so appearing, is hereby amended by striking out clauses (b) and (c) and inserting in place thereof the following 3 clauses:-

(b) losses sustained in other taxable years;

(c) taxes on or measured by income, franchise taxes measured by net income, franchise taxes for the privilege of doing business and capital stock taxes imposed by any state; or

(d) the deduction allowed by section 168(k) of said Code.

SECTION 5. Section 30 of said chapter 63, as so appearing, is hereby amended by striking out, in line 127, the word "allowed." and inserting in place thereof the following:- allowed;

(iv) the deduction allowed by section 168(k) of said Code.

SECTION 6. Paragraph (b) of subsection (1) of section 52A of said chapter 63, as so appearing, is hereby amended by striking out clauses (ii) and (iii) and inserting in place thereof the following 3 clauses:-

(ii) losses sustained in other taxable years,

(iii) taxes on or measured by income, franchise taxes measured by gross or net income, franchise taxes for the privilege of doing business and capital stock taxes imposed by any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States or any foreign country, or a political subdivision of any of the foregoing, and

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(iv) the deduction allowed by section 168(k) of said Code.

SECTION 7. The provisions of section 1 shall be effective for taxable years beginning on or after January 1, 1998.

SECTION 8. The provisions of sections 2, 4, 5 and 6 shall be effective for taxable years ending after September 10, 2001.

SECTION 9. The commissioner of revenue may issue any necessary rules or regulations to implement this act, including but not limited to, the waiver of interest and penalties for those taxpayers who filed tax returns under the provisions of chapter 62 or 63 of the General Laws and paid all taxes due with those returns prior to the passage of this act and utilized the provisions of section 168(k) of the federal Internal Revenue Code, as amended and in effect as of the date of filing of said return. Any waiver of interest or penalties shall be for a period of no more than 180 days after the due date of the return, regardless of any extension, and shall only apply to additional tax payments required due to the deduction allowed by section 168(k).

SECTION 10. The provisions of section 3 of this act shall take effect for returns required to be filed on or after January 1, 2002 and shall cease to be effective for returns required to be filed on or after January 1, 2003.

Approved April 17, 2002.

**Chapter 97. AN ACT FURTHER REGULATING THE JULIAN D. STEELE
PUBLIC HOUSING DEVELOPMENT IN THE CITY OF LOWELL.**

Be it enacted, etc., as follows:

SECTION 1. Chapter 193 of the acts of 2000 is hereby amended by striking out sections 1 to 4A, inclusive, and inserting in place thereof the following 5 sections:-

Section 1. (a) As used in this act, the following words shall have the following meanings:-

"Department", the department of housing and community development.

"Low and moderate income", income between 50 and 80 per cent of the city of Lowell area median income as determined by the United States Department of Housing and Urban Development.

"Very low income", income up to 50 per cent of the city of Lowell area median income as determined by the United States Department of Housing and Urban Development.

(b) Notwithstanding chapter 121B and chapter 30B of the General Laws or any other general or special law to the contrary, the Lowell housing authority may transfer ownership of a certain parcel of land located in the city of Lowell to the Residents First Development Corporation, a nonprofit corporation which shall be tax exempt pursuant to section 501(c) of the Internal Revenue Code, with a principal place of business in the city of Lowell, upon

such terms as the Lowell housing authority may deem reasonable. The parcel, more commonly known as the Julian D. Steele state aided public housing development, shall be demolished and rebuilt as a mixed income housing development with rental and homeownership opportunities to households with very low incomes, households with low and moderate incomes and households with incomes between 80 per cent and 150 per cent of the area median income, based on household size, as determined by the United States Department of Housing and Urban Development, in accordance with a development plan approved by the department. Outstanding state housing bond funds of which the proceeds were invested in the Julian D. Steele project need not be repaid at the time of the transfer of the project. All homeownership units shall be subject to affordable housing restrictions approved by the department, pursuant to chapter 184 of the General Laws, or other deeded restrictions approved by the department.

Section 2. The Lowell housing authority shall prepare and present for approval by the department a development plan providing for rental or homeownership of at least 45 per cent of the total number of units in the new mixed income development by very low income households and by low and moderate income households. At least 75 per cent of the 45 per cent shall provide rental or homeownership to very low income households. The development plan shall provide for permanent affordability of the units by very low income households and by low and moderate income households in the percentages specified in this section. The plan shall provide for the adequate relocation of all existing residents of the public housing development into appropriate alternative, decent, safe and sanitary housing. The development plan shall contain a financial analysis showing that the 20 year cost to the commonwealth, including capital and operating expenses, of the new development shall not exceed the 20 year cost to the commonwealth, including capital and operating expenses, of maintaining and operating the existing development as a fully occupied, decent, safe and sanitary public housing development. The Lowell housing authority, the Lowell city council and the department shall approve the development plan and any future substantial plan changes. The department may promulgate regulations necessary or appropriate for the implementation of this act.

Section 3. Pursuant to item 3722-8891 of section 2 of chapter 494 of the acts of 1993, as amended by section 5 of chapter 257 of the acts of 1998, the department may provide a grant of \$2,700,000 to the Lowell housing authority for costs of planning, engineering, necessary studies, design, development plan and construction of infrastructure, including environmental remediation, of the new mixed income development described in section 1, and the Lowell housing authority may grant all or part of such funds to the Residents First Development Corporation for such purposes. The development plan shall call for the creation of 180 new units on the present Julian D. Steele site, of which 81 units shall be available to persons of very low income and low and moderate income with both rental and homeownership opportunities. The development plan shall also include the replication of 220 units throughout the city of Lowell for persons of very low income and low and moderate income.

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Section 4. The department of housing and community development shall establish a new annual fund not to exceed \$600,000, to be allocated from the Lowell housing authority's existing operating subsidy and to be used by the Lowell housing authority to provide rental assistance to persons of very low income within the city of Lowell. Funds shall be diverted to the annual fund from the operating subsidy only to the extent that the existing operating subsidy is no longer necessary pursuant to this act and the development plan. The Lowell housing authority shall use these funds to assist in making up to 157 of the 220 replicated housing units referred to in section 3 available to very low income households. As a part of the development plan, the Lowell housing authority shall provide a funding schedule for such rental assistance and shall propose a process for transferring operating subsidy funding now provided to the Lowell housing authority into funding for rental assistance as provided in this section.

Each replicated housing unit shall be a decent, safe and sanitary housing unit located in the city of Lowell. One hundred and fifty-seven replicated housing units shall be affordable to households of very low incomes, and 63 other replicated housing units shall be affordable to households of low and moderate incomes. Replicated housing units shall be subject to requirements of affordability, enforceable by the housing authority, the city and the department, as specified in the development plan. The department shall certify that the 157 additional rental housing units of the 220 units referred to in section 3 are in fact available for very low income households.

Section 4A. There shall be a special commission to make a comprehensive study of state assisted family public housing in the commonwealth. The commission shall consist of 5 members of the house of representatives, 1 of whom shall be a member of the minority party and 1 of whom shall be designated co-chair, 5 members of the senate, 1 of whom shall be a member of the minority party and 1 of whom shall be designated co-chair, the director of the department or his designee, and 3 housing advocates appointed by the governor. The commission's study shall include, but not be limited to, income targeting and deconcentrating public housing, allowing higher income targeting for public housing units, using concepts in the HOPE VI Public Housing Revitalization Program, which provides funding for the demolition and redevelopment of older and deteriorated public housing and develops units that are frequently targeted to moderate income rather than low income households. The commission shall file its report, including a timeline for implementation and cost estimates and finance mechanisms to effect its recommendations, with the clerks of the senate and the house of representatives, not later than December 31, 2002.

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

Approved April 17, 2002.

Chapter 98. AN ACT AUTHORIZING THE CITY OF WALTHAM TO ESTABLISH A POSTEMPLOYMENT HEALTH INSURANCE TRUST FUND.

Be it enacted, etc., as follows:

SECTION 1. The mayor and the city council of the city of Waltham may appropriate funds in order to offset the anticipated cost of premium payments for or direct payments to retired employees, and the eligible surviving spouse or dependents of deceased employees. Such amount shall be credited to a special fund to be known as the Retiree Insurance Liability Fund. Any interest or other income shall be added to and become part of the fund.

The treasurer of the city shall be the custodian of the fund, and may deposit the proceeds in national banks or invest the proceeds by deposit in savings banks, cooperative banks, or trust companies organized under the laws of the commonwealth or in federal savings and local associations situated in the commonwealth or invest the same in securities that are legal for the investment of funds of savings banks under the laws of the commonwealth. The treasurer may employ any qualified bank, trust company, corporation, firm or person to advise him on the investment of the fund and may pay for such advice.

Amounts may be appropriated to the fund for these purposes by the mayor and majority vote of all members of the city council. Amounts may be expended from the fund only in accordance with an actuarial schedule of payments developed by the mayor, approved by the actuary in the division of insurance, and designed to reduce to zero any unfunded liability attributable to the payment of such premiums or direct payments. This schedule shall be designed to maintain such premium costs or direct payments as a fixed ratio of the current and predicated future payroll of the governmental unit or another acceptable actuarial method is approved by the actuary in the division of insurance. Funds may be used for the purposes of this fund by appropriation voted by the mayor and the city council.

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

Approved April 26, 2002.

Chapter 99. AN ACT AUTHORIZING THE CITY OF EASTHAMPTON TO GRANT AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES 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 city of Easthampton may grant to Landon M. Jenkins a license for the sale of all alcoholic beverages to be drunk on the premises under section 12 of said chapter 138. The license shall be subject to all of said chapter 138 except said section 17. The licensing authority shall not approve the transfer of the license to another person, organization, corporation or location.

Approved April 26, 2002.

Chapter 100. AN ACT PROVIDING FOR THE ESTABLISHMENT AND ADMINISTRATION OF RENT REGULATIONS AND THE CONTROL OF EVICTIONS IN MANUFACTURED HOUSING COMMUNITIES IN THE TOWN OF KINGSTON.

Be it enacted, etc., as follows:

SECTION 1. The general court finds and declares that: a serious public emergency exists with respect to the housing of a substantial number of citizens in the town of Kingston; this emergency has been created by excessive, abnormally high and unwarranted rental increases imposed by some owners of manufactured housing communities located in the town; unless manufactured housing community rents and eviction of tenants are regulated and controlled, this emergency will produce serious threats to the public health, safety and general welfare of the citizens of the town, particularly the elderly; and this emergency should be met by the commonwealth immediately and with due regard for the rights and responsibilities of the town of Kingston.

SECTION 2. The town of Kingston may, by its by-laws, regulate rents for the use or occupancy of manufactured housing accommodations in the town, establish a rent board for the purpose of regulating units, minimum standards for use or occupancy of manufactured housing communities and eviction of tenants therefrom and may, by its by-laws, require registration by owners of manufactured housing communities under penalty of perjury, of information relating to the manufactured housing communities. Such rents, standards and evictions may be regulated by the rent board so as to remove hardships or correct inequities for both the owner and tenants of such manufactured housing communities. The rent board shall have all the powers necessary or convenient to perform its functions, may make rules and regulations, require registration by owners of manufactured housing communities, under penalty of perjury, of information relating to the manufactured housing communities, sue and be sued, compel the attendance of persons and the production of papers and information and issue appropriate orders which shall be binding on both the owner and tenants of such manufactured housing communities. Violations of any by-law adopted pursuant to this act or any order of the rent board shall be punishable by a fine of not more than \$1,000.

SECTION 3. (a) In regulating rents for such manufactured housing communities, the rent board established under section 2 may make such individual or general adjustments, either upward or downward, as may be necessary to assure that rents for manufactured housing communities in the town are established at levels which yield to owners a fair net operating income which will yield a return, after all reasonable operating expenses, on the fair market value of the property equal to the debt service rate generally available from institutional first mortgage lenders or other rates of return that the board, on the basis of evidence presented before it, considers more appropriate to the circumstances of the case. The fair market value of the property shall be the assessed valuation of the property or other valuation that the board, on the basis of evidence presented before it, considers more appropriate to the circumstances of the case. (b) The town in its by-laws or the rent board by regulation may establish further standards and rules consistent with this act.

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SECTION 4. Chapter 30A of the General Laws shall apply to the rent board, established under section 2, as if the rent board were an agency of the commonwealth, including those provisions giving agencies the power to issue, vacate, modify and enforce subpoenas, and those provisions relating to judicial review of an agency order.

SECTION 5. (a) The Plymouth division of the district court department shall have original jurisdiction, concurrently with the superior court, of all petitions for review brought pursuant to section 14 of chapter 30A of the General Laws. (b) The superior court shall have jurisdiction to enforce this act and any by-laws adopted under this act and may restrain violations thereof.

SECTION 6. The town of Kingston may by its by-laws regulate the eviction of tenants, and the rent board, established under section 2, may issue orders which shall be a defense to actions of summary process for possession, and such orders shall be reviewable pursuant to sections 4 and 5.

SECTION 7. The personnel of the rent board established under section 2 shall not be subject to section 9A of chapter 30 or chapter 31 of the General Laws.

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

The foregoing was laid before the Lieutenant-Governor, Acting Governor on the Eighteenth of April, 2002 and after ten days had the force of law as prescribed by the Constitution as it was not returned by her to the branch in which it originated with her objections thereto within that time.

Chapter 101. AN ACT ESTABLISHING A LIMITED ACCESS DEPOSIT ACCOUNT.

Be it enacted, etc., as follows:

SECTION 1. Chapter 167D of the General Laws is hereby amended by inserting after section 5 the following section:-

Section 5A. (a) A bank or federally chartered bank may receive deposits into a deposit account held in the name of a natural person and established for personal, family or household purposes. The deposits, interest and other credits represented by the account may be withdrawn, assigned or transferred in whole or in part by the account holder only, except as otherwise provided in this section.

(b) Notwithstanding subsection (a), a holder of the account may provide for limited access to the account by another person to act as a signatory to the account pursuant to a declaration of intent in the form of a written statement, signed and sworn to by the account holder, evidencing his intent to designate another person as signatory to the account for the purpose of exercising, on behalf of the account holder, such powers with respect to the account as shall be expressed in the declaration.

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The declaration of intent shall include the following:

- (1) the name of the financial institution holding said account;
- (2) the account number;
- (3) the date of execution;
- (4) the name and signature of the account holder; and
- (5) the powers granted relative to the use of and withdrawals from the account by

the signatory.

(c) The provisions of the declaration relative to the account shall become effective upon the filing of the declaration with the financial institution, if the following documents are executed contemporaneously with, or on the same document as the declaration:

- (1) a statement, signed by the signatory, accepting the appointment;
- (2) a statement disclosing that any acts by a signatory relative to the account not specifically authorized in the declaration of intent may subject the signatory to civil or criminal liability;
- (3) a statement, signed and sworn to by the signatory, acknowledging receipt of an attested copy of the declaration of intent and the statement required by clause (2).

The declaration submitted to effect the establishment of the account, and documents related thereto, shall be maintained by the financial institution with the records of the account.

(d) Unless otherwise provided in the declaration of intent, all assets of the account shall be the property solely of the principal, and nothing in this section shall be construed to vest any rights relative to the account in the signatory; and in the event of the death of the principal while the declaration of intent is in effect, no right of survivorship shall accrue to a signatory.

(e) An amendment to or revocation of a declaration of intent, unless otherwise provided in the declaration, may be effected only by the principal or by a court appointed fiduciary in accordance with the intent of this section, and shall be filed forthwith with the financial institution holding the account.

(f) (1) In the event of the incapacity or death of the principal, and receipt of written notice by the financial institution holding the account, withdrawals shall not be permitted, except by a court appointed fiduciary, unless otherwise provided for in the declaration of intent. Notice of the death or incapacity of the principal of a limited access deposit account shall be given, in the case of a bank or federally chartered bank, to the main office of the bank.

(2) A bank shall not be required to monitor the limited access deposit account in a manner different from its other checking or savings accounts. A bank shall not be liable for withdrawals and payments made by the signatory before it receives notice of amendments or revocation of the declaration of intent, or before it receives notice of the death or incapacity of the principal.

(g) A signatory to the account shall maintain accurate records of his activity as a signatory and shall make the same available whenever requested to do so by the holder, his

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legal representative, or by a court appointed fiduciary.

(h) A signatory who violates the terms of a declaration of intent, with intent to defraud, and converts or secretes with intent to convert, the assets of the account, shall be guilty of larceny and subject to penalties contained in section 30 of chapter 266.

SECTION 2. Chapter 171 of the General Laws is hereby amended by inserting after section 32 the following section:-

Section 32A. (a) A credit union may receive deposits into a deposit account held in the name of a natural person and established for personal, family or household purposes. The deposits, interest and other credits represented by the account may be withdrawn, assigned or transferred in whole or in part by the account holder only, except as otherwise provided in this section.

(b) Notwithstanding subsection (a), a holder of the account may provide for limited access to the account by another person to act as a signatory thereto pursuant to a declaration of intent in the form of a written statement, signed and sworn to by the account holder, evidencing his intent to designate another person as signatory to the account for the purpose of exercising, on behalf of the account holder, such powers with respect to the account as shall be expressed in the declaration.

The declaration of intent shall include the following:-

- (1) the name of the financial institution holding said account;
- (2) the account number;
- (3) the date of execution;
- (4) the name and signature of the account holder; and
- (5) the powers granted relative to the use of and withdrawals from the account by the signatory.

(c) The provisions of the declaration relative to the account shall become effective upon the filing of the declaration with the financial institution involved, if the following documents are executed contemporaneously with, or on the same document as the declaration:

- (1) a statement, signed by the signatory, accepting the appointment;
- (2) a statement disclosing that any acts by a signatory relative to the account not specifically authorized in the declaration of intent may subject the signatory to civil or criminal liability;
- (3) a statement, signed and sworn to by the signatory, acknowledging receipt of an attested copy of the declaration of intent and the statement required by clause (2).

The declaration submitted to effect the establishment of the account, and any documents related thereto, shall be maintained by the financial institution with the records of the account.

(d) Unless otherwise provided in the declaration of intent, all assets of the account shall be the property solely of the principal, and nothing in this section shall be construed to

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vest any rights relative to the account in the signatory; and in the event of the death of the principal while the declaration of intent is in effect, no right of survivorship shall accrue to a signatory.

(e) An amendment to or revocation of a declaration of intent, unless otherwise provided in the declaration, may be effected only by the principal or by a court appointed fiduciary in accordance with the intent of this section, and shall be filed forthwith with the financial institution holding the account.

(f) (1) In the event of the incapacity or death of the principal, and receipt of written notice by the financial institution holding the account, no withdrawals shall be permitted except by a court appointed fiduciary, unless otherwise provided for in the declaration of intent. Notice of the death or incapacity of the principal of a limited access deposit account shall be given to the main office of the credit union holding the account.

(2) A credit union shall not be required to monitor the limited access deposit account in a manner different from its other checking or savings accounts. A bank shall not be liable for withdrawals and payments made by the signatory before it receives notice of amendments or revocation of the declaration of intent, or before it receives notice of the death or incapacity of the principal.

(g) A signatory to the account shall maintain accurate records of his activity as a signatory and shall make the same available whenever requested to do so by the holder, his legal representative, or by a court appointed fiduciary.

(h) A signatory to the account who violates the terms of a declaration of intent, with intent to defraud, and converts or secretes, with intent to convert, the assets of such account, shall be guilty of larceny and subject to penalties contained in section 30 of chapter 266.

Approved April 30, 2002.

Chapter 102. AN ACT AUTHORIZING THE TOWN OF BRAINTREE TO CONVEY A CERTAIN PARCEL OF TOWN FOREST LAND.

Be it enacted, etc., as follows:

SECTION 1. The town of Braintree, acting by and through its board of selectmen, may convey a certain parcel of forest land located in the town to Debra and Michael McConnell to be used for residential purposes. The parcel is shown as Lot 2 on a plan of land entitled, "Plan of proposed division of land in Braintree, Mass." prepared by Ernest W. Branch dated October 10, 2001. In consideration of the conveyance authorized in this act, Marjorie and Marvin Asnes of the town of Braintree shall convey to the town of Braintree a parcel of land shown as Lot 468B on the above described plan.

SECTION 2. The conveyance authorized in section 1 shall be contingent upon the

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conveyance by Debra and Michael McConnell to Marjorie and Marvin Asnes of a parcel of land shown as Lot 475B on the plan described in section 1.

Approved May 1, 2002.

Chapter 103. AN ACT RELATIVE TO CIVIL SERVICE PREFERENCE OF THE CHILDREN OF ALTON GRINDLE FOR APPOINTMENT FOR FIRE SERVICE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 26 of chapter 31 of the General Laws or any other general or special law to the contrary, any children of Alton Grindle, a firefighter of the town of Hanson who fell from a tower during a training exercise on September 13, 1980 and died September 18, 1980 as the result of this fall, shall have their names certified for original appointment for fire service in the commonwealth before all other persons on the eligible list for such an appointment, if the son or daughter passes the required written and physical examinations for entrance to the fire service. If more than 1 person becomes eligible pursuant to this act, the names of such persons shall be certified in the order of their respective scores on the open competitive civil service examination for the firefighting service.

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

Approved May 3, 2002.

Chapter 104. AN ACT DESIGNATING A CERTAIN ROAD AND BRIDGES IN THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. The bridge on Mill street spanning the railroad tracks in the town of Natick shall be designated and known as the Vice President Henry Wilson Memorial Bridge, in honor of Henry Wilson who served as Vice President of the United States in the administration of President Grant. The department of highways shall erect suitable markers bearing the designation in compliance with the standards of the department.

SECTION 2. The bridge on Tileston street spanning the railroad tracks in the city of Everett shall be designated and known as the Private First Class Patrick Moreschi Memorial Bridge, in honor of Private First Class Patrick Moreschi, a recipient of the Distinguished Service Cross for valor in World War II. The department of highways shall

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erect suitable markers bearing the designation in compliance with the standards of the department.

SECTION 3. The bridge on Milliken boulevard spanning interstate highway route 195 in the city of Fall River shall be designated and known as the Detective Richard G. Magan Memorial Bridge, in honor of police officer Richard G. Magan. The department of highways shall erect suitable markers bearing the designation in compliance with the standards of the department.

SECTION 4. The bridge on state highway route 32 spanning the Ware river in the town of Hardwick shall be designated and known as the Stanley J. Nurek Memorial Bridge, in honor of Stanley J. Nurek, who ably served the town in different capacities for many years. The department of highways shall erect suitable markers bearing the designation in compliance with the standards of the department.

SECTION 5. That portion of state highway route 1 within the town of Foxborough shall be designated and known as the Home of the New England Patriots, Super Bowl XXXVI Champions. The department of highways shall erect and maintain suitable markers bearing the designation in compliance with the standards of the department and as authorized by the federal highway administration.

SECTION 6. Section 63 of chapter 273 of the acts of 1994 is hereby repealed.

Approved May 3, 2002.

Chapter 105. AN ACT EXEMPTING THE POSITION OF CHIEF OF POLICE IN THE CITY OF FITCHBURG FROM THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The position of chief of police in the city of Fitchburg shall be exempt from chapter 31 of the General Laws.

SECTION 2. Section 1 shall not impair the civil service status of the person holding the position of chief of police in the city of Fitchburg on the effective date of this act.

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

Approved May 3, 2002.

Chapter 106. AN ACT RELATIVE TO THE LICENSING OF INSURANCE PRODUCERS.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 14 of chapter 175 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the thirteenth

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and fourteenth clauses and inserting in place thereof the following clause:-

For each license or renewal thereof to an insurance producer under sections 162M and 162N.

SECTION 2. Said first paragraph of said section 14 of said chapter 175, as so appearing, is hereby further amended by striking out, in lines 52 and 53, the words "one hundred and sixty-three, one hundred and sixty-six" and inserting in place thereof the following figures:- 162M, 162N.

SECTION 3. Section 162 of said chapter 175, as so appearing, is hereby amended by striking out the first and second paragraphs.

SECTION 3A. Said section 162 of said chapter 175, as so appearing, is hereby further amended by striking out, in lines 19 and 20, the words "as referred to in the first and second paragraph".

SECTION 4. Section 162A of said chapter 175 is hereby repealed.

SECTION 5. Said chapter 175 is hereby further amended by inserting after section 162F the following 18 sections:-

Section 162G. Sections 162H to 162X, inclusive, shall govern the qualifications and procedures for the licensing of insurance producers.

Sections 162H to 162X, inclusive, do not apply to special insurance brokers licensed pursuant to section 168, except as provided in section 162N and subsection B of section 162U.

Section 162H. As used in sections 162G to 162X, inclusive, the following words shall, unless the context requires otherwise, have the following meanings:-

"Business entity", a corporation, association, partnership, limited liability company, limited liability partnership or other legal entity.

"Home state", the District of Columbia and any state or territory of the United States in which an insurance producer maintains his principal place of residence or principal place of business and is licensed to act as an insurance producer.

"Insurance", any of the lines of authority in section 47.

"Insurance producer", a person required to be licensed under the laws of the commonwealth to sell, solicit or negotiate insurance.

"Insurer", a corporation, association, partnership or individual engaged as a principal in the business of insurance including exchanges as defined in section 94A.

"License", a document issued by the commissioner authorizing a person to act as an insurance producer for the lines of authority specified in the document. The license itself does not create any authority, actual, apparent or inherent, in the holder to represent or commit an insurance carrier.

"Limited line credit insurance", includes credit life, credit disability, credit property, credit unemployment, involuntary unemployment, mortgage life, mortgage guaranty, mortgage disability, guaranteed automobile protection insurance and any other form of insurance offered in connection with an extension of credit that is limited to partially or wholly

extinguishing that credit obligation that the commissioner determines should be designated a form of limited line credit insurance.

"Limited line credit insurance producer", a person who sells, solicits or negotiates 1 or more forms of limited line credit insurance coverage to individuals through a master, corporate, group or individual policy.

"Limited lines insurance", any line of insurance that the commissioner deems necessary to recognize for the purposes of complying with subsection (e) of section 162N.

"Limited lines producer", a person authorized by the commissioner to sell, solicit or negotiate limited lines insurance.

"National Association of Insurance Commissioners", NAIC.

"Negotiate", the act of conferring directly with or offering advice directly to a purchaser or prospective purchaser of a particular contract of insurance concerning any of the substantive benefits, terms or conditions of the contract, provided that the person engaged in that act either sells insurance or obtains insurance from insurers for purchasers.

"Person", an individual or a business entity.

"Sell", to exchange a contract of insurance by any means, for money or its equivalent, on behalf of an insurance company.

"Solicit", attempting to sell insurance or asking or urging a person to apply for a particular kind of insurance from a particular company.

"Terminate", the cancellation of the relationship between an insurance producer and the insurer or the termination of a producer's authority to transact insurance.

"Uniform business entity application", the current version of the NAIC uniform business entity application for resident and nonresident business entities.

"Uniform application", the current version of the NAIC uniform application for resident and nonresident producer licensing.

Section 162I. A person shall not sell, solicit or negotiate insurance in the commonwealth for any class or classes of insurance unless the person is licensed for that line of authority in accordance with sections 162H to 162X, inclusive.

Section 162J. (a) Nothing in sections 162H to 162X, inclusive, shall be construed to require an insurer to obtain an insurance producer license. In this section, the term "insurer" does not include an insurer's officers, directors, employees, subsidiaries or affiliates.

(b) A license as an insurance producer shall not be required of the following:-

(1) an officer, director or employee of an insurer or of an insurance producer if the officer, director or employee does not receive any commission on policies written or sold to insure risks residing, located or to be performed in the commonwealth and:-

(i) the officer, director or employee's activities are executive, administrative, managerial, clerical or a combination of these, and are only indirectly related to the sale, solicitation or negotiation of insurance;

(ii) the officer, director or employee's function relates to underwriting, loss control,

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inspection or the processing, adjusting, investigating or settling of a claim on a contract of insurance; or

(iii) the officer, director or employee is acting in the capacity of a special agent or agency supervisor assisting insurance producers where the person's activities are limited to providing technical advice and assistance to licensed insurance producers and do not include the sale, solicitation or negotiation of insurance;

(2) a person who secures and furnishes information for the purpose of group life insurance, group property and casualty insurance, group annuities, group or blanket accident and health insurance; or for the purpose of enrolling individuals under plans; issuing certificates under plans or otherwise assisting in administering plans; or performs administrative services related to mass marketed property and casualty insurance; where no commission is paid to the person for the service;

(3) an employer or association or its officers, directors, employees, or the trustees of an employee trust plan, to the extent that the employers, officers, employees, director or trustees are engaged in the administration or operation of a program of employee benefits for the employer's or association's own employees or the employees of its subsidiaries or affiliates, which program involves the use of insurance issued by an insurer, as long as the employers, associations, officers, directors, employees or trustees are not in any manner compensated, directly or indirectly, by the company issuing the contracts;

(4) employees of insurers or organizations employed by insurers who are engaging in the inspection, rating or classification of risks, or in the supervision of the training of insurance producers and who are not individually engaged in the sale, solicitation or negotiation of insurance;

(5) a person whose activities in the commonwealth are limited to advertising without the intent to solicit insurance in the commonwealth through communications in printed publications or other forms of electronic mass media whose distribution is not limited to residents of the state if the person does not sell, solicit or negotiate insurance that would insure risks residing, located or to be performed in the commonwealth;

(6) a person who is not a resident of the commonwealth who sells, solicits or negotiates a contract of insurance for commercial property and casualty risks to an insured with risks located in more than 1 state insured under that contract if that person is otherwise licensed as an insurance producer to sell, solicit or negotiate that insurance in the state where the insured maintains its principal place of business and the contract of insurance insures risks located in that state;

(7) a salaried full-time employee who counsels or advises his employer relative to the insurance interests of the employer or of the subsidiaries or business affiliates of the employer if the employee does not sell or solicit insurance or receive a commission; or

(8) a person, and an officer, director or employee of said person, who has obtained a Class 1 or Class 2 license under sections 58 and 59 of chapter 140, and who sells, solicits, or negotiates credit life, credit disability, and guaranteed automobile protection insurance in conjunction with an executed sales or lease contract for a motor vehicle.

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Section 162K. (a) A resident individual applying for an insurance producer license shall pass a written examination unless exempt pursuant to section 162O. The examination shall test the knowledge of the individual concerning the lines of authority for which application is made, the duties and responsibilities of an insurance producer and the insurance laws and regulations of the commonwealth. Examinations required by this section shall be developed and conducted under rules and regulations prescribed by the commissioner.

(b) The commissioner may make arrangements, including contracting with an outside testing service, for administering examinations and collecting the nonrefundable fee determined or approved by the commissioner.

(c) Each individual applying for an examination shall remit a nonrefundable fee as prescribed by the commissioner.

(d) An individual who fails to appear for the examination as scheduled or fails to pass the examination, shall reapply for an examination and remit all required fees and forms before being rescheduled for another examination.

Section 162L. (a) A person applying for a resident insurance producer license shall make application to the commissioner on the uniform application and declare under penalty of refusal, suspension or revocation of the license that the statements made in the application are true, correct and complete to the best of the individual's knowledge and belief. Before approving the application, the commissioner shall find that the individual:-

(1) is at least 18 years of age;

(2) has not committed any act that is a ground for denial, suspension or revocation set forth in section 162R;

(3) when required by the commissioner, has completed a preclicensing course of study for the lines of authority for which the person has applied;

(4) has paid the fees prescribed by section 14; and

(5) has successfully passed the examinations for the lines of authority for which the person has applied.

(b) A business entity acting as an insurance producer is required to obtain an insurance producer license. Application shall be made using the uniform business entity application. Before approving the application, the commissioner shall find that:-

(1) the business entity has paid the fees prescribed by section 14; and

(2) the business entity has designated a licensed producer responsible for the business entity's compliance with the insurance laws, rules and regulations of the commonwealth.

(c) The commissioner may require any documents reasonably necessary to verify the information contained in an application.

(d) Each insurer that sells, solicits or negotiates any form of limited line credit insurance shall provide to each individual whose duties will include selling, soliciting or negotiating limited line credit insurance a program of instruction that may be approved by the commissioner.

Section 162M. (a) Unless denied licensure pursuant to section 162R, persons who have met the requirements of sections 162K and 162L shall be issued an insurance producer license. An insurance producer may receive qualification for a license in 1 or more of the following lines of authority:-

(1) Life, insurance coverage on human lives including benefits of endowment and annuities, and may include benefits in the event of death or dismemberment by accident and benefits for disability income.

(2) Accident and health or sickness, insurance coverage for sickness, bodily injury or accidental death, and may include benefits for disability income.

(3) Property, insurance coverage for the direct or consequential loss or damage to property of every kind.

(4) Casualty, insurance coverage against legal liability, including that for death, injury or disability or damage to real or personal property.

(5) Variable life and variable annuity products, insurance coverage provided under variable life insurance contracts and variable annuities.

(6) Personal lines, property and casualty insurance coverage sold to individuals and families for primarily noncommercial purposes.

(7) Credit, limited line credit insurance.

(8) Any other line of insurance permitted under state law or regulation.

(b) An insurance producer license shall remain in effect unless revoked or suspended as long as the fee prescribed by section 14 is paid and education requirements for resident individual producers are met by the due date.

(c) An individual insurance producer who allows his license to lapse may, within 12 months from the due date of the renewal fee, reinstate the same license without the necessity of passing a written examination, but a penalty in the amount of double the unpaid renewal fee shall be required for any renewal fee received after the due date.

(d) A licensed insurance producer who is unable to comply with license renewal procedures due to military service or some other extenuating circumstance may request a waiver of those procedures. The producer may also request a waiver of any examination requirement or any other fine or sanction imposed for failure to comply with renewal procedures.

(e) The license shall contain the licensee's name, address, personal identification number, and the date of issuance, the lines of authority, the expiration date and any other information the commissioner deems necessary.

(f) Licensees shall inform the commissioner by any means acceptable to the commissioner of a change of address within 30 days of the change.

(g) In order to assist in the performance of the commissioner's duties, the commissioner may contract with nongovernmental entities, including the NAIC or any affiliates or subsidiaries that the NAIC oversees, to perform any ministerial functions, including the collection of fees, related to producer licensing that the commissioner and the

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nongovernmental entity may deem appropriate.

Section 162N. (a) Unless denied licensure pursuant to section 162R, a nonresident person shall receive a nonresident producer license if:-

(1) the person is currently licensed as a resident and in good standing in his home state;

(2) the person has submitted the proper request for licensure and has paid the fees prescribed by section 14;

(3) the person has submitted or transmitted to the commissioner the application for licensure that the person submitted to his home state, or in lieu of the same, a completed uniform application; and

(4) the person's home state awards nonresident producer licenses to residents of the commonwealth on the same basis.

(b) The commissioner may verify the producer's licensing status through the producer database maintained by the NAIC, its affiliates or subsidiaries.

(c) A nonresident producer who moves from 1 state to another state or a resident producer who moves from the commonwealth to another state shall file a change of address and provide certification from the new resident state within 30 days of the change of legal residence. No fee or license application is required.

(d) Notwithstanding any other provision of sections 162H to 162X, inclusive, a person licensed as a surplus lines producer in his home state shall receive a nonresident surplus lines producer license under subsection (a). Except as provided in said subsection (a), nothing in this section otherwise amends or supersedes any provision of section 168.

(e) Notwithstanding any other provision of sections 162H to 162X, inclusive, a person licensed as a limited line credit insurance or other type of limited lines producer in his home state shall receive a nonresident limited lines producer license, under subsection (a), granting the same scope of authority as granted under the license issued by the producer's home state. For the purposes of this subsection limited line insurance is any authority granted by the home state which restricts the authority of the license to less than the total authority prescribed in the associated major lines pursuant to clauses (1) to (5), inclusive, of subsection (a) of section 162M.

Section 162O. (a) An individual who applies for an insurance producer license in the commonwealth who was previously licensed for the same lines of authority in another state shall not be required to complete any preclicensing education or examination. This exemption is only available if the person is currently licensed in that state or if the application is received within 90 days of the cancellation of the applicant's previous license and if the prior state issues a certification that, at the time of cancellation, the applicant was in good standing in that state or the state's producer database records, maintained by the NAIC, its affiliates or subsidiaries, indicate that the producer is or was licensed in good standing for the line of authority requested.

(b) A person licensed as an insurance producer in another state who moves to the

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commonwealth shall make application within 90 days of establishing legal residence to become a resident licensee under section 162L. No prelicensing education or examination shall be required of that person to obtain any line of authority previously held in the prior state except where the commissioner determines otherwise by regulation.

Section 162P. An insurance producer doing business under any name other than the producer's legal name is required to notify the commissioner prior to using the assumed name.

Section 162Q. (a) The commissioner may issue a temporary insurance producer license for a period not to exceed 180 days without requiring an examination if the commissioner determines that the temporary license is necessary for the servicing of an insurance business in the following cases:-

(1) to the surviving spouse or court appointed personal representative of a licensed insurance producer who dies or becomes mentally or physically disabled to allow adequate time for the sale of the insurance business owned by the producer or for the recovery or return of the producer to the business or to provide for the training and licensing of new personnel to operate the producer's business;

(2) to a member or employee of a business entity licensed as an insurance producer, upon the death or disability of an individual designated in the business entity application or the license;

(3) to the designee of a licensed insurance producer entering active service in the armed forces of the United States; or

(4) in any other circumstance where the commissioner deems that the public interest will best be served by the issuance of this license.

(b) The commissioner may by order limit the authority of any temporary licensee in any way considered necessary to protect insureds and the public. The commissioner may require the temporary licensee to have a suitable sponsor who is a licensed producer or insurer and who assumes responsibility for all acts of the temporary licensee and may impose other similar requirements designed to protect insureds and the public. The commissioner may by order revoke a temporary license if the interest of insureds or the public are endangered. A temporary license may not continue after the owner or the personal representative disposes of the business.

Section 162R. (a) The commissioner may place on probation, suspend, revoke or refuse to issue or renew an insurance producer's license or may levy a civil penalty in accordance with section 7 of chapter 176D or any other applicable sections of the General Laws or any combination of actions, for any 1 or more of the following causes:-

(1) providing incorrect, misleading, incomplete or materially untrue information in the license application;

(2) violating any insurance laws, or violating any regulation, subpoena or order of the commissioner or of another state's insurance commissioner;

(3) obtaining or attempting to obtain a license through misrepresentation or fraud;

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(4) improperly withholding, misappropriating or converting any monies or properties received in the course of doing insurance business;

(5) intentionally misrepresenting the terms of an actual or proposed insurance contract or application for insurance;

(6) having been convicted of a felony;

(7) having admitted or been found to have committed any insurance unfair trade practice or fraud;

(8) using fraudulent, coercive or dishonest practices, or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in the commonwealth or elsewhere;

(9) having an insurance producer license, or its equivalent, denied, suspended or revoked in any other state, province, district or territory;

(10) forging another's name to an application for insurance or to any document related to an insurance transaction;

(11) improperly using notes or any other reference material to complete an examination for an insurance license;

(12) knowingly accepting insurance business from an individual who is not licensed;

(13) failing to comply with an administrative or court order imposing a child support obligation, in a manner consistent with section 47A of chapter 62C or section 16 of chapter 119A; or

(14) failing to pay state income tax or comply with any administrative or court order directing payment of state income tax.

(b) In the event that the action by the commissioner is to nonrenew or to deny an application for a license, the commissioner shall notify the applicant or licensee and advise, in writing, the applicant or licensee of the reason for the denial or nonrenewal of the applicant's or licensee's license. The applicant or licensee may make written demand upon the commissioner within 30 days for a hearing before the commissioner to determine the reasonableness of the commissioner's action. The hearing shall be held pursuant to chapter 30A.

(c) The license of a business entity may be suspended, revoked or refused if the commissioner finds, after hearing, that an individual licensee's violation was known or should have been known by 1 or more of the partners, officers or managers acting on behalf of the partnership or corporation and the violation was neither reported to the commissioner nor corrective action taken.

(d) In addition to or in lieu of any applicable denial, suspension or revocation of a license, a person may, after hearing, be subject to a civil fine according to section 7 of chapter 176D.

(e) The commissioner shall retain the authority to enforce the provisions of and impose any penalty or remedy authorized by sections 162H to 162X, inclusive, and chapter 176D against any person who is under investigation for or charged with a violation of sections 162H to 162X, inclusive, or chapter 176D even if the person's license or registration

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has been surrendered or has lapsed by operation of law.

Section 162S. (a) An insurance producer shall not act as an agent of an insurer unless the insurance producer becomes an appointed agent of that insurer. An insurance producer who is not acting as an agent of an insurer is not required to become appointed.

(b) To appoint a producer as its agent, the appointing insurer shall file, in a format approved by the commissioner, a notice of appointment within 15 days from the date the agency contract is executed or the first insurance application is submitted. An insurer may also elect to appoint a producer to all or some insurers within the insurer's holding company system or group by the filing of a single appointment request.

(c) Upon receipt of the notice of appointment, the commissioner shall verify within a reasonable time not to exceed 30 days that the insurance producer is eligible for appointment. If the insurance producer is determined to be ineligible for appointment, the commissioner shall notify the insurer within 5 days of its determination.

(d) An insurer shall pay an appointment fee, in the amount prescribed by section 14, for each insurance producer appointed by the insurer.

(e) An insurer shall remit, in a manner prescribed by the commissioner, a renewal appointment fee in the amount prescribed by section 14.

Section 162T. (a) An insurer or authorized representative of the insurer that terminates the appointment, employment, contract or other insurance business relationship with a producer shall notify the commissioner within 30 days following the effective date of the termination, using a format prescribed by the commissioner, if the reason for termination is one of the reasons set forth in section 162R or the insurer has knowledge the producer was found by a court, government body, or self-regulatory organization authorized by law to have engaged in any of the activities in section 162R. Upon the written request of the commissioner, the insurer shall provide additional information, documents, records or other data pertaining to the termination or activity of the producer.

(b) An insurer or authorized representative of the insurer that terminates the appointment, employment or contract with a producer for any reason not set forth in section 162R shall notify the commissioner within 30 days following the effective date of the termination, using a format prescribed by the commissioner. Upon written request of the commissioner, the insurer shall provide additional information, documents, records or other data pertaining to the termination.

(c) The insurer or the authorized representative of the insurer shall promptly notify the commissioner in a format acceptable to the commissioner if, upon further review or investigation, the insurer discovers additional information that would have been reportable to the commissioner in accordance with subsection (a) had the insurer then known of its existence.

(d) (1) Within 15 days after making the notification required by subsections (a), (b) and (c), the insurer shall mail a copy of the notification to the producer at his last known address. If the producer is terminated for cause for any of the reasons listed in section 162R,

the insurer shall provide a copy of the notification to the producer at his last known address by certified mail, return receipt requested, postage prepaid or by overnight delivery using a nationally recognized carrier.

(2) Within 30 days after the producer has received the original or additional notification, the producer may file written comments concerning the substance of the notification with the commissioner. The producer shall, by the same means, simultaneously send a copy of the comments to the reporting insurer, and the comments shall become a part of the commissioner's file and accompany every copy of a report distributed or disclosed for any reason about the producer as permitted under subsection (f).

(e) (1) In the absence of actual malice, an insurer, the authorized representative of the insurer, a producer, the commissioner, or an organization of which the commissioner is a member and which compiles information and makes it available to other insurance commissioners or regulatory or law enforcement agencies shall not be subject to civil liability, and a civil cause of action of any nature shall not arise against these entities or their respective agents or employees, as a result of any statement or information required by or provided under this section; or any information relating to any statement that may be requested in writing by the commissioner, from an insurer or producer; or a statement by a terminating insurer or producer to an insurer or producer limited solely and exclusively to whether a termination for cause under subsection (a) was reported to the commissioner, provided that the propriety of any termination for cause under subsection (a) is certified in writing by an officer or authorized representative of the insurer or producer terminating the relationship.

(2) In any action brought against a person that may have immunity under paragraph (1) for making any statement required by this section or providing any information relating to any statement that may be requested by the commissioner, the party bringing the action shall plead specifically in any allegation that paragraph (1) does not apply because the person making the statement or providing the information did so with actual malice.

(3) Paragraph (1) or (2) shall not abrogate or modify any existing statutory or common law privileges or immunities.

(f) (1) Any documents, materials or other information in the control or possession of the division of insurance that is furnished by an insurer, producer or an employee or agent thereof acting on behalf of the insurer or producer, or obtained by the commissioner in an investigation under this section shall be confidential by law and privileged, shall not be subject to the public records law, shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action. However, the commissioner may use the documents, materials or other information in the furtherance of any regulatory or legal action brought as a part of the commissioner's duties.

(2) Neither the commissioner nor any person who received documents, materials or other information while acting under the authority of the commissioner shall be permitted or required to testify in any private civil action concerning any confidential documents, materials, or information subject to paragraph (1).

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(3) In order to assist in the performance of the commissioner's duties under sections 162H to 162X, inclusive, the commissioner:-

(i) may share documents, materials or other information, including the confidential and privileged documents, materials or information subject to paragraph (1), with other state, federal and international regulatory agencies, with the NAIC, its affiliates or subsidiaries, and with state, federal and international law enforcement authorities, if the recipient agrees to maintain the confidentiality and privileged status of the document, material or other information;

(ii) may receive documents, materials or information, including otherwise confidential and privileged documents, materials or information, from the NAIC, its affiliates or subsidiaries and from regulatory and law enforcement officials of other foreign or domestic jurisdictions, and shall maintain as confidential or privileged any document, material or information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material or information; and

(iii) may enter into agreements governing sharing and use of information consistent with this paragraph.

(4) No waiver of any applicable privilege or claim of confidentiality in the documents, materials or information shall occur as a result of disclosure to the commissioner under this section or as a result of sharing as authorized in paragraph (3).

(5) Nothing in sections 162H to 162X, inclusive, shall prohibit the commissioner from releasing final, adjudicated actions including for cause terminations that are open to public inspection, under clause Twenty-sixth of section 7 of chapter 4

(g) An insurer, the authorized representative of the insurer, or producer that fails to report as required under this section or that is found to have reported with actual malice by a court of competent jurisdiction may, after notice and hearing, have its license or certificate of authority suspended or revoked and may be fined in accordance with chapter 176D.

(h) Nothing in this section shall modify the provisions of section 163.

Section 162U. (a) The commissioner shall waive any requirements for a nonresident license applicant with a valid license from his home state, except the requirements imposed by section 162N if the applicant's home state awards nonresident licenses to residents of the commonwealth on the same basis.

(b) A nonresident producer's satisfaction of his home state's continuing education requirements for licensed insurance producers shall constitute satisfaction of the commonwealth's continuing education requirements if the nonresident producer's home state recognizes the satisfaction of its continuing education requirements imposed upon producers from the commonwealth on the same basis.

Section 162V. (a) A producer shall report to the commissioner any administrative action taken against the producer in another jurisdiction or by another governmental agency in the commonwealth within 30 days of the final disposition of the matter. This report shall

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include a copy of the order, consent to order or other relevant legal documents.

(b) Within 30 days of the initial pretrial hearing date, a producer shall report to the commissioner any criminal prosecution of the producer taken in any jurisdiction. The report shall include a copy of the initial complaint filed, the order resulting from the hearing and any other relevant legal documents.

Section 162W. The commissioner may promulgate reasonable regulations as are necessary or proper to carry out the purposes of sections 162G to 162X, inclusive.

Section 162X. If any provisions of sections 162G to 162X, inclusive, or the application of a provision to any person or circumstances, shall be held invalid, the remainder of said sections 162G to 162X, inclusive, and the application of the provision to persons or circumstances other than those to which it is held invalid, shall not be affected.

SECTION 6. Section 163 of said chapter 175, as so appearing, is hereby amended by striking out the first and second paragraphs.

SECTION 7. Section 163A of said chapter 175 is hereby repealed.

SECTION 8. Section 165 of said chapter 175 is hereby repealed.

SECTION 9. Section 166 of said chapter 175 is hereby repealed.

SECTION 10. Section 166A of said chapter 175 is hereby repealed.

SECTION 11. Section 166B of said chapter 175, as appearing in the 2000 Official Edition, is hereby amended by striking out, in lines 2 and 3, the words "one hundred and sixty-three or one hundred and sixty-six, or both" and inserting in place thereof the following figure:- 162R.

SECTION 12. Said section 166B of said chapter 175, as so appearing, is hereby further amended by striking out, in lines 5, 8 and in lines 10 and 11, the words "agent or broker" and inserting in place thereof the following words:- insurance producer.

SECTION 13. Said section 166B of said chapter 175 is hereby further amended by striking out, in line 9, the words "broker or agent" and inserting in place thereof the following words:- insurance producer.

SECTION 14. Said section 166B of said chapter 175, as so appearing, is hereby further amended by striking out, in lines 15 and 16, 17, 19 and 20 and 25, the words "broker or insurance agent" and inserting in place thereof, in each instance, the following word:- producer.

SECTION 15. Section 167 of said chapter 175 is hereby repealed.

SECTION 16. Section 167A of said chapter 175, as appearing in the 2000 Official Edition, is hereby amended by striking out, in lines 1 to 3, inclusive, the words "broker's license issued under section one hundred and sixty-six, one hundred and sixty-seven, or one hundred and seventy-three" and inserting in place thereof the following words:- producer's license issued under section 162M.

SECTION 17. Section 168 of said chapter 175, as so appearing, is hereby amended by striking out, in lines 2 and 3, the words "resident in the commonwealth".

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SECTION 18. Said section 168 of said chapter 175, as so appearing, is hereby further amended by striking out, in lines 11 and 20, the words "one hundred and sixty-six" and inserting in place thereof, in each instance, the following figure:- 162L.

SECTION 19. Said section 168 of said chapter 175, as so appearing, is hereby further amended by striking out, in lines 78 to 82, inclusive, the words ", and before receiving such license shall execute and deliver to the state treasurer a bond in the penal sum of two thousand dollars, with such sureties as he shall approve, conditioned that the licensee will faithfully comply with all the requirements of this section".

SECTION 20. Said section 168 of said chapter 175, as so appearing, is hereby further amended by adding the following 3 paragraphs:-

A license to act as a special insurance broker may, upon the payment of the fees prescribed by section 14, be issued to any voluntary organization, as defined in section 1 of chapter 182, for the purpose of acting as a special insurance broker, subject to the conditions specified in section 172A.

The commissioner may, upon the payment of the fees prescribed by section 14, issue to a partnership, a license to act as a special insurance broker subject to the conditions specified in section 173.

A license to act as a special insurance broker may, upon the payment of the fees prescribed by section 14, be issued to any corporation, subject to the conditions specified in section 174.

SECTION 21. Section 172 of said chapter 175, as so appearing, is hereby amended by adding the following 3 paragraphs:-

A license to act as a fire adjuster may, upon the payment of the fees prescribed by section 14, be issued to any voluntary organization, as defined in section 1 of chapter 182, which is organized exclusively for the purpose of acting as an adjuster of fire losses, subject to the conditions specified in section 172A.

The commissioner may, upon the payment of the fees prescribed by section 14, issue to a partnership a license to act as an adjuster of fire losses subject to the conditions specified in section 173. The partnership may include nonresident insurance producers if a majority of the partners are residents of the commonwealth, and if the partnership agreement contains a statement which in substance states that the partnership agreement is a Massachusetts contract and shall be governed by, and construed and enforced in accordance with, the laws of the commonwealth, and that with respect to any legal action arising out of the transactions or activities of the partnership affairs, service of process made on any 1 of the partners shall be deemed valid and binding service upon all partners who are not residents of the commonwealth.

A license to act as a fire adjuster may, upon the payment of the fees prescribed by section 14, be issued to any corporation which is incorporated exclusively for the purpose of acting as an adjuster of fire losses, subject to the conditions specified in section 174. The majority of officers and directors to be named in the license must have been so licensed as individuals for 3 years, except that no foreign corporation shall be licensed as an insurance

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agent of a foreign company under section 163 or as a special insurance broker under said section 168. Each license shall specify the officers and directors who may act thereunder in the name and on behalf of the corporation, the number of such officers and directors to be determined in the discretion of the commissioner in each case.

SECTION 22. Said section 172 of said chapter 175, as so appearing, is hereby further amended by striking out, in lines 5 and 13, the words "one hundred and sixty-six" and inserting in place thereof, in each instance, the following figure:- 162L.

SECTION 23. Section 172A of said chapter 175, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "one hundred and sixty-three, one hundred and sixty-six, one hundred and sixty-seven" and inserting in place thereof the following figures:- 162M, 162N.

SECTION 24. Said section 172A of said chapter 175, as so appearing, is hereby further amended by striking out, in lines 7 and 8, the words "agent or broker" and inserting in place thereof, in each instance, the following word:- producer.

SECTION 25. Said section 172A of said chapter 175, as so appearing, is hereby further amended by striking out, in line 11, the words "agents or brokers" and inserting in place thereof the following word:- producers.

SECTION 26. Section 173 of said chapter 175, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "one hundred and sixty-three, one hundred and sixty-six, one hundred and sixty-seven" and inserting in place thereof the following figures:- 162M, 162N.

SECTION 27. Said section 173 of said chapter 175, as so appearing, is hereby further amended by striking out the second paragraph.

SECTION 28. Section 174 of said chapter 175, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "one hundred and sixty-three, one hundred and sixty-six, one hundred and sixty-seven" and inserting in place thereof the following figures:- 162M, 162N.

SECTION 29. Said section 174 of said chapter 175, as so appearing, is hereby further amended by striking out, in lines 5 to 11, inclusive, the words "which is incorporated exclusively for the purpose of acting as an insurance agent, broker or adjuster of fire losses, if the majority of whose officers and directors to be named in said license have been so licensed as individuals for three years, except that no foreign corporation shall be licensed as an insurance agent of a foreign company under said section one hundred and sixty-three or as a special insurance broker under said section one hundred and sixty-eight".

SECTION 30. Said section 174 of said chapter 175, as so appearing, is hereby further amended by striking out the third sentence.

SECTION 31. Section 174A of said chapter 175, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "one hundred and sixty-three, one hundred and sixty-six, one hundred and sixty-seven" and inserting in place thereof the following figure:- 162R.

SECTION 32. Section 174B of said chapter 175, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "one hundred and sixty-three, one hundred and sixty-six, one hundred and sixty-seven" and inserting in place thereof the following figures:- 162M, 162N.

SECTION 33. Section 174C of said chapter 175 is hereby repealed.

SECTION 34. Section 174D of said chapter 175 is hereby repealed.

SECTION 35. Section 177 of said chapter 175, as appearing in the 2000 Official Edition, is hereby amended by striking out, in line 2, the word "broker" and inserting in place thereof the following word:- producer.

SECTION 36. Said section 177 of said chapter 175, as so appearing, is hereby further amended by striking out, in lines 6 to 9, inclusive, the words "agent or as an insurance broker, both as defined in section one hundred and sixty-two, who is not then duly licensed as an insurance agent of the company for which he assumes to act or as an insurance broker" and inserting in place thereof the following words:- producer, as defined in section 162H who is not then duly licensed as an insurance producer.

SECTION 37. Said section 177 of said chapter 175, as so appearing, is hereby further amended by striking out, in line 11, the words "regularly licensed insurance broker" and inserting in place thereof the following words:- duly licensed insurance producer.

SECTION 38. Section 177B of said chapter 175, as so appearing, is hereby amended by striking out, in line 31, the words "one hundred and sixty-six" and inserting in place thereof the following figure:- 162L.

SECTION 39. Subsection I of section 177E of said chapter 175, as so appearing, is hereby amended by striking out paragraph (2) and inserting in place thereof the following paragraph:-

(2) Nonresident producers who hold an equivalent license or licenses in their home state and have satisfied their home state's continuing education requirements, if the home state recognizes the satisfaction of its continuing education requirements imposed upon producers from the commonwealth on the same basis.

SECTION 40. Section 177O of said chapter 175, as so appearing, is hereby amended by adding the following paragraph:-

Unless denied licensure pursuant to subsection (E), nonresident applicants shall receive a reinsurance intermediary license if: (1) the applicant is currently licensed and in good standing in the applicant's home state; (2) the applicant has paid the fees prescribed by section 14; (3) the applicant has submitted or transmitted to the commissioner the application for licensure that the applicant submitted to the applicant's home state, or in lieu of the same, a completed uniform application; and (4) the applicant's home state awards nonresident reinsurance intermediary licenses to residents of the commonwealth on the same basis.

SECTION 41. This act shall take effect on January 1, 2003.

Approved May 3, 2002.

Chapter 107. AN ACT REQUIRING CERTAIN RELIGIOUS OFFICIALS TO REPORT ABUSE OF CHILDREN.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to mandate the reporting of abuse by certain religious officials and to protect the victims of child abuse, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety and convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 51A of chapter 119 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in lines 13 and 14, the words "office for children licenser" and inserting in place thereof the following words:- licenser of the office of child care services or any successor agency.

SECTION 2. Said section 51A of said chapter 119, as so appearing, is hereby further amended by inserting after the word "worker", in line 17, the following words:- , priest, rabbi, clergy member, ordained or licensed minister, leader of any church or religious body, accredited Christian Science practitioner, person performing official duties on behalf of a church or religious body that are recognized as the duties of a priest, rabbi, clergy, ordained or licensed minister, leader of any church or religious body, or accredited Christian Science practitioner, or person employed by a church or religious body to supervise, educate, coach, train or counsel a child on a regular basis.

SECTION 3. Said section 51A of said chapter 119, as so appearing, is hereby further amended by striking out, in line 86, the words "section twenty B" and inserting in place thereof the following words:- sections 20A and 20B.

SECTION 4. Said section 51A of said chapter 119, as so appearing, is hereby further amended by adding the following paragraph:-

Notwithstanding section 20A of chapter 233 , a priest, rabbi, clergy member, ordained or licensed minister, leader of a church or religious body or accredited Christian Science practitioner shall report all cases of abuse under this section, but need not report information solely gained in a confession or similarly confidential communication in other religious faiths. Nothing in the general laws shall modify or limit the duty of a priest, rabbi, clergy member, ordained or licensed minister, leader of a church or religious body or accredited Christian Science practitioner to report a reasonable cause that a child is being injured as set forth in this section when the priest, rabbi, clergy member, ordained or licensed minister, leader of a church or religious body or accredited Christian Science practitioner is acting in some other capacity that would otherwise make him a reporter.

SECTION 5. Any individual mentioned in section 51A of chapter 119 of the General Laws, as amended by section 2 of this act, who was not previously subject to said section 51A and who on the effective date of this act has reasonable cause to believe that a child under the age of 18 years is or was being injured as set forth in section 51A, except if this belief is based solely on information exempt from reporting under section 4 of this act,

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shall make the reports required by said section 51A to the department of social services within 30 days after the effective date of this act. If on the effective date of this act, the alleged victim is no longer under the age of 18 years, the individual required by this section to report shall instead make a report to the office of the district attorney for the district where the alleged abuse occurred within 30 days after the effective date of this act and shall notify the alleged victim in writing of this report.

Reports required by this section shall be subject to the penalties provided in said section 51A.

Approved May 3, 2002.

Chapter 108. AN ACT AUTHORIZING THE TOWN OF BELLINGHAM TO ESTABLISH A TAX STABILIZATION FUND.

Be it enacted, etc., as follows:

Notwithstanding section 53 of chapter 44 of the General Laws or any other general or special law to the contrary, the town of Bellingham may establish a separate fund to be known as the Tax Stabilization Fund, which the town treasurer shall keep separate and apart from all other monies of said town and into which may be appropriated an amount not to exceed 30 per cent of the amount raised in the preceding fiscal year by the taxation of real estate and tangible personal property. The treasurer may invest such funds in the manner authorized by sections 54 and 55 of said chapter 44. The principal and interest thereon shall be reserved to mitigate the loss of taxes and revenues resulting from the termination of any in lieu of tax agreement between the town and any power and electric generating plant located in the town.

Approved May 8, 2002.

Chapter 109. AN ACT RELATIVE TO A SEPARATE ACCOUNT FOR MILTON COMMUNITY SCHOOLS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 53 of chapter 44 of the General Laws or any other general or special law to the contrary, interest earned on money held in the separate account for Milton community schools, established by the town of Milton pursuant to section 71E of chapter 71 of the General Laws, shall be credited to and become part of said separate account.

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

Approved May 8, 2002.

Chapter 110. AN ACT PROVIDING FOR THE ANNUAL OBSERVANCE OF LUTHER BURBANK DAY.

Be it enacted, etc., as follows:

Chapter 6 of the General Laws is hereby amended by inserting after section 15LLLL, inserted by chapter 85 of the acts of 2002, the following section:-

Section 15MMMM. The governor shall annually issue a proclamation setting apart March 7 as Luther Burbank Day in recognition of his outstanding contributions to agriculture and plant breeding and recommending that said day be observed in an appropriate manner by the people.

Approved May 8, 2002.

Chapter 111. AN ACT RELATIVE TO THE TOWN OF HOLLISTON AND THE ESTABLISHMENT OF A CEMETERY CARE FUND.

Be it enacted, etc., as follows:

Notwithstanding any general or special law to the contrary, the Endowment Committee of the First Congregational Church of Holliston may transfer to the town of Holliston all funds held by the committee under chapter 74 of the acts of 1828 and chapter 216 of the acts of 1930. The town may establish a special fund to be known as the Cemetery Care Fund into which the funds transferred from the Endowment Committee shall be deposited. The funds shall be invested in a separate account in the manner authorized in sections 55 and 55B of chapter 44 of the General Laws. Any interest earned shall be credited to and become a part of the separate account. The funds shall be reserved for appropriation for the maintenance of the burial lots of Sylvia A. Daniels, Luther Howe, Amos C. Leland, Augustine S. Bemis, Ethelyn H. Putnam and Susan V. Littlehale in the cemetery known as the Central Burial Ground.

Approved May 11, 2002.

Chapter 112. AN ACT DESIGNATING THE OLD SUFFOLK COUNTY COURTHOUSE AS THE JOHN ADAMS COURTHOUSE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to designate forthwith the Old Suffolk County Courthouse as the John Adams 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:

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The portion of the Suffolk county courthouse in Pemberton square known as the Old Courthouse shall be designated and known as the John Adams Courthouse, in honor of John Adams, author of the constitution of the commonwealth and second president of the United States. The division of capital asset management and maintenance shall erect suitable markers bearing the designation in compliance with applicable state standards.

Approved May 14, 2002.

Chapter 113. AN ACT PROVIDING FOR RECALL ELECTIONS IN THE TOWN OF HUNTINGTON.

Be it enacted, etc., as follows:

SECTION 1. The holder of an elective office in the town of Huntington may be recalled therefrom by the registered voters of the town as provided in this act.

SECTION 2. One hundred or more qualified voters may make and file with the town clerk an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall. The town clerk shall thereupon deliver to the 10 persons first named on the affidavit a sufficient number of printed petition forms demanding the recall, copies of which forms he shall keep available. The petition forms may be completed by printing or typewriter and they shall contain the names of the 10 persons to whom they are issued, the name of the person sought to be recalled, the office from which recall is sought, and the grounds for recall as stated in the affidavit. They shall demand the election of a successor to the office and they shall be dated, signed and sealed by the town clerk. The recall petition shall be returned to the office of the town clerk not later than 5 o'clock in the afternoon on or before the first work day following 20 days after the date they are issued, signed by at least 25 per cent of the total number of qualified persons registered to vote in the town as of the date the affidavit was filed with the town clerk. To every signature shall be added the place of residence of the signer, giving the street and number, if any. One of the 10 persons to whom the recall petition forms are issued shall make an affidavit on each page that statements therein contained are true, and that each signature appended to the petition is the genuine signature of the person whose name it purports to be. The town clerk shall forthwith, following the day of such filing with the office of the town clerk, submit the recall petition forms to the board of registrars of voters which shall, within 5 work days after the day of receipt, certify in writing thereon the number of signatures which are those of qualified persons registered to vote in the town as of the date the affidavit was filed with the town clerk. The board of registrars of voters, upon the completion of its certification, shall return the recall petition forms to the town clerk.

SECTION 3. If the recall petition forms shall be certified by the board of registrars of voters to contain at least 25 per cent of the qualified persons registered to vote, and if the petition shall be found and certified by the town clerk to be sufficient, the town clerk shall

give notice without delay, in writing, to the elected officer whose recall is sought by sending to the officer a copy of the affidavit and the recall petition form together with notice of the number of qualified voters certified by the board of registrars of voters who signed the recall petition forms and the total number of qualified voters in the town as of the most recent town election. If the officer to whom notice is directed by the town clerk does not resign the office within 5 days following the receipt of the notice from the town clerk, the town clerk shall give notice in writing to the board of selectmen not later than 1 work day following the expiration of the said 5 days. The board of selectmen shall order a special election to be held not more than 90 days after receipt of notice from the town clerk as aforesaid, and not less than 64 days from the date of the order. If any other town election is to be held within 100 days of receipt by the board of selectmen of notice from the town clerk, the recall election shall be postponed and shall be held at the time and in conjunction with the other election. If a vacancy occurs in the office for any reason after a recall election has been ordered by the board of selectmen, the recall election shall nevertheless proceed as provided for herein.

SECTION 4. An officer sought to be removed may be a candidate to succeed himself, and unless he requests otherwise in writing, the town clerk shall place his name on the ballot without nomination. The number of signatures of qualified voters required to place the name of a candidate on the official ballot for use at a recall election shall not be less than 25. The publication of the warrant for the recall election and the conduct of the recall election shall be in accordance with the General Laws regulating elections, unless otherwise provided in this act.

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

SECTION 6. The ballots used at the recall election shall submit the following propositions in the order indicated:

For the recall of (name of officer) { }

Against the recall of (name of officer) { }

Immediately at the right of each proposition there shall be a square in which the voter, by making a cross mark (X) may vote for either of the propositions. Under the propositions shall appear the word "Candidates" and the directions for the voters required by law, and beneath the word "Candidates" shall be the names of candidates nominated.

If a majority of the votes cast is against the recall, the votes for the candidates need not be counted. If a majority of the votes cast is in favor of the recall, the officer shall be deemed to be recalled and the ballots for candidates shall then be counted. The candidate receiving the highest number of votes shall be declared elected. If the officer is recalled, he shall be deemed removed upon certification of the election results by the town clerk. The

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candidate receiving the highest vote and therefore elected, shall serve for the balance of the unexpired term of the officer removed.

SECTION 7. A recall petition shall not be filed against an officer within 6 months after he takes office, nor, in the case of an officer elected in a recall election, until 6 months after that election. A recall shall not be filed against an officer subjected to a recall election, and not recalled thereby, until at least 6 months after the election at which his recall was submitted to the voters.

SECTION 8. A person who has been recalled from an office, or who has resigned from office while recall proceedings were pending against him, shall not be appointed to any town office within 1 year after the recall or resignation.

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

Approved May 15, 2002.

Chapter 114. AN ACT PROVIDING FOR A SPECIAL ELECTION IN THE CITY OF WOBURN.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law or by-law to the contrary, the special city election in the city of Woburn shall be held on Saturday, June 8, 2002. The polls shall be open from 8:00 a.m. until 6:00 p.m. All polls for this election shall be located at the Woburn high school, 88 Montvale avenue. Notification of the changes in polling locations shall be provided by mail although households with multiple voters need only receive one such notice. Notification shall be posted in all regular polling places and published in both local newspapers at least 14 days before the special election. All other dates set forth in the laws pertaining to the election shall apply.

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

Approved May 15, 2002.

Chapter 115. AN ACT PROVIDING FOR AN EARLY RETIREMENT INCENTIVE PROGRAM FOR CERTAIN EMPLOYEES OF THE SPRINGFIELD WATER AND SEWER COMMISSION.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding chapter 32 of the General Laws or any other general or special law to the contrary, the early retirement incentive program established by this act

shall apply to a member who is a Group 1 or Group 2 employee, which shall mean an employee of the Springfield water and sewer commission and as defined in section 3 of said chapter 32, who is a member of said city of Springfield retirement system and who (i) shall have been an employee of the Springfield water and sewer commission; (ii) shall have had their position abolished by the Springfield water and sewer commission; (iii) shall be eligible to receive a superannuation retirement allowance in accordance with the provisions of subdivision (1) of section 5 of said chapter 32 or subdivision (1) or subdivision (2) of section 10 of said chapter 32 upon the effective retirement date specified in his written application to said board; and (iv) shall have filed a written application not later than 45 days from the effective date of this act to retire for superannuation as of the date which shall be specified in such application. The specified date for retirement shall not be later than 120 days from the effective date of this act.

Notwithstanding said chapter 32 to the contrary the normal yearly amount of the retirement allowance for an eligible employee of the Springfield water and sewer commission who has paid the full amount of regular deductions on the total amount of regular compensation as determined under paragraph (a) of subdivision (2) of section 5 of said chapter 32, shall be based on the average annual rate of regular compensation as determined under said paragraph (a) and shall be computed according to the table contained in said paragraph (a) based on the age of such member and his number of years and full months of creditable service at the time of his retirement increased by up to 5 years of age or by up to 5 years of creditable service or by a combination of additional years of age and service, the sum of which shall not be greater than 5. The executive director of the Springfield water and sewer commission may limit the amount of additional credit for service or age or a combination of service and age offered and the number of employees from the Springfield water and sewer commission for whom it will approve a retirement calculated under this act. If participation is so limited, the retirement of employees, with greater creditable service shall be approved before approval is given to employees with lesser creditable service.

SECTION 2. For the purpose of this act, words shall have the same meaning as in chapter 32 of the General Laws unless otherwise expressly provided or unless the context clearly requires otherwise. An employee who retires and receives an additional benefit in accordance with this act shall be deemed to be retired for superannuation under the provisions of said chapter 32 and shall be subject to all provisions of said chapter 32.

Notwithstanding section 3 of said chapter 32, the retirement allowance of any employee who retires and receives an additional benefit in accordance with this act shall become effective on the date of his termination of service if his written application therefore is filed within 120 days from the effective date of this act.

The total normal yearly amount of the retirement allowance, as determined in accordance with the provisions of section 5 of said chapter 32, of any employee of the Springfield water and sewer commission who retires and receives an additional benefit under

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the retirement incentive program in accordance with this act shall not exceed $\frac{4}{5}$ of the average annual rate of his regular compensation received during any period of 3 consecutive years of creditable service for which the rate of compensation was the highest or of the average annual rate of his regular compensation received during the periods, whether or not consecutive, constituting his last 3 years of creditable service preceding retirement, whichever is greater. The public employee retirement administration commission shall analyze, study and evaluate the costs and the actuarial liabilities attributable to the retirement incentive program established by this act for the Springfield water and sewer commission. The commission shall file a report in writing of its findings on or before July 1, 2003 and shall send a copy thereof to the commission. The reports shall be filed with the joint committee on public service of the general court on or before July 1, 2003.

SECTION 3. The Springfield retirement board shall prepare a funding schedule which shall reflect the costs and the actuarial liabilities attributable to the additional benefits payable under the retirement incentive program in accordance with this act and such schedule shall be designed to reduce the city of Springfield retirement system's additional pension liability attributable to this act for such costs and liabilities to 0 on or before June 30, 2015. The board in preparing such schedule shall consider the analysis of the commissioner of the public employee retirement administration filed in accordance with this act. The board shall triennially update such schedule until said June 30, 2015. In each of the fiscal years until the actuarial liability determined under this section shall be reduced to 0, there shall be appropriated to the applicable pension reserve fund in each such fiscal year the amount required by the funding schedule and the updates thereto.

SECTION 4. The Springfield water and sewer commission, under section 7 of chapter 40N of the General Laws, shall reimburse the city of Springfield for its share of any amount expended by the city of Springfield or the city of Springfield retirement system under chapter 32 of the General Laws and the retirement incentive program provided in this act for retirement allowance to or on account of said employee of the Springfield water and sewer commission.

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

Approved May 15, 2002.

Chapter 116. AN ACT PROVIDING FOR LOCAL GOVERNMENT WORKFORCE REDUCTION THROUGH AN EARLY RETIREMENT INCENTIVE PROGRAM FOR CERTAIN EMPLOYEES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for a fair and orderly manner in which the number of employees of cities, towns, counties, districts and authorities can be reduced in order to meet fiscal limitations, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding chapter 32 of the General Laws or any other general or special law to the contrary and upon the acceptance of this section, on or before November 1, 2002 by the legislative and executive authorities within a city, town or county or an authority or district within a city, town or county or regional retirement system, the provisions of this act providing for an early retirement incentive program shall apply to an eligible employee who: (i) shall be an employee of the city, town, county, authority or district and an active member in service of the appropriate city, town, county or regional retirement system or shall be an employee or a regional school district and an active member in service of the state retirement system, but not a member of the state teacher's retirement system or Boston teacher's retirement system on the date of the regional school district's acceptance of this section on the date of the city, town, county, authority or district's acceptance of this section; (ii) shall be eligible to receive a superannuation retirement allowance in accordance with subdivision (1) of section 5 or subdivision (1) of section 10 of said chapter 32 upon the effective retirement date specified in his written application to the retirement system; (iii) shall have filed a written application with said retirement system in accordance with the seventh paragraph of this section; and (iv) shall be classified in Group 1, Group 2 or Group 4 in accordance with clause (g) of subdivision (2) of section 3 of said chapter 32; provided, however, that if the legislative authority in a town fails to accept this section by June 30, 2002, then the executive authority in a town, may accept this section without the approval of the legislative authority. Notwithstanding the notice provisions of section 10 of chapter 39 of the General Laws or any other general or special law to the contrary, at least 7 days notice shall be given of any special town meeting that may be called in pursuance of a warrant to accept this section. Notwithstanding said section 10 of said chapter 39, or any other general or special law to the contrary, the selectmen shall call such a special town meeting, upon request in writing of 200 registered voters or by 10 per cent of the total number of registered voters of the town, whichever number is lesser, and such meeting shall be held not later than 30 days after the receipt of such request.

For the purposes of this act, "legislative authority" shall mean a town meeting in a town or in a town having a town council form of government, the town council or the town meeting if the town council so deems, the city council subject to its charter in a city and the county advisory board in a county other than the counties of Suffolk, Nantucket and Barnstable in which cases the county commissioners shall serve as the legislative authority, the governing body of the authority in an authority and the district meeting in a district, except for a regional school district, in which case the regional district school committee shall be the legislative authority; and "executive authority" shall mean the board of selectmen in a town, the mayor in a city, the county commissioners in a county, the governing body of the authority in an authority and the district meeting in a district, except for a regional school district in which case the regional district school committee shall be the executive authority.

Any additional retirement benefits provided by this act for employees of regional school districts who are active members in service of the state retirement system shall be funded by the appropriate regional school districts. The early retirement incentive program shall be administered by the appropriate city, town, county, state or regional retirement system and each system shall promulgate regulations to implement the program.

Notwithstanding said chapter 32 to the contrary, the normal yearly amount of the retirement allowance for an eligible employee shall be based on the average annual rate of regular compensation as determined under paragraph (a) of subdivision (2) of section 5 of said chapter 32 and shall be computed according to the table contained in said paragraph (a) based on the age of such member and his number of years and full months of creditable service at the time of his retirement increased either by adding up to 5 years of age or by adding up to 5 years of creditable service or by a combination of additional years of age and service the sum of which shall not be greater than 5; provided, however, that the executive authority in a city, town, county, authority or district may limit the amount of additional credit for service or age or a combination of service or age offered. The executive authority in a city, town, county, authority or district may limit the total number of employees for whom it will approve a retirement calculated under this act or the total number of employees within each group classification for whom it will approve a retirement calculated under this act; provided further, that if participation is limited, the retirement of employees with greater years of creditable service shall be approved before approval shall be given to employees with lesser years of creditable service.

Words used in this act shall have the same meaning as they are used in said chapter 32 unless otherwise expressly provided or unless the context clearly requires otherwise. An eligible employee who retires and receives an additional benefit in accordance with this section shall be deemed to be retired for superannuation under said chapter 32 and shall be subject to all of said chapter 32; provided, however, that for the purposes of this section and notwithstanding subdivision (1) of section 10 of said chapter 32 requiring a member classified in Group 2 to have attained age 55 on the date of his termination of service in order to receive a Group 2 benefit, any employee eligible pursuant to the criteria established in this section, who is classified in Group 2 and who is at least 50 years of age but not yet 55 years of age, shall be eligible for a retirement allowance equal to that prescribed for a member classified in Group 2 upon the application for the additional benefit in accordance with this section.

The total normal yearly amount of the retirement allowance, as determined in accordance with section 5 of said chapter 32, of an eligible employee who retires and receives an additional benefit under the early retirement incentive program in accordance with this section shall not exceed 80 per cent of the average annual rate of his regular compensation received during any period of 3 consecutive years of creditable service for which the rate of compensation was the highest or of the average annual rate of his regular compensation received during the periods, whether or not consecutive, constituting his last 3 years of creditable service preceding retirement, whichever is greater.

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Employees eligible to participate in the judiciary retirement incentive program pursuant to chapter 218 of the acts of 2001 , employees eligible to participate in the retirement incentive program pursuant to chapter 219 of the acts of 2001 , members of the state employees' retirement system, members of the teachers' retirement system and teachers who are members of the State-Boston retirement system shall not be eligible to receive any additional benefit provided pursuant to this section.

Notwithstanding any provision of section 5 of said chapter 32 that require a retirement date within 4 months of the filing of an application for superannuation retirement in order to receive the retirement benefit provided by this section, an eligible employee shall file his application for retirement not later than a date determined by the executive authority, which shall be not later than December 2, 2002; provided, the retirement date for eligible employees shall be determined by the executive authority and shall be not earlier than the effective date of this act and shall be no later than December 31, 2002; provided, however, that notwithstanding section 2, the date of retirement for employees of a city retirement board and town retirement board shall be 30 days after the retirement date determined by the executive authority in the city or town; and provided further, notwithstanding section 2, the retirement date for eligible employees of a county retirement board and regional retirement board shall be January 30, 2003.

The executive director of the public employee retirement administration commission shall analyze, study and value the costs and the actuarial liabilities attributable to the additional benefits payable in accordance with the early retirement incentive program established by this section for each retirement system. The executive director shall file a report of his findings to the board, in writing, on or before December 31, 2003, together with copies thereof to the county commissioners, the regional retirement board, the mayor, the board of selectmen, the governing body of an authority, the district committee or the regional school district committee as the case may be.

In accordance with section 22D of said chapter 32, the retirement board of a system which administers this section shall revise its retirement funding schedule to reflect the costs and the actuarial liabilities attributable to the additional benefits payable under the retirement incentive program in accordance with this section. In each of the fiscal years until the actuarial liability determined under this section shall be reduced to zero, it shall be an obligation of the applicable city, town, county, authority and district to fund such liability and there shall be appropriated to the applicable pension reserve fund in each such fiscal year the amount required by the funding schedule and the updates thereto.

SECTION 2. A city, within a city retirement system, whose legislative and executive authorities have accepted section 1, shall provide to employees of the retirement board of such city retirement system the same rights and privileges of the early retirement incentive program as provided in said section 1 under the same terms and conditions of that retirement program. A town, within a town retirement system, whose legislative and executive authorities have accepted said section 1, shall provide to employees of the retirement board of such town retirement system the same rights and privileges of the early

retirement incentive program as provided in said section 1 under the same terms and conditions of that retirement program. A county whose legislative and executive authorities have accepted said section 1, shall provide to employees of the retirement board of such county the same rights and privileges of the early retirement incentive program as provided in said section 1, under the same terms and conditions of that retirement program.

Employees of the retirement board of a regional retirement system, upon acceptance by the legislative and executive authorities of such regional retirement system, shall be eligible to receive the rights and privileges of the early retirement incentive program as provided in said section 1, under the same terms and conditions as provided in said section 1; provided, however, that for the purposes of this paragraph and the third and seventh paragraphs of said section 1, the executive authority of the regional retirement system shall be the regional retirement board and the legislative authority shall be the regional retirement board.

Employees of the Essex agricultural and technical institute who are members of a regional retirement system, upon acceptance by the legislative and executive authorities, shall be eligible to receive the rights and privileges of the early retirement incentive program as provided in said section 1, under the same terms and conditions as provided in said section 1; provided, however, that for the purposes of this paragraph and the third and seventh paragraphs of said section 1, the executive authority of the Essex agricultural and technical institute shall be the board of trustees and the legislative authority shall be the board of trustees.

SECTION 3. The Massachusetts Turnpike Authority, established pursuant to chapter 81A of the General Laws, may, not later than September 1, 2002, participate in a retirement incentive program upon the written acceptance of the chairman of the board of directors of the authority. Eligibility for the retirement incentive program shall not exceed that provided in section 1 of chapter 219 of the acts of 2001 as applied to the circumstances at the authority. The authority may restructure the retirement incentive program at its discretion but the benefit received by a retiree shall not exceed the retirement benefits provided in section 3 of said chapter 219. The chairman may fill a position vacated as a result of an applicant's participation in the retirement incentive program under this section if the chairman determines that the position is vital to the public health, public safety or other critical operations of the commonwealth. The total annualized cost of regular compensation paid out by the commonwealth in fiscal year 2003 for refilled positions in the authority shall not exceed 20 per cent of the total annualized cost of regular compensation which would have been paid out by the commonwealth during fiscal year 2003 for the positions vacated in the authority pursuant to the retirement incentive program had such positions not been vacated; provided, that the total annualized cost of regular compensation paid out by the commonwealth in fiscal year 2004 for refilled positions in the authority shall not exceed 20 per cent of the total annualized cost of regular compensation which would have been paid out by the commonwealth during fiscal year 2004 for the positions vacated in the authority

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pursuant to the retirement incentive program had such positions not been vacated. The effective retirement date for employees of the authority shall not be earlier than the effective date of this act and not later than November 30, 2002.

SECTION 4. Section 4 of chapter 32 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in line 238, the words "January first, nineteen hundred and seventy-six" and inserting in place thereof the following:- January 1, 1986.

SECTION 5. Section 19 of chapter 34B of the General Laws, as so appearing, is hereby amended by striking out, in line 19, the word "three-year" and inserting in place thereof the following word:- 6-year.

SECTION 6. Section 3 of chapter 71 of the acts of 1996 is hereby amended by inserting after the second paragraph, as amended by section 45 of chapter 88 of the acts of 1997, the following paragraph:-

Members of the retirement system of a political subdivision who were eligible to apply for creditable service pursuant to this chapter, but failed to do so within 180 days of the acceptance of the act by the local legislative body may apply for such creditable service within 180 days of a vote by the local legislative body to allow such members an additional period of time to apply for such creditable service. A local legislative body shall be as defined in this section but the local legislative body for a regional retirement system shall be the regional retirement system advisory board. A local legislative body may vote to allow the additional time period under this paragraph only once.

Approved May 15, 2002.

Chapter 117. AN ACT INCLUDING EMPLOYEES OF THE CENTRAL MASSACHUSETTS REGIONAL PLANNING COMMISSION IN THE GROUP INSURANCE PLAN.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to include forthwith employees of the central Massachusetts regional planning commission in the group insurance plan, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 32A of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the word "council", in line 8, the following words:- , the central Massachusetts regional planning district commission.

SECTION 2. Section 8 of said chapter 32A , as so appearing, is hereby amended by

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inserting after the word "council", in line 95, the following words:- , the central Massachusetts regional planning district commission.

Approved May 17, 2002.

Chapter 118. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR 2002 TO PROVIDE FOR SUPPLEMENTING CERTAIN EXISTING APPROPRIATIONS AND FOR CERTAIN OTHER ACTIVITIES AND PROJECTS.

Be it enacted, etc., as follows:

SECTION 1. To provide for supplementing certain items in the general appropriation act and other appropriation acts for fiscal year 2002, the sums set forth in section 2 are hereby appropriated from the General Fund unless specifically designated otherwise in this act or in said appropriation acts, for the several purposes and subject to the conditions specified in this act or in said appropriation acts and subject to laws regulating the disbursement of public funds for the fiscal year ending June 30, 2002. The sums in said section 2 shall be in addition to any amounts previously appropriated and made available for the purposes of the items.

SECTION 2.

JUDICIARY.

Committee for Public Counsel Services.

0321-1510	\$1,500,000
0321-1512	\$3,125,000
0321-1520	\$3,323,832

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Bureau of State Office Buildings.

1102-3302	\$120,000
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Group Insurance Commission.

1108-5200	\$10,000,000
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Department of Revenue.

1201-0100	\$1,000,000
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Office of the Secretary of Administration and Finance.

1599-0009	\$6,790,000
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Human Resources Division.

1750-0300	\$1,380,000
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EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Metropolitan District Commission.

2410-1600	\$635,000
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2440-2000 \$232,198

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.

Division of Medical Assistance.

4000-0430 \$7,800,000

4000-0500 \$63,780,000

4000-0600 \$125,320,000

4000-0700 \$44,090,000

4000-0860 \$29,730,000

4000-0870 \$26,690,000

Department of Transitional Assistance.

4408-1000 \$6,581,411

Department of Social Services.

4800-1100 \$2,588,128

EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.

Office of the Secretary of Transportation and Construction.

6005-0015 \$7,085,634

Department of Highways.

6030-7201 \$2,218,314

6030-7221 \$9,212,704

EXECUTIVE OFFICE OF PUBLIC SAFETY.

Office of the Secretary of Public Safety.

8000-0040 \$36,434

8910-0000 \$7,500,000

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 laws regulating the disbursement of public funds for the fiscal year ending June 30, 2002. The sums appropriated in this section shall be in addition to any amounts previously appropriated and made available for the purposes of these items.

OFFICE OF THE COMPTROLLER.

1599-3395 For a reserve for the payment of certain court judgments, settlements and legal fees in accordance with regulations promulgated by the comptroller which were ordered to be paid in fiscal year 2002 or a prior fiscal year; provided, that not less than \$54,652 shall be expended for court judgments, settlements and legal fees associated with Nancy Abbott v. CMS, et al. (C.A. No. 99-2240); provided further, that not less than \$5,000 shall be expended for court judgments, settlements and legal fees associated with Brenda Nelson v.

Commonwealth (C.A. No. 99-2104H); provided further, that not less than \$32,500 shall be expended for court judgments, settlements and legal fees associated with William Lewicki v. Office of Sheriff of Hampden County, (MCAD No. 99-SEM-0021); provided further, that not less than \$10,000 shall be expended for court judgments, settlements and legal fees associated with John D. Wawrzyniak v. P.F. Baker (C.A. No. 00CV-12296 MLW); provided further, that not less than \$10,000 shall be expended for court judgments, settlements and legal fees associated with Iheanyi D. Okoroafor v. Commonwealth (MCAD No. 00-23-0576); provided further, that not less than \$3,070 shall be expended for court judgments, settlements and legal fees associated with Brian Landry v. Harnett (C.A. 00-454-C); provided further, that not less than \$30,802 shall be expended for court judgments, settlements and legal fees associated with Timothy M. Burke for defense indemnification; provided further, that not less than \$16,769 shall be expended for court judgments, settlements and legal fees associated with John M. Gouveia (EEOC v. Commonwealth), (C.A. No. 99cv11233RGS); provided further, that not less than \$65,581 shall be expended for court judgments, settlements and legal fees associated with Woodrow Dunham (EEOC v. Commonwealth), (C.A. No. 99cv11233RGS); provided further, that not less than \$15,469 shall be expended for court judgments, settlements and legal fees associated with Boston Check Cashiers v. Commonwealth (C.A. No. 01-1529); provided further, that not less than \$35,000 shall be expended for court judgments, settlements and legal fees associated with Kathleen McCarthy v. DMH (MCAD No. 01-BEM-10277); provided further, that not less than \$420,000 shall be expended for court judgments, settlements and legal fees associated with Lorillard Tobacco Co., et al (C.A. No. 11118-WGY); provided further, that not less than \$300,000 shall be expended for court judgments, settlements and legal fees associated with Cons Cigar Corp., et al (C.A. No. 11118-WGY); provided further, that not less than \$19,250 shall be expended for court judgments, settlements and legal fees associated with Proulx, Mary; Jacobsen, Mary; Farrell, Margaret v. DMA (99-420 & 769, 00-120); provided further, that not less than \$171,427 shall be

expended for court judgments, settlements and legal fees associated with NAGE & Commonwealth v. OSD (SUF-4288) provided further, that not less than \$15,000 shall be expended for court judgments, settlements and legal fees associated with H. Christopher Corliss v. DMR (C.A. No. 00-2875-B); provided further, that not less than \$477 shall be expended for court judgments, settlements and legal fees associated with Kopelman & Paige for defense indemnification; provided further, that not less than \$40,829 shall be expended for court judgments, settlements and legal fees associated with Timothy M. Burke for defense indemnification; provided further, that not less than \$60,000 shall be expended for court judgments, settlements and legal fees associated with Meagher, Francis P. v. SDE (C.A. 00-0441B); provided further, that not less than \$22,500 shall be expended for court judgments, settlements and legal fees associated with Dorothy Roccanti & Commonwealth v. HLY (C.A. No. 01-459); provided further, that not less than \$28,000 shall be expended for court judgments, settlements and legal fees associated with Barrus, Robert & Elaine (C.A. No. 99-02354); and provided further, that not less than \$10,000 shall be expended for court judgments, settlements and legal fees associated with Lastih v. County of Essex (C.A. No. 99-2349) \$1,366,326

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Office of the Secretary of Administration and Finance.

1599-2033 For public safety costs associated with, but not limited to, the commonwealth's response to the terrorist attacks of September 11, 2001; provided, that departments expending funds transferred from this item shall maximize federal reimbursement available for that purpose; provided further, that the secretary of administration and finance may transfer from the sum appropriated in this item of appropriation and allocations thereof for fiscal year 2002 such amounts as are necessary to meet those costs where the amounts otherwise available are insufficient for the purpose; and provided further, that the secretary of administration and finance shall notify the house and senate committees on ways and means of approved expenditures \$5,600,000

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.

Department of Transitional Assistance.

4405-2010 For the payment of prior fiscal years' expenses for special grants to recipients of the state supplemental security income program residing in rest homes; provided, that all expenditures made from this item shall be subject to the provisions of item 4405-2000 of section 2 of chapter 177 of the acts of 2002 \$675,000

SECTION 2B. To provide for supplementing certain intragovernmental chargeback authorizations in the general appropriation act and other appropriation acts for fiscal year 2002, to provide for certain unanticipated intragovernmental chargeback authorizations to provide for an alteration of purpose for current intragovernmental chargeback authorizations, and to meet certain requirements of law, the sums set forth in this section are hereby authorized from the Intragovernmental Service Fund for the several purposes specified in this section or in said appropriation acts and subject to laws regulating the disbursement of public funds for the fiscal year ending June 30, 2002. The sums authorized in this section shall be in addition to any amounts previously authorized and made available for the purposes of these items.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Bureau of State Office Buildings.

1102-3336 \$700,000

Human Resources Division.

1750-0105 \$4,025,000

Information Technology Division.

1790-0200 \$3,300,000

SECTION 2C.I. For the purpose of making available in fiscal year 2003 balances of appropriations which otherwise would revert on June 30, 2002, the unexpended balances of the maintenance appropriations listed below, not to exceed the amount specified below for each item and the unexpended balance of all appropriations in the Massachusetts management accounting and reporting system with a secretariat code of 01 or 17, are hereby re-appropriated for the purposes of and subject to the conditions stated for the corresponding item in section 2 of the general appropriation act for fiscal year 2003; provided, however, that for items which do not appear in said section 2 of said general appropriation act, the amounts in this section are re-appropriated for the purposes of and subject to the conditions stated for the corresponding item in section 2 or 2A of this act or in prior appropriation acts; provided further, that the comptroller shall transfer balances in accounts which do not appear in said general appropriation act to other accounts within the department as requested by said department. Amounts in this section are re-appropriated from the funds designated for the corresponding item in said section 2 of said general appropriation act; provided, however, that for items which do not appear in said section 2 of said general appropriation act, the amounts in this section are re-appropriated from the funds designated for the corresponding

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item in section 2 or 2A of this act or in prior appropriation acts. The sums re-appropriated in this section shall be in addition to any amounts available for their purposes.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Department of Revenue.

1201-0100 \$1,000,000

EXECUTIVE OFFICE OF PUBLIC SAFETY.

Department of Correction.

8900-0001 \$180,000

8900-0022 \$1,000,000

SECTION 3. Section 2PP of chapter 29 of the General Laws is hereby repealed.

SECTION 4. Section 22C of chapter 32 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in line 52, the word "eighteen" and inserting in place thereof the following figure:- 23.

SECTION 5. The last paragraph of subsection (1) of said section 22C of said chapter 32, inserted by section 17 of chapter 177 of the acts of 2001, is hereby amended by striking out the words "\$912,373,000 in fiscal year 2002, \$926,087,000 in fiscal year 2003 and \$940,486,000" and inserting in place thereof the following words:- \$778,408,000 in fiscal year 2002, \$796,758,000 in fiscal year 2003 and \$832,335,000.

SECTION 6. Clause (1) of section 10 of chapter 119A of the General Laws, as so appearing, is hereby amended by adding the following sentence:- The IV-D agency shall transfer to the General Fund the state share of amounts collected pursuant to Title IV, Part D of the Social Security Act.

SECTION 7. Clause (b) of section 357 of chapter 159 of the acts of 2000, as appearing in chapter 182 of the acts of 2001, is hereby amended by striking out, in line 12, the figure "\$35,000,000" and inserting in place thereof the following figure:- \$28,000,000.

SECTION 8. Said clause (b) of said section 357 of said chapter 159, as so appearing, is hereby further amended by striking out, in line 18, the figure "2002,".

SECTION 9. Said clause (b) of said section 357 of said chapter 159, as so appearing, is hereby further amended by striking out, in line 22, the words "on an annual basis" and inserting in place thereof the following words:- in fiscal years 2003, 2004 and 2005.

SECTION 10. Item 0612-1010 of section 2 of chapter 177 of the acts of 2001 is hereby amended by striking out, in line 5, the words "the 18 year" and inserting in place thereof the following words:- a 23-year.

SECTION 11. Said item 0612-1010 of said section 2 of said chapter 177 is hereby further amended by striking out the figure "\$912,373,000" and inserting in place thereof the following figure:- \$778,408,000.

SECTION 12. Said section 2 of said chapter 177 is hereby further amended by striking out item 2350-0104 and inserting in place thereof the following item:-

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2350-0104 For the department of fisheries, wildlife and environmental law enforcement; provided, that not more than \$250,000 shall be expended from fees charged for private details for the purpose of providing environmental law enforcement private details . . . \$250,000

SECTION 13. Item 8100-0006 of said section 2 of said chapter 177 is hereby amended by striking out the figure "\$12,150,000", and inserting in place thereof, in each instance, the following figure:- \$14,500,000.

SECTION 14. Notwithstanding any general or special law to the contrary and not later than 10 days after the effective date of this act, the comptroller shall transfer \$200,000,000 from the Commonwealth Stabilization Fund to the General Fund.

SECTION 15. Notwithstanding any general or special law to the contrary and not later than 10 days after the effective date of this act, the comptroller shall transfer \$60,000,000 from the Health Care Security Trust Fund to the General Fund to cover a portion of the expenses from the appropriation in item 4000-0600 of section 2.

SECTION 16. Notwithstanding any general or special law to the contrary and not later than 10 days after the effective date of this act, the comptroller shall transfer \$35,000,000 from the Medical Security Trust Fund to the General Fund to cover a portion of the appropriation in item 4000-0700 of section 2.

SECTION 17. Notwithstanding any general or special law to the contrary, the comptroller may revise the percentages established in the Transitional Aid to Needy Families Fund fund split, contained within an item of appropriation in fiscal year 2002 in order to maximize federal reimbursement and to meet federal maintenance of effort requirements consistent with the requirements of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 and chapter 5 of the acts of 1995. The percentages shall be based upon certification to the comptroller by the department of transitional assistance that they reflect the appropriate distribution of actual expenditures necessary to achieve the purposes. The percentages shall be subject to the prior approval of the secretary of administration and finance. The comptroller shall report to the house and senate committees on ways and means and the secretary of administration and finance any changes made to the fund splits in relation to this section within 10 days of the changes. Within 60 days of the end of the fiscal year, the comptroller shall report to the house and senate committees on ways and means and the secretary of administration and finance on the final fund split for each item of appropriation with a Transitional Aid to Needy Families Fund fund split and the final spending corresponding to each fund split.

SECTION 18. Notwithstanding any general or special law to the contrary, the comptroller may revise the percentages established in the Child Care Fund fund split contained within an item of appropriation in fiscal year 2002 in order to maximize federal reimbursement and to meet federal maintenance of effort requirements. The percentages shall be based upon certification to the comptroller by the office of child care services that they reflect the appropriate distribution of actual expenditures necessary to achieve the purposes.

The percentages shall be subject to the prior approval of the secretary of administration and finance. The comptroller shall report to the house and senate committees on ways and means and the secretary of administration and finance any changes made to the fund splits in relation to this section within 10 days of the changes. Within 60 days of the end of the fiscal year, the comptroller shall report to the house and senate committees on ways and means and the secretary of administration and finance on the final fund split for each item of appropriation with a Child Care Fund fund split and the final spending corresponding to each fund split.

SECTION 19. Notwithstanding any general or special law to the contrary, the commissioner of social services may transfer funds between items 4800-0018, 4800-0031 and 4800-0041 of section 2 of chapter 177 of the acts of 2001. The commissioner shall report the value and items of appropriation involved in any such transfer to the house and senate committees on ways and means and the secretary of administration and finance within 10 days of making any such transfer.

SECTION 20. Notwithstanding any general or special law to the contrary, the comptroller may revise the percentages established in the Social Services Fund fund split contained within an item of appropriation in fiscal year 2002 in order to maximize federal reimbursement and to meet federal maintenance of effort requirements. The percentages shall be based upon certification to the comptroller by the department of social services that they reflect the appropriate distribution of actual expenditures necessary to achieve the purposes. The percentages shall be subject to the prior approval of the secretary of administration and finance. The comptroller shall report to the house and senate committees on ways and means and the secretary of administration and finance any changes made to the fund splits in relation to this section within 10 days of the changes. Within 60 days of the end of the fiscal year, the comptroller shall report to the house and senate committees on ways and means and the secretary of administration and finance on the final fund split for each item of appropriation with a Social Services Fund fund split and the final spending corresponding to each fund split.

SECTION 21. Notwithstanding any general or special law to the contrary, the comptroller shall expend \$56,000,000 from the Caseoad Increase Mitigation Fund for expenditures in item 4403-2000 of section 2 of chapter 177 of the acts of 2001 that would otherwise be expended from the General Fund as a result of the fund split on the appropriation.

SECTION 22. Notwithstanding any general or special law to the contrary, the disbursements authorized by clauses (b), (c) and (d) of section 357 of chapter 159 of the acts of 2000 shall not be made during fiscal year 2002, except for the funds disbursed pursuant to clause (b) prior to the effective date of this act.

SECTION 23. Notwithstanding any general or special law to the contrary, the comptroller shall transfer \$23,000,000 from the Capital Needs Investment Trust Fund to the General Fund.

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SECTION 24. Notwithstanding section 5C of chapter 29 of the General Laws or any other general or special law to the contrary, as of June 30, 2002, the comptroller shall, at the direction of the secretary of administration and finance, transfer to the General Fund not less than \$13,195,845 from the balance remaining from transfers made in accordance with clause (d) of said section 5C of said chapter 29.

SECTION 25. Notwithstanding any general or special law to the contrary, the comptroller shall transfer \$3,073,638 from the Capital Investment Trust Fund, established in section 107 of chapter 88 of the acts of 1997, to the General Fund, effective June 30, 2002.

SECTION 26. Notwithstanding any general or special law to the contrary, the comptroller shall transfer \$98,730,517 from the Capital Improvement and Investment Trust Fund, established in section 19 of chapter 289 of the acts of 1998, to the General Fund, effective June 30, 2002.

SECTION 27. The balance remaining in the Voting Equipment Loan Fund on the effective date of this act shall be transferred by the comptroller to the General Fund. Nothing in this section shall alter or affect a municipality's repayment obligations under section 30 of chapter 9 of the General Laws.

SECTION 28. This act shall take effect upon its passage.

Approved May 17, 2002.

Chapter 119. AN ACT RELATIVE TO ELECTIONS IN THE TOWN OF HUNTINGTON.

Be it enacted, etc., as follows:

SECTION 1. Any person who is qualified to vote in the town of Huntington may be a candidate for an elective town office and shall be entitled to have his name printed in the official ballot to be used at a town election, if the person files nomination papers provided by the town clerk containing no less than 20 signatures of persons certified as voters of the town. The filing and certification of nomination papers and the conduct of the town election shall be in accordance with the General Laws regulating elections, unless otherwise provided in this act.

SECTION 2. Notwithstanding any general or special law to the contrary, a primary or caucus for nomination of town officers shall not be held in the town of Huntington.

Approved May 17, 2002.

Chapter 120. AN ACT AUTHORIZING THE TOWN OF AMHERST TO ACQUIRE EASEMENTS FOR THE CONSTRUCTION OF SEWERAGE PUMPING STATIONS AND RELATED FACILITIES.

Be it enacted, etc., as follows:

SECTION 1. The town of Amherst may acquire temporary and permanent easements on the land of Arthur W. Dahowski and Nancy J. Dahowski which land is subject to an agricultural preservation restriction, for the purpose of constructing a sewer pumping station and other related facilities and to provide temporary access for the construction of the pumping station and related facilities. The temporary easement is shown as Parcel TE-1 on a plan of land dated May 3, 2001, and entitled "Easement Plan Prepared for the Town of Amherst Middle Street Pumping Station Amherst. MA" prepared by Foresight Land Services. The permanent easement is shown as Parcel E-1 on the plan.

SECTION 2. The town of Amherst may use certain conservation land owned by the town, for the purpose of constructing thereon a sewer pumping station and other related facilities. The land is shown as Parcel E-4 on a plan of land dated May 3, 2001, and entitled "Easement Plan Prepared for the Town of Amherst Potwine Lane Pumping Station Amherst. MA" prepared by Foresight Land Services.

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

Approved May 22, 2002.

Chapter 121. AN ACT RELATIVE TO ZONING IN THE TOWN OF KINGSTON.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 6 of of chapter 40A of the General Laws or any other general or special law to the contrary, grandfathered vacant lots in the town of Kingston must maintain a setback of not less than 10 feet from any lot line to any structure.

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

Approved May 22, 2002.

Chapter 122. AN ACT DESIGNATING A CERTAIN SQUARE IN THE TOWN OF DRACUT AS THE CAPTAIN JOHN OGWONOWSKI MEMORIAL SQUARE AND A CERTAIN TRAIL IN THE TOWN OF CHESHIRE AS THE SERGEANT DANIEL H. PETITHORY MEMORIAL TRAIL.

Be it enacted, etc., as follows:

SECTION 1. The square located at the intersection of Jones avenue, Wheeler road

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and state route 113 in the town of Dracut shall be designated and known as the Captain John Ogonowski Memorial Square, in honor of American Airline Pilot John Ogonowski who died in the national disaster of September 11, 2001. The department of highways shall erect and maintain a suitable marker bearing the designation in compliance with the standards of the department.

SECTION 2. The section of the Ashuwillticock Rail Trail from state route 8 in the town of Cheshire north to the Adams town line shall be designated and known as the Army Sergeant First Class Daniel H. Petithory Memorial Trail, in recognition of his honorable and valiant service to his country during Operation Enduring Freedom in Afghanistan. Sergeant Petithory, a Green Beret, was killed in action on December 5, 2001. The department of highways shall erect and maintain a suitable marker bearing the designation in compliance with the standards of the department.

Approved May 22, 2002.

Chapter 123. AN ACT RELATIVE TO CERTAIN PROPERTY TAX ASSESSMENTS IN THE TOWN OF WINDSOR.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law, rule or regulation to the contrary, the town of Windsor, acting through its board of assessors may abate, within 30 days after the effective date of this act, a portion of the fiscal year 2002 real estate taxes assessed on certain parcels for the sole purpose of remedying land valuation errors caused by the conversion of the assessors' computer system.

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

Approved May 22, 2002.

Chapter 124. AN ACT RELATIVE TO VETERAN REGISTRATION PLATES FOR MOTORCYCLES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to extend forthwith the right to display certain "VETERAN" registration plates and emblems to qualified owners of motorcycles, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 90 of the General Laws, as appearing in the 2000

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Official Edition, is hereby amended by inserting after the word "individual", in line 222, the following words:- or a distinctive emblem to be affixed to a "VETERAN" registration plate for a motorcycle owned and principally used by such individual.

SECTION 2. Said section 2 of said chapter 90, as so appearing, is hereby further amended by inserting after the word "plate", in line 224, the following words:- or emblem.

SECTION 3. Said section 2 of said chapter 90, as so appearing, is hereby further amended by inserting after the word "member", in line 230, the following words:- or a distinctive emblem to be affixed to a "VETERAN" registration plate for a motorcycle owned and principally used by such individual.

SECTION 4. Said section 2 of said chapter 90, as so appearing, is hereby further amended by inserting after the word "plates", in lines 233, 381, 426 and 437, the following words:- or emblem.

SECTION 5. Said section 2 of said chapter 90, as so appearing, is hereby further amended by inserting after the word "vehicles", in lines 234, 383, 428 and 438, the following words:- or motorcycles.

SECTION 6. Said section 2 of said chapter 90, as so appearing, is hereby further amended by inserting after the word "recipient", in lines 379 and 424, the following words:- or a distinctive emblem to be affixed to a "VETERAN" registration plate for a motorcycle owned and principally used by such recipient.

SECTION 7. The fifteenth paragraph of said section 2 of said chapter 90, as so appearing, is hereby amended by adding the following sentence:- For the purposes of this paragraph, the word "motorcycles" shall not include motorized bicycles.

SECTION 8. Said section 2 of said chapter 90, as so appearing, is hereby further amended by inserting after the word "vehicles", in lines 412, 417 and 450, the following words:- and motorcycles.

SECTION 9. Said section 2 of said chapter 90, as so appearing, is hereby further amended by inserting after the word "survivor", in line 435, the following words:- or a distinctive emblem to be affixed to a "VETERAN" registration plate for a motorcycle owned and principally used by such survivor.

SECTION 10. Said section 2 of said chapter 90, as so appearing, is hereby further amended by inserting after the word "of", in line 441, the second time it appears, the following words:- a motorcycle or.

SECTION 11. Said section 2 of said chapter 90, as so appearing, is hereby further amended by striking out, in line 443, the words "the left side of".

SECTION 12. Said section 2 of said chapter 90, as so appearing, is hereby further amended by inserting after the word "vehicle", in line 452, the following words:- or motorcycle.

Approved May 23, 2002.

Chapter 125. AN ACT AUTHORIZING THE DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO CONVEY CERTAIN LAND IN THE TOWN OF WEST BOYLSTON.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith the division of capital asset management and maintenance to convey a certain parcel of land in the town of West Boylston, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The commissioner of capital asset management and maintenance shall, notwithstanding the provisions of sections 40F½, 40H, and 40I of chapter 7 of the General Laws or any other general or special law to the contrary, convey by deed, title to a certain parcel of land and any improvements and structures located thereon, formerly owned by Worcester county in the town of West Boylston and, as more particularly described below, to the town of West Boylston for municipal services, including parks and recreational uses, and for the operation and use of the West Boylston municipal lighting plant.

The parcel of land was conveyed to the commonwealth under section 7 of chapter 48 of the acts of 1997 and consists of approximately 61 acres shown as Lots A, B and C on a plan of land entitled "Plan of Land in West Boylston Owned by the Commonwealth of Massachusetts", which plan is on file in the office of the West Boylston town clerk. Lot B, shown on the plan shall be for the use of the town of West Boylston for municipal services, including parks and recreational uses, and Lots A and C, shown on the plan, shall be for the operations and use of the West Boylston municipal lighting plant and its successors. Lots A, B and C as shown on the plan shall be excluded from the requirements of chapter 40A and sections 81L to 81Z, inclusive, of chapter 41 of the General Laws and the register of deeds of Worcester county may accept the plan for recording without endorsement by the planning board of West Boylston.

Minor modifications to the property description set forth above may be made, subject to the approval of the commissioner of capital asset management and maintenance and the inspector general, in order to conform to a completed professional land survey.

SECTION 2. Notwithstanding any other general or special law to the contrary, the West Boylston municipal lighting plant shall pay the cost of any appraisals, surveys and other expenses relating to the transfer of the property and shall pay the sale price set forth in section 3 on behalf of the town. If any of the property shown on the plan ceases to be used for the purposes contained in this act, or is used for any purpose other than the purposes stated in this act, the property, upon notice from the commissioner of capital asset management and maintenance, shall revert to the care and control of the commonwealth through the division of capital asset management and maintenance.

SECTION 3. The sale price to be paid by the West Boylston municipal lighting plant on behalf of the town of West Boylston, for the parcel described in section 1 shall be

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the full and fair market value of the property as determined by independent appraisal for the uses described in this act. The inspector general shall review and approve the appraisal and the review shall include an examination of the methodology utilized for the appraisal. The inspector general shall prepare a report of his review and file the report with the commissioner of capital asset management and maintenance for submission to the chairmen of the house and senate committees on ways and means, and to the joint committee on state administration under section 5. The West Boylston municipal lighting plant shall have 90 days from the date of receipt of notification of the fair market value of the property to notify the commissioner of capital asset management and maintenance that it has decided to pay the purchase price as set forth in this act and the conveyance of the property and the purchase price paid shall be made no later than 120 days following the date on which the commissioner of capital asset management and maintenance is notified of the decision to purchase the property.

SECTION 4. The sale price paid under section 3 shall be deposited in the General Fund.

SECTION 5. The commissioner of capital asset management and maintenance shall, 30 days before the execution of any agreement authorized by this act or any amendment to that agreement, submit the agreement or amendment and a report thereon to the inspector general for his review and comment. The inspector general shall issue his review and comment within 15 days of receipt of any agreement or amendment. The commissioner shall submit the agreement and any amendments, the report and the comments of the inspector general, if any, to the chairmen of the house and senate committees on ways and means and to the joint committee on state administration at least 15 days before the execution of the agreement.

Approved May 23, 2002.

Chapter 126. AN ACT AUTHORIZING THE TOWN OF HINGHAM TO ESTABLISH A RETIREE HEALTHCARE LIABILITY TRUST FUND.

Be it enacted, etc., as follows:

SECTION 1. The town meeting of the town of Hingham may appropriate funds in order to offset the anticipated cost of health care for retired employees, and the eligible surviving spouse or dependents of deceased employees. Such funds shall be credited to a special fund to be known as the Retiree Healthcare Liability Trust Fund. Any interest or other income of the fund shall be added to and become part of such fund. Any funds in said Retiree Healthcare Liability Trust Fund shall be trust funds within the meaning of section 54 of chapter 44 of the General Laws. Amounts may be expended from the fund only in accordance

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with an actuarial schedule of payments developed by a nationally recognized independent actuarial consulting firm and designed to reduce to zero any unfunded liability attributable to the payment of health care costs. The schedule shall be designed to maintain such costs as a fixed ratio of the current and predicted future payroll of the town or such other acceptable actuarial method that is approved by the actuary. Funds may be used for the purposes of the trust fund by appropriation at any town meeting.

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

Approved May 29, 2002.

Chapter 127. AN ACT RELATIVE TO THE COMMITMENT OF MENTALLY ILL PERSONS.

Be it enacted, etc., as follows:

Paragraph (c) of section 7 of chapter 123 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the second sentence and inserting in place thereof the following 2 sentences:- The hearing on a petition brought for commitment pursuant to paragraph (e) of section 15, and sections 16 and 18, or for a subsequent commitment pursuant to paragraph (d) of section 8 shall be commenced within 14 days of the filing of the petition, unless a delay is requested by the person or his counsel. For all other persons, the hearing shall be commenced within 4 days of the filing of the petition, unless a delay is requested by the person or his counsel.

Approved May 30, 2002.

Chapter 128. AN ACT PROVIDING FOR THE ANNUAL OBSERVANCE OF MOTORCYCLE SAFETY AND AWARENESS TIME.

Be it enacted, etc., as follows:

Chapter 6 of the General Laws is hereby amended by inserting after section 15MMMM, inserted by chapter 110 of the acts of 2002, the following section:-

Section 15NNNN. The governor shall annually issue a proclamation setting apart the period beginning the last week of March to the last week of April, inclusive, as Motorcycle Safety and Awareness Time, to promote motorcycle safety, education and awareness, and recommending that this time be observed in an appropriate manner by various agencies, associations, groups, clubs and businesses.

Approved June 4, 2002.

Chapter 129. AN ACT ESTABLISHING AN OPEN SPACE REAL PROPERTY ACQUISITION FUND IN THE CITY KNOWN AS THE TOWN OF FRANKLIN.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the city known as the town of Franklin may establish and maintain a fund to be known as the Open Space Real Property Acquisition Fund, which shall be kept separate and apart from all other accounts of the town. The town treasurer shall be custodian of the Open Space Real Property Acquisition Fund and shall invest amounts in said fund in accordance with sections 54 and 55 of chapter 44 of the General Laws. Any earnings, income and interest accruing from the fund shall be credited to and become part of said fund.

SECTION 2. Notwithstanding any general or special law to the contrary, the city known as the town of Franklin may appropriate into the Open Space Real Property Acquisition Fund any local excise taxes upon the transfer of occupancy of any room or rooms in a bed and breakfast establishment, hotel, lodging house or motel located within the town imposed and collected by the town pursuant to section 3A of chapter 64G of the General Laws.

SECTION 3. Notwithstanding any general or special law to the contrary, the principal, earnings, income and interest in the fund may be appropriated by the city known as the town of Franklin at any time by a $\frac{2}{3}$ vote of all members of the town council for the purpose of acquiring land or interests in land in the town for open space preservation, conservation and recreation purposes and for the purpose of constructing facilities thereon consistent with the purposes for which such land was acquired.

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

Approved June 4, 2002.

Chapter 130. AN ACT AUTHORIZING THE TOWN OF DEDHAM TO REDUCE SEWER FEE LIABILITY IN EXCHANGE FOR VOLUNTEER SERVICES BY PERSONS OVER AGE 60.

Be it enacted, etc., as follows:

(a) Notwithstanding any general or special law to the contrary, in addition to any reduction in real estate tax liability allowed pursuant to section 5K of chapter 59 of the General Laws, the board of selectmen of the town of Dedham may establish a program to allow any person over the age of 60 to volunteer to provide services to the town in exchange for reduction of his sewer bill. Any such reduction shall be in addition to any exemption or abatement to which the person is otherwise entitled. No such person shall receive a rate of, or be credited with, more than the current minimum wage of the commonwealth per hour for

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services provided pursuant to such reduction, nor shall the reduction of the sewer bill exceed \$500 in a tax year.

(b) The town shall maintain a record for each taxpayer including, but not limited to, the number of hours of service and the total amount by which the sewer fees have been reduced, and shall provide a copy of the record to the assessor so the actual sewer bill reflects the reduced rate. A copy of the record shall also be provided to the taxpayer prior to the issuance of the actual sewer bill.

(c) The town may adopt local rules and procedures for implementing this section in a manner consistent with the intent of this section.

Approved June 4, 2002.

Chapter 131. AN ACT AUTHORIZING ADDITIONAL BORROWING FOR THE MASSACHUSETTS BAY TRANSPORTATION AUTHORITY AND THE CENTRAL ARTERY/TED WILLIAMS TUNNEL PROJECT.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to authorize additional borrowing for the Massachusetts Bay Transportation Authority and the Central Artery/Ted Williams Tunnel Project, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 290 of chapter 127 of the acts of 1999 is hereby amended by striking out, in line 4, the figure "\$800,000,000" and inserting in place thereof the following figure:- \$910,250,277.

SECTION 2. The third paragraph of said section 290 of said chapter 127 is hereby amended by striking out, in line 5, the figure "\$800,000,000" and inserting in place thereof the following figure:- \$910,250,277.

SECTION 3. Item 6005-2002 of section 2 of chapter 87 of the acts of 2000 is hereby amended by striking out the figure "\$1,350,000,000" and inserting in place thereof the following figure:- \$1,500,000,000.

SECTION 4. Section 3 of said chapter 87, as appearing in section 7 of chapter 125 of the acts of 2000, is hereby amended by striking out, in line 4, the figure "\$1,350,000,000" and inserting in place thereof the following figure:- \$1,500,000,000.

Approved June 12, 2002.

Chapter 132. AN ACT RELATIVE TO THE APPOINTING OF ALTERNATE MEMBERS TO THE CONSERVATION COMMISSION OF THE TOWN OF NORTH ANDOVER.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section 8C of chapter 40 of the General Laws, the board of selectmen of the town of North Andover may appoint not more than 2 alternate members of the conservation commission for a term of 1 year. In the absence of a quorum for reasons of the absence, inability to act or a conflict of interest of a member, the chairperson of the commission may designate an alternate member to sit on the commission.

Approved June 12, 2002.

Chapter 133. AN ACT AUTHORIZING THE DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO CONVEY CERTAIN EASEMENTS TO THE CITY OF GARDNER.

Be it enacted, etc., as follows:

SECTION 1. The commissioner of the division of capital asset management and maintenance may grant easements on a certain parcel of land located on the campus of Mount Wachusett Community College in the city of Gardner to the city of Gardner for sewer purposes. The easements are shown on a construction drawing plan titled "Proposed Sewer Main, Eaton Street, Gardner, MA" designed by Arthur E. Young, P.E. City Engineer, dated August, 2000, which is on file in the engineering department of the city. The easements would allow the city and its department of public works, sewer division and its agents the right to enter upon college property owned or controlled by Mount Wachusett Community College for the purpose of constructing, maintaining and repairing 640 feet, more or less, of 8" PVC sanitary sewer main of the location and depths shown on the plan. In lieu of full and fair market value, the city of Gardner shall assume full ownership and maintenance of approximately 1,800 feet of existing sanitary sewer mains on property owned or controlled by the college, from a manhole near Green street to the end manhole in front of the college's fitness & wellness center.

SECTION 2. The city of Gardner department of public works, or its contractor, shall be responsible for any cost for appraisals, surveys and all other expenses and liabilities relating to the granting and exercise of the easements.

SECTION 3. Any deed conveyed by or on behalf of the commonwealth regarding the easements described in section 1 shall limit the use of the easements to installation, construction, operation and maintenance of sewer lines. If the purposes described in section 1 are not complied with, easements authorized in section 1 may revert to the commonwealth under such terms and conditions, as the commissioner of the division of capital asset management and maintenance may prescribe.

Approved June 12, 2002.

Chapter 134. AN ACT AUTHORIZING THE TOWN OF SOMERSET 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 Somerset may grant to Auclair's Market, Inc. a license for the sale of wines and malt beverages not to be drunk on the premises under section 15 of said chapter 138. Such license shall be subject to all of said chapter 138, except said section 17.

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

Approved June 12, 2002.

Chapter 135. AN ACT AUTHORIZING THE CERTIFICATION AND APPOINTMENT OF KELLY L. REYNOLDS AS A POLICE OFFICER IN THE TOWN OF WILMINGTON.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law or rule or regulation to the contrary regulating maximum age of applicants for appointment as a police officer, Kelly L. Reynolds of the town of Wilmington shall, if she meets all other requirements, be eligible for certification and appointment to the police department of the town of Wilmington.

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

Approved June 12, 2002.

Chapter 136. AN ACT PROVIDING FOR THE MERGER OF THE BOYLSTON AND MORNINGDALE WATER DISTRICTS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 421 of the acts of 1951 is hereby amended by striking out section 1 and inserting in place thereof the following section:-

Section 1. The inhabitants of the town of Boylston liable to taxation in the town shall constitute a water district and are hereby made a body corporate by the name of the Boylston Water District, in this act called the district, for the purpose of supplying themselves with water for the extinguishment of fires and for domestic and other purposes, with power to establish fountains and hydrants and to relocate and discontinue the same, to regulate the use

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of such water and to fix and collect rates to be paid therefor, and for the purposes of assessing and raising taxes as provided herein for the payment of such services, and for defraying the necessary expenses of carrying on the business of the district, subject to all general laws now or hereafter in force relating to such districts, except as otherwise provided in this act. The district shall have power to prosecute and defend all actions relating to its property and affairs.

SECTION 2. Section 4 of said chapter 421, as amended by section 1 of chapter 236 of the acts of 1954, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- For the purpose of paying the necessary expenses and liabilities incurred under this act, other than expenses of maintenance and operation, the district may borrow from time to time such sums as may be necessary, not exceeding, in the aggregate, \$1,000,000, and may issue bonds or notes therefor, which shall bear on their face the words, Boylston Water District Loan, Act of 1951.

SECTION 3. Said chapter 421 is hereby further amended by inserting after section 12 the following section:-

Section 12A. The Morningdale Water District, established by chapter 419 of the acts of 1949, is hereby dissolved and, without further conveyance or other act, all the assets, liabilities, obligations and indebtedness as well as the powers and duties of the Morningdale Water District are hereby merged and transferred to the Boylston Water District. The board of water commissioners of the Morningdale Water District is hereby abolished and the tenure of the incumbent members of the board shall terminate on the effective date of this section.

SECTION 4. Within 30 days after the effective date of this act the district shall elect by ballot 3 persons, inhabitants of and voters in the district to hold office: 1 person until the expiration of 3 years; 1 person until the expiration of 2 years; and 1 person until the expiration of 1 year to constitute a board of water commissioners and at every annual district meeting following such next succeeding annual district meeting 1 such commissioner shall be elected by ballot for the term of 3 years. The district shall elect a treasurer and clerk for a 1 year term and at every district meeting following such next succeeding annual district meeting a treasurer and clerk shall be elected by ballot for 1 year terms.

Approved June 12, 2002.

Chapter 137. AN ACT PROVIDING FOR A CHARTER FOR THE TOWN OF SANDWICH.

Be it enacted, etc., as follows:

SECTION 1. The following shall be the charter for the town of Sandwich:

PREAMBLE

Good government can only be defined as that which is wholly and justly participated in by the people who are under its jurisdiction. For that purpose the citizens of Sandwich, in

exercising their rights of self-government, do ordain the provisions set forth in the ensuing charter of this town.

ARTICLE I INCORPORATION, FORM OF GOVERNMENT

Section 1.1 INCORPORATION

The inhabitants of the town of Sandwich, residing within its corporate boundaries as heretofore established, are hereby constituted and shall continue to be a body politic and corporate in perpetuity under the name of the town of Sandwich.

Section 1.2 FORM OF GOVERNMENT

The municipal form of government provided by this charter shall consist of a town meeting open to all voters; a board of selectmen, elected by the people and accountable to the people; and a town administrator, appointed by and accountable to the board of selectmen for proper administration of the affairs of the town.

ARTICLE II POWERS OF THE TOWN

(a) The town shall have all the powers granted to towns by the Constitution and General Laws together with all of the implied powers necessary to execute such granted powers.

(b) 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.

(c) The town may enter into agreements with any other agency of municipal government, agency of the commonwealth, other states, or the United States government to perform jointly, by contract, or otherwise, any of its powers or functions and may participate in the financing thereof.

ARTICLE III LEGISLATIVE BRANCH

Section 3.1 OPEN TOWN MEETING

The legislative powers of the town shall be exercised by a town meeting open to all voters.

Section 3.2 PRESIDING OFFICER

All sessions of the town meeting shall be presided over by a moderator, elected as provided in section 4.4 of the charter. The moderator shall regulate the proceedings, decide questions of order, and make public declarations of all votes. The moderator shall have all of the powers and duties given to 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 town meeting vote.

Section 3.3 ANNUAL TOWN MEETING

The annual town meeting shall be held on such date or dates as may be fixed by the board of selectmen as provided in paragraph (e) of section 4.2.5 of the charter.

Section 3.4 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 meeting is requested by the voters in accordance with procedures made available by the General Laws.

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Section 3.5 QUORUM

The quorum for both the annual town meeting and any special town meeting shall be set by by-law.

Section 3.6 CLERK OF THE MEETING

The town clerk shall serve as the clerk to the town meeting. In the event that the town clerk is absent, the assistant town clerk will serve.

Section 3.7 WARRANT ARTICLES

(a) Except for procedural matters all subjects to be acted on by town meeting shall be placed on warrants issued by the board of selectmen.

(b) The board of selectmen shall receive all petitions addressed to it which require the submission of particular subject matter to the town meeting in accordance with the General Laws. Petitioner's warrant articles shall be submitted to the selectmen in written form. Ten signatures shall be required on a petition to have an article inserted in the warrant for an annual town meeting, and 100 signatures shall be required on a petition to have an article inserted in a warrant for a special town meeting.

(c) Any warrant article that seeks to raise, transfer, appropriate or expend any funds shall show comparative figures including actual figures for the preceding year, appropriations for the current year, requests for the next fiscal year and amounts recommended by the finance committee.

Section 3.8 PUBLICATION AND DISTRIBUTION OF THE WARRANT

In addition to any notice required by the General Laws, the board of selectmen shall cause the annual town meeting warrant to be posted on the town bulletin board and otherwise distributed as provided by paragraph (e) of section 4.2.5 of the charter. Additional copies shall be kept available for distribution by the town clerk.

ARTICLE IV ELECTED TOWN OFFICES

Section 4.1 ELECTED TOWN OFFICES, IN GENERAL

The offices to be filled by the voters shall be: a board of selectmen, 5 members; a school committee, 7 members; a moderator; a town clerk; a tax collector; a board of assessors, 3 members; a board of health, 3 members; a planning board, 7 members; trustees of the Sandwich library, 9 members; trustees of the Weston Memorial Fund, 3 members; Sandwich Historic District, 5 members; Housing Authority, 5 members, 4 elected 1 appointed by the governor; and such other regional authorities, districts, or committees as may be required by the General Laws or inter-local agreement. All elected or appointed multiple member boards shall be arranged so that as nearly an equal number of terms as possible shall expire each year. Notwithstanding any other provision of the charter, all elected officials and officers shall have the powers and duties as prescribed by the General Laws.

Section 4.2 BOARD OF SELECTMEN

The board of selectmen shall be composed of 5 members. Each member shall be elected from the town at-large to a 3 year term.

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Section 4.2.1 QUALIFICATIONS

In addition to any other qualifications prescribed by law, each selectman shall be a qualified voter of the town, and shall reside within the town while in office.

Section 4.2.2 COMPENSATION

Selectmen shall receive such compensation as may be specified in the annual budget, provided, however, that they shall be entitled to all necessary expenses incurred in the performance of their official duties upon approval by the board of selectmen.

Section 4.2.3 CHAIRMAN AND VICE CHAIRMAN

(a) A chairman shall be elected by the board of selectmen at the first meeting following each regular town election. The chairman shall preside at all meetings of the board. The chairman shall perform such other duties consistent with this charter, or as may be imposed on him by the board.

(b) A vice chairman shall be elected by the board of selectmen at the first meeting following each regular town election. The vice chairman shall act as chairman during the disability or absence of the chairman, and in this capacity shall have the rights and duties conferred upon the chairman.

Section 4.2.4 VACANCIES

Vacancies in the office of selectman shall be filled by special election if there is more than 6 months remaining for the term of that position. The board of selectmen shall, within 10 days after the occurrence of a vacancy, call a special election that shall be held not less than 65 days nor more than 90 days after issuing the call.

Section 4.2.5 GENERAL POWERS AND DUTIES

(a) Except as otherwise provided by the General Laws or this charter, all executive powers of the town shall be vested in the board of selectmen. The board of selectmen shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the town by law.

(b) At least a majority of the board of selectmen shall sign all official documents, and approve the financial warrants.

(c) The board of selectmen shall serve as the board of directors and policy making body of the town. They shall appoint a town administrator to carry out the day-to-day operations of the town within the policies set by the board of selectmen. The board of selectmen shall appoint members of committees.

(d) No member of the board of selectmen may serve in any other elected and/or appointed town office or committee during his or her term as selectman, excluding ex-officio positions. Service as a representative from the town to another body other than the town shall not be prohibited by this provision.

(e) The board of selectmen shall set guidelines for the preparation of the annual budget and present the budget to the town meeting. The board of selectmen shall set the date and warrant articles for the town meeting and any special town meeting. The board of selectmen shall make available sufficient copies of the warrant for the town meeting for all

registered voters. The board of selectmen shall either provide direct mailings to households, or publish notice of the availability of said warrants at town facilities and other common locations throughout the town at least 2 weeks prior to the town meeting.

(f) The board of selectmen shall be a licensing board for the town and shall have the power to issue licenses as authorized by law, to make all necessary rules and regulations regarding the issuance of such licenses, and to impose restrictions on any such license as it deems to be in the public interest, and to enforce all laws, rules, regulations, and restrictions relating to all such businesses for which it issues licenses.

(g) The board shall require bonds for all municipal officers and employees who receive or pay out any moneys of the town. The amount of such bonds shall be determined by the board and the cost thereof shall be borne by the town.

(h) The board of selectmen shall be authorized to institute, prosecute, compromise or defend any claim, action, suit or other proceeding in the name of the town and to settle any claim, action, suit or other proceeding brought by or on behalf or against the town. In the event that a settlement requires the issuance of a permit or license or the transfer of property, and such matter is not within the board of selectmen's jurisdiction, the town board or officer with legal jurisdiction over the matter shall retain sole authority to act on behalf of the town.

(i) The board of selectmen shall exercise any other responsibilities as set forth in the General Laws.

Section 4.2.6 MEETINGS OF THE BOARD

(a) The board of selectmen shall hold at least 2 regular meetings each month. The board shall fix, by resolution, the days, times and location of its regular meetings.

(b) The board of selectmen may hold such special meetings as it deems necessary and appropriate, which may be called for by 3 members of the board. In no event shall a regular or special meeting be held in any facility or at any locations which are not readily accessible to the public.

Section 4.2.7 RULES OF PROCEDURE

(a) The board of selectmen shall by resolution, determine its own rules and order of business; however, the rules shall provide that citizens of the town shall have a reasonable opportunity to be heard at any meeting in regard to any matter under consideration.

(b) Voting except on procedural motions, shall be by roll call if requested by a selectman, and the ayes and nays shall be recorded in the minutes.

(c) Three selectmen shall constitute a quorum for the purposes of transaction of business.

(d) No action of the board of selectmen shall be valid or binding unless adopted by the affirmative vote of 3 or more members of the board.

Section 4.2.8 PROHIBITIONS

(a) Except where authorized by law, no selectman shall hold any other town office or town employment during his term as selectman, nor any former selectman shall hold any compensated appointed town office or town employment until 1 year after the expiration of his term as selectman.

(b) The selectmen shall not in any manner dictate the appointment or removal of any town administrative officers or employees whom the town administrator or any of his subordinates are empowered to appoint. The board of selectmen may express its views and fully and freely discuss with the town administrator anything pertaining to appointments and removal of such officers and employees.

(c) Except for the purpose of inquiries and investigations, the board of selectmen and its members shall deal with town officers and employees who are subject to the direction and supervision of the town administrator, solely through the town administrator, and neither the board of selectmen nor any of its members shall give orders to any such officer or employee, either publicly or privately.

Section 4.3 SCHOOL COMMITTEE

The school committee shall be composed of 7 members. Each member shall be elected from the town at-large to a 3 year term. The 3 year terms of office for school committee shall be staggered.

Section 4.3.1 GENERAL POWERS AND DUTIES

The school committee shall have all the powers and duties given to school committees by the General Laws. The school committee shall have the power to select, oversee, and to terminate the superintendent of schools, establish educational goals and policies for the schools consistent with requirements of the General Laws and standards established by the commonwealth.

Section 4.3.2 VACANCIES

Vacancies in the school committee shall be filled by special election if there is more than 6 months remaining for the term of that position. The board of selectmen shall, within 10 days after the occurrence of a vacancy, call a special election that shall be held not less than 65 days nor more than 90 days after issuing the call.

Section 4.4 MODERATOR

A moderator shall be elected by the voters for a term of 3 years. In the event of absence of the moderator the town meeting may elect a temporary moderator, for the purpose of presiding over the town meeting.

Section 4.4.1 POWERS AND DUTIES

(a) The moderator shall have the powers and duties provided by the General Laws, by this charter, by by-law or by any other town meeting vote.

(b) The moderator shall appoint members of the finance committee which shall consist of 9 members. Should the moderator fail to fill a vacancy on the finance committee within 45 days of having been notified in writing by the town clerk of said vacancy a majority of the remaining members of the finance committee may nominate a person for each such vacancy. Should the moderator fail to take action on said nomination within 21 days, the nominee shall become a member of the finance committee.

(c) The moderator shall appoint members to other committees as directed by town meeting.

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Section 4.5 TOWN CLERK

A town clerk shall be elected by the voters at the annual town election, for a term of 3 years.

Section 4.6 TAX COLLECTOR

A tax collector shall be elected by the voters at the annual town election, for a term of 3 years.

Section 4.7 BOARDS, COMMITTEES AND OFFICERS

(a) Each board or committee will be organized and charged with the powers and duties specified in the General Laws and special acts of the commonwealth, town by-law or elsewhere in this charter. The board of selectmen may also, from time to time, establish boards or committees to address specific needs or issues. Each board or committee shall, at its annual organization meeting, elect a presiding officer and shall cause the board of selectmen and the town clerk to be notified of its selection. Such boards and committees shall make a written annual report of its activities to the board of selectmen.

(b) Members of permanent committees shall be elected for a staggered term of 3 years unless otherwise provided for by the General Laws or this charter. Appointees to temporary and special committees shall be appointed by the board of selectmen for the duration of the charge of the board or committee. Boards, committees or officers specifically provided for by the General Laws or this charter may be continued or terminated only by the board of selectmen.

ARTICLE V ADMINISTRATIVE SERVICES

Section 5.1 TOWN ADMINISTRATOR

Section 5.1.1 APPOINTMENT AND QUALIFICATIONS

The board of selectmen by majority vote of the entire board shall appoint a town administrator. The method of selection shall be left to the discretion of the board of selectmen so long as the method of selection insures orderly, nonpartisan action toward securing a competent and qualified person to fill the position. The town administrator shall be chosen solely upon the basis of his/her executive and administrative training, experience and ability and need not, when appointed, be a resident of the town of Sandwich; however, during the tenure of his/her office he/she shall reside within the town. The town administrator shall be bonded at town expense.

Section 5.1.2 COMPENSATION

The town administrator shall receive compensation as may be fixed by the board of selectmen according to his/her expertise, education and training. Any contract between the board of selectmen and the town administrator shall be made pursuant to section 108N of chapter 41 of the General Laws.

Section 5.1.3 TERM AND REMOVAL

The town administrator may be appointed for a definite term but may be removed at the discretion of the board of selectmen, by vote of the majority of the entire board. The action of the board of selectmen in suspending or removing the town administrator shall be

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final. It is the intention of this charter to invest all authority and fix all responsibilities of such suspension or removal in the board of selectmen.

Section 5.1.4 POWERS AND DUTIES

The town administrator shall be responsible to the board of selectmen for the proper administration of all the affairs of the town consistent with the General Laws and this charter, and shall:

- (a) appoint, discipline, suspend, or remove town employees, including civil service positions, except that the approval of the board of selectmen shall be required for appointment of department heads and the assistant town administrator;
- (b) supervise and direct all appointed department heads;
- (c) administer and enforce all provisions of General Laws or special acts of the commonwealth, or town by-laws, and all regulations established by the board of selectmen;
- (d) coordinate activities of all town departments;
- (e) attend all sessions of the town meeting and answer all questions addressed to the town administrator which are related to the warrant articles and to matters under the general supervision of the town administrator;
- (f) keep the board of selectmen fully informed as to the needs of the town, and recommend to the selectmen for adoption such measures requiring action by them or by the town as the town administrator deems necessary or expedient;
- (g) ensure that complete and full records of the financial and administrative activity of the town are maintained and render reports to the board of selectmen as may be required;
- (h) be responsible for the rental, use, maintenance, repair and the development of a comprehensive maintenance program for all town facilities;
- (i) serve as the chief procurement officer and be responsible for the purchase of all supplies, materials, and equipment, and approve the award of all contracts. Any contract over \$500,000 will require approval by the board of selectmen;
- (j) develop and maintain a formal and complete inventory of all town owned real and personal property and equipment;
- (k) administer personnel policies, practices, rules and regulations, any compensation plan and any related matters for all municipal employees and to administer all collective bargaining agreements entered into by the town;
- (l) fix the compensation of all town employees and officers appointed by the town administrator within the limits established by appropriation and any applicable compensation plan and collective bargaining agreements;
- (m) be responsible for the negotiation of all contracts with town employees regarding wages, and other terms and conditions of employment, except employees of the school department. The town administrator may, subject to the approval of the board of selectmen, employ special counsel to assist in the performance of these duties. Collective bargaining agreements shall be subject to the approval of the board of selectmen, and to chapter 150E of the General Laws;

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(n) prepare and submit an annual operating budget and capital improvement program as provided in paragraph (b) of section 7.1 of this charter and be responsible for its administration after its adoption. The town administrator may transfer funds between individual line items within a department account;

(o) keep the board of selectmen and the finance committee fully informed as to the financial condition of the town and make recommendations to the board of selectmen;

(p) prepare and submit to the board of selectmen at the end of the fiscal year a comprehensive report on the finances and the activities and operations of all departments, boards and committees of the town;

(q) investigate or inquire into the affairs of any town department or office;

(r) delegate, authorize or direct any subordinate or employee in the town to exercise any power, duty, or responsibility which the office of town administrator is authorized to exercise, provided, that all acts performed under such delegation shall be deemed the acts of the town administrator; and

(s) perform such other duties as necessary or as may be assigned by this charter, town by-law, town meeting vote, or vote of the board of selectmen.

Section 5.1.5 ACTING TOWN ADMINISTRATOR

The assistant town administrator shall perform the duties of the town administrator in his/her absence. In the event of long-term disability, resignation, termination, or vacancy of both the town administrator and the assistant town administrator at the same time, the board of selectmen shall appoint an acting town administrator for the duration of any such disability, or until appointment of a permanent town administrator or assistant town administrator. No member of the board of selectmen shall serve as acting town administrator.

Section 5.2 TOWN COUNSEL

The board of selectmen shall appoint a competent and duly qualified and licensed attorney practicing in the commonwealth, who shall be the counsel for the town. He/she shall receive for his/her services such compensation as may be fixed by the board of selectmen and shall hold his/her office at the pleasure of the board. The town counsel shall be the legal adviser of all of the offices and departments of the town, and he/she shall represent the town in all litigation and legal proceedings; provided, that the board of selectmen may retain special counsel at any time they deem appropriate and necessary. He/she shall review and concur or dissent upon all documents, contracts, and legal instruments in which the town may have an interest. The town counsel shall perform other duties prescribed by this charter, town by-law, or as directed by the board of selectmen.

Section 5.3 PUBLIC FACILITIES

The town administrator shall, under the provisions of clause (a) of section 5.1.4 of this charter, appoint an individual as director of public facilities. The director shall, under the general supervision and direction of the town administrator, have general care of all town buildings and property, including, but not limited to, schools, fire, police, highway, cemetery,

recreation and other municipal buildings and property. The director shall in consultation with department heads, boards and the capital planning committee develop and implement scheduled maintenance and repair of all public properties, excepting that daily maintenance and janitorial duties shall remain the responsibility of each department. The director shall have overall supervision of all funds specifically appropriated for the purpose of extraordinary maintenance of town property.

ARTICLE VI PUBLIC RECORDS AND OPEN MEETINGS

All boards, committees, and commissions shall comply with sections 23A, 23B and 23C of chapter 39 of the General Laws, popularly known as the "Open Meeting Law", in the conduct of any town business.

ARTICLE VII FINANCIAL PROVISIONS AND ADMINISTRATION

Section 7.1 SUBMISSION OF BUDGET AND BUDGET MESSAGE

(a) Annually, prior to the first day of November, the town administrator shall establish and issue a budget schedule which shall set forth the calendar dates for developing the annual budget for the next fiscal year.

(b) On or before the first day of February, the town administrator shall submit to the board of selectmen and finance committee a proposed budget and accompanying message.

(c) The budget shall provide a complete financial plan of all town funds and activities, including details on debt and debt service, anticipated income, and proposed expenditures. The budget shall include proposals for capital improvements for the next 5 years. The budget message shall begin with a clear general summary of its content, and explain in both fiscal terms and work program objectives, proposed expenditures for each department, capital expenditures, and the projected tax rate.

(d) The board of selectmen shall review the proposed town budget and refer it, including the school department budget and recommendations, to the finance committee, on or before the first day of March.

Section 7.2 FINANCE COMMITTEE

(a) There shall be a permanent committee known as the finance committee, composed of 9 registered voters of the town appointed by the moderator. They shall serve for 3 year terms. Terms shall be staggered. Members shall serve without compensation and no member shall be an employee of the town nor hold an elected or appointed town position during their term of office, excluding ex-officio positions.

(b) The finance committee shall submit a written budget report to the annual town meeting and a written report to the annual town meeting and any special town meeting with its advisory recommendations on all financial warrant articles, and the projected tax impact consistent with its recommendations.

(c) The finance committee may require that the town administrator, any town department, office, board, commission or committee furnish appropriate additional financial information, as needed.

Section 7.3 PUBLIC NOTICE AND PUBLIC HEARING

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(a) The finance committee shall within 60 days following the submission of the draft budget by the town administrator, review the proposed budget, and shall return it to the board of selectmen with their recommendations.

(b) The board of selectmen shall conduct at least 1 public hearing on the proposed budget, including the school budget, prior to the town meeting, and include the recommendations of the finance committee.

(c) The board of selectmen shall post in the town hall and publish in a daily newspaper of general circulation, a summary of the proposed budget and notice stating:

(1) the times and places where copies of the message and budget are available for inspection by the public, and

(2) the date, time and place where the board of selectmen shall conduct the public hearing on the budget.

Section 7.4 BUDGET ADOPTION

Town meeting shall adopt the annual operating budget, with or without amendments prior to the beginning of the fiscal year.

Section 7.5 ANNUAL AUDIT

At the close of each fiscal year, and at such times as it may be deemed necessary, the board of selectmen shall cause an independent audit to be made of all accounts of the town by a certified public accountant. The certified public accountant so selected shall have no personal interest, directly or indirectly in the financial affairs of the town or any of its offices. Upon completion of the audit, the results in a summary form shall be placed on file in the town clerk's office as a public record and in the Sandwich public library for public information.

Section 7.6 EMERGENCY APPROPRIATIONS, REDUCTIONS, AND TRANSFERS

Any and all emergency appropriations, reductions, and transfers will be made in accordance with the General Laws and the town by-laws.

ARTICLE VIII RECALL

Section 8.1 RECALL

Any holder of an elected office in the town of Sandwich may be recalled therefrom by the qualified voters of the town as provided in chapter 408 of the acts of 1987 for reasons which include but are not limited to the following: embezzlement; influence peddling; refusal to abide by or not comply with the conflict of interest law, open meeting law, public records law, rules and regulations thereto, and the by-laws of the town of Sandwich which pertains to same; destruction or alteration of public records; nepotism; conviction for a felony; failure to perform the duties of the elected office; or other willful acts of omission or commission which betray the public trust.

Section 8.2 RECALL PETITION

A recall petition shall be initiated by request of 10 qualified voters. The recall petition shall be signed by 25 per cent of the qualified voters and returned within 20 days in accordance with chapter 408 of the acts of 1987.

ARTICLE IX CHARTER

Section 9.1 SEVERABILITY

If any section, or part of a section of this charter, shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this charter.

Section 9.2 CHARTER REVIEW COMMITTEE

At least every 5 years the selectmen shall appoint a charter review committee to be composed of 7 members for a period not longer than 6 months, who shall submit their recommendations to the board of selectmen and shall file proceedings of their deliberations.

Section 9.3 AMENDMENT TO CHARTER

This charter may be amended or revised by special act of the general court upon the recommendation of town meeting, or pursuant to chapter 43B of the General Laws.

SECTION 2. This act shall be submitted for acceptance to the voters of the town of Sandwich at an annual or special town election in the form of the following question which shall be placed on the official ballot: "Shall an act passed by the general court in the year 2002, entitled 'An Act providing for a charter for the town of Sandwich' be accepted?" If a majority of the votes cast in answer to the question is in the affirmative, this act shall take effect, but not otherwise.

Approved June 12, 2002.

Chapter 138. AN ACT RELATIVE TO FRAUDULENT INSURANCE CLAIMS.

Be it enacted, etc., as follows:

SECTION 1. Section 111A of chapter 266 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in line 24, the words "one hundred nor more than five hundred dollars" and inserting in place thereof the following words:- \$500 nor more than \$10,000.

SECTION 2. Section 111B of said chapter 266, as so appearing, is hereby amended by striking out, in lines 10 to 12, inclusive, the words "a jail or house of correction for not less than six months nor more than two and one-half years or by a fine of not less than one thousand nor more than four thousand dollars, or both" and inserting in place thereof the following words:- the state prison for not more than 5 years or by imprisonment in the house of correction for not less than 6 months nor more than 2½ years or by a fine of not less than \$1,000 nor more than \$10,000, or by both such fine and imprisonment.

Approved June 13, 2002.

Chapter 139. AN ACT AUTHORIZING THE TOWN OF WINCHESTER TO ESTABLISH A RETIREE HEALTHCARE LIABILITY TRUST FUND.

Be it enacted, etc., as follows:

SECTION 1. The town meeting of the town of Winchester may appropriate funds in order to offset the anticipated cost of healthcare for retired employees, and the eligible surviving spouse or dependents of deceased employees. Such funds shall be credited to a special fund to be known as the Retiree Healthcare Liability Trust Fund. Any interest or other income earned on the fund shall be added to and become part of the fund. Any funds in said Retiree Healthcare Liability Trust Fund shall be trust funds within the meaning of section 54 of chapter 44 of the General Laws. Amounts may be expended from the fund only in accordance with an actuarial schedule of payments developed by a nationally recognized independent actuarial consulting firm and designed to reduce to zero any unfunded liability attributable to the payment of healthcare costs. This schedule shall be designed to maintain these costs as a fixed ratio of the current and predicted future payroll of the town or any other acceptable actuarial method approved by the actuary. Funds may be used for the purpose of this trust fund by appropriation at any town meeting of the town.

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

Approved June 18, 2002.

Chapter 140. AN ACT AUTHORIZING THE TOWN OF NORTH ANDOVER TO GRANT A CERTAIN CONSERVATION RESTRICTION.

Be it enacted, etc., as follows:

The town of North Andover, acting by and through its board of selectmen and conservation commission, may grant a conservation restriction in certain conservation land to the Trustees of the Reservation and any other entity qualified to hold such restriction under chapter 184 of the General Laws. The land is shown as the Carter Hill Property on Plan Number 13917 as recorded in the Essex county northern district registry of deeds.

Approved June 20, 2002.

Chapter 141. AN ACT AUTHORIZING THE CITY OF WORCESTER TO PLACE A CONSERVATION RESTRICTION ON GREEN HILL PARK.

Be it enacted, etc., as follows:

SECTION 1. Chapter 100 of the acts of 1999 is hereby amended by inserting after

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section 2 the following section:-

Section 2A. The city of Worcester may, notwithstanding sections 1 and 2, grant a conservation restriction on the land held by the city for park purposes and known as Green Hill Park, the land to include land added to Green Hill Park under authority of section 1. The purposes of the conservation restriction shall be: (1) to restrict the use of the park to park purposes, and (2) to prevent any disposition or diversion of park land to public or private nonpark purposes. Nothing in the conservation restriction shall prohibit the use of the park for any passive or active recreation use, public memorials, public gatherings, or for any other purpose recognized under the laws of the commonwealth as a park or recreation use, and any activity or use reasonably accessory or incidental thereto, including, without limitation, the installation, demolition and maintenance of park trails, fences, gates, signs, roads, athletic fields and facilities, parking areas, concession stands, kiosks, park stations, restrooms, a zoo and temporary entertainment venues; nor shall the conservation restriction prohibit the use of a specified area of the park as a golf course or for uses reasonably accessory or incidental thereto, including, but not limited to, a driving range; and provided, further, that the conservation restriction shall not prohibit the use of the park by the parks and recreation department of the city to maintain the designated areas for the storage and management of various loose materials required for the maintenance and management of the park and recreation facilities, so long as any such designated area shall be fenced in and visually screened from the rest of the park; nor shall the conservation restriction prohibit the use of the park by the city to maintain areas for the processing of naturally occurring, biodegradable material such as cut brush, tree storm damage and trimmings, so long as any such processing area is professionally managed and returned to its natural state on a yearly basis. The conservation restriction shall comply with the requirements of section 31 of chapter 184 of the General Laws and shall be held jointly and severally by the Green Hill Park Coalition, Inc., and the Greater Worcester Land Trust, Inc.

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

Approved June 20, 2002.

Chapter 142. AN ACT PROVIDING FOR CERTAIN INFORMATION TECHNOLOGY IMPROVEMENTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for improvements and repairs of certain real property and other assets of the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

SECTION 1. To provide for a program of capital information technology improvements to various state institutions and properties, the sums set forth in this act, for

the several purposes and subject to the conditions specified in this act, are hereby made available from the General Capital Projects Fund, subject to the laws regulating the disbursement of public funds.

SECTION 2.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Information Technology Division.

1790-2010 For a reserve to fund the acquisition, upgrading, development and implementation of E-government capabilities utilizing public and private best practices to evolve the commonwealth's website into a fully integrated, task-based enterprise portal, to maximize the functions that can be transacted and the information that can be accessed online and to make the majority of essential state services available 24 hours a day, 7 days a week, including salaries and other personnel costs of staff assigned to those projects; provided, that each E-government project shall include a study to assess current E-government achievements, the services the commonwealth already has online, the applications those services use and the additional services that are planned \$95,000,000

1790-2011 For a reserve to fund the acquisition, upgrading, development and implementation of comprehensive major information technology systems for certain departments, including the purchase and installation of certain computer and data processing equipment and for costs associated with completing projects funded by section 2 of chapter 294 of the acts of 1996 and for costs associated with planning certain software development projects and related implementation costs, including the acquisition and implementation of upgrading the Massachusetts management accounting and reporting system and to provide oversight and coordination by the division of information technology to all projects and systems funded in this section and otherwise approved, including the salaries and other personnel costs of staff assigned to those projects; provided, that funds shall be expended for the cost of computer equipment upgrades associated with the registries of deeds under the jurisdiction of the state secretary; provided further, that all funds expended for the purposes of upgrading the computer equipment of said registries of deeds shall be spent according to a plan developed by the state secretary and the information technology division; provided further, that, notwithstanding

any other provision of this item, the department of transitional assistance and the department of social services may expend funds from this item for the annual maintenance and operation of the BEACON project and the FamilyNet system, respectively; provided further, that prior to the expenditure of any additional funds unrelated to the annual maintenance and operation of the BEACON project and the FamilyNet system, the chief information officer of the division of information technology, in consultation with the department of transitional assistance and the department of social services, shall file with the secretary of administration and finance and the house and senate committees on ways and means: (i) an accounting of the total costs associated with such projects; (ii) an accounting of the cost savings since implementation and an assessment of whether the current infrastructure has accomplished the intended goals of interfacing with state government agencies, strengthening revenue maximization efforts, improving data integrity and increasing worker productivity; and (iii) a detailed timeline and estimate of all future costs related to the operation and integration of such systems; and provided further, that the chief information officer of the division of information technology, in consultation with the department of transitional assistance and the department of social services, shall file with the secretary of administration and finance and the house and senate committees on ways and means, a detailed user survey and a report detailing the proposed integration of the BEACON project and the FamilyNet system \$135,000,000

1790-2012 For the study, planning, design, acquisition and implementation of a centralized messaging system which shall provide the capability and capacity for hosting all of the commonwealth's departments and employees with respect to e-mail communications, including salaries and other personnel costs of staff assigned to that project \$15,000,000

1790-2013 For the study, planning, design, acquisition and implementation of a second, active data center capable of maintaining mission critical applications and a supporting network infrastructure, including salaries and other personnel costs of staff assigned to that project; provided, that the center shall be connected to the Massachusetts information technology center and shall be

used on a daily basis to support applications providing the commonwealth with the capacity for business continuity and quick recovery in the event of unplanned outages \$25,000,000

1790-2014 For the study, planning, design, acquisition and implementation of a statewide wireless communication network for use by all governmental entities, including municipalities; provided, that \$22,700,000 shall be expended for the completion of a statewide communications network for the state police, including a primary voice radio communications network for the state police and other state and local public safety agencies; provided further, that the department of state police shall submit to the house and senate committees on ways and means a report detailing specific contract payment milestones and the availability of radio frequencies assigned to the commonwealth by the Federal Communications Commission; and provided further, that funds appropriated for the public safety purposes provided in this item shall be authorized under the capital spending limit of the information technology division of the executive office of administration and finance \$30,000,000

SECTION 3. To meet the expenditures necessary in carrying out section 2, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth, in an amount to be specified by the governor from time to time, but not exceeding, in the aggregate, the sum of \$300,000,000. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Information Technology Loan, Act of 2002, and shall be issued for such maximum terms of years not exceeding 7 years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution, but all such bonds shall be payable not later than June 30, 2015. All interest and payments on account of principal of such obligations shall be payable from the General Fund unless otherwise specified. Bonds and interest thereon issued under the authority of this section, notwithstanding any other provision of this act, shall be general obligations of the commonwealth.

SECTION 4. Expenditures of funds for the purposes of section 2 shall be based upon schedules prepared by the division of information technology and submitted to the secretary of administration and finance, the house and senate committees on ways and means and the house and senate committees on science and technology 30 days before the obligation of the funds. The division shall file annually with those committees, commencing not later than October 1, 2002, an accounting of expenditures for projects contained in section 3 for the prior fiscal year including, but not limited to, an accounting of the amount expended for hardware, software and personnel, an assessment of whether such project is within budget

and on schedule for completion and an explanation of any deviations in completion timetables and funding needs from those that were originally established for such projects. The division shall simultaneously file with these committees and the secretary a spending plan identifying projected expenditures on such projects in the current fiscal year including, but not limited to, expenditures by type and projected milestones and completion schedules.

SECTION 5. The chief information officer of the division of information technology shall, within 12 months after the effective date of this act, report to the secretary of administration and finance and the house and senate committees on ways and means on the use of an information technology governance strategy in the implementation of the commonwealth's information technology infrastructure. The report shall examine if the current planning and development procedures enable the coherence of functionality, security and interoperability across state government and work to build mission critical applications that encourage agencies to work effectively with one another. The report shall also examine the benefits of having the requirement of an independent outside analysis to help insure that the commonwealth's investment in information technology supports the primary needs and objectives of a state agency. The report shall examine the use of independent verification and validation as a means to assure that the systems being acquired and implemented satisfy the needs, life expectancy and budget of the commonwealth. The report shall examine the commonwealth's current standard used for determining an agency's needs for transacting its business and delivering its services with citizens, businesses and other state agencies and compare it with general principals of utilizing portfolio management in determining these needs. The report shall make recommendations on ways to ensure that the commonwealth's information technology governance strategy is meeting the needs of the citizens, businesses, and other state agencies.

SECTION 6. Notwithstanding any general or special law to the contrary, there shall be a special commission to recommend an enterprise-wide strategy, including all 3 branches of government and the constitutional offices, for the commonwealth's information technology infrastructure, system development and governance. The report shall identify all of the commonwealth's management information systems, their general condition and the populations served and shall review the list of mission critical systems as defined by the state information technology division. The report shall examine all of the commonwealth's networks and data centers to determine if they satisfy the goal of operating in the most secure, redundant and cost-effective manner. Said commission shall identify methods that facilitate the availability of broadband and wireless network services. The commission shall recommend any changes necessary to meet the goals established by it, including recommendations to ensure that agencies work effectively with one another, that similar systems and processes are developed and shared across agencies and that new systems meet the needs of citizens, business and other governmental agencies.

The commission shall be co-chaired by the secretary of administration and finance or his designee and the chairmen of the house and senate committees on science and tech-

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nology. The information technology division shall provide the necessary staff to the commission.

The governor, the speaker of the house of representatives and the president of the senate shall each appoint 5 members to the commission, 2 of whom shall not be employed by the commonwealth. One appointee of the speaker and 1 appointee of the president shall be from the minority party. Other members of the commission shall include the commonwealth's chief information officer, the comptroller, the director of economic development, the director of the Massachusetts Technology Collaborative, the president of the University of Massachusetts or his designee, the state auditor or his designee and the chief justice of the supreme judicial court or her designee. The commission shall file a report with the house and senate clerks by December 15, 2002.

Approved June 20, 2002.

Chapter 143. AN ACT DESIGNATING CERTAIN BRIDGES IN THE TOWN OF SAUGUS AND THE CITY OF WOBURN.

Be it enacted, etc., as follows:

SECTION 1. Chapter 146 of the acts of 1995 is hereby repealed.

SECTION 2. Chapter 474 of the acts of 1996 is hereby amended by striking out section 2 and inserting in place thereof the following section:-

Section 2. The bridge located on Main street and spanning United States highway route 1 in the town of Saugus shall be designated and known as the Saugus Veterans of Foreign Wars S/Sgt. Arthur F. DeFranzo Post 2346 Bridge. The department of highways shall erect and maintain a suitable marker on the bridge bearing the designation in compliance with the standards of the department.

SECTION 3. The bridge located on Montvale avenue and spanning the Aberjona river in the city of Woburn shall be designated and known as the Assistant Chief Engineer Ronald P. West Memorial Bridge, in memory of Ronald P. West, a dedicated and respected civil engineer and public servant. The department of highways shall erect and maintain a suitable marker on the bridge bearing the designation in compliance with the standards of the department.

Approved June 20, 2002.

Chapter 144. AN ACT AUTHORIZING THE APPOINTMENT OF LUANN M. TOMASO AS A POLICE OFFICER IN THE TOWN OF MILFORD.

Be it enacted, etc., as follows:

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SECTION 1. The personnel administrator of the human resources division shall certify Luann M. Tomaso to be eligible for original appointment as a police officer in the town of Milford according to the grade she received on the examination for police officer held in April, 2001, notwithstanding the maximum age requirement for such position, if she has fulfilled all other requirements for certification as a police officer in the town of Milford.

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

Approved June 25, 2002.

Chapter 145. AN ACT RELATIVE TO THE POLICE DEPARTMENT OF THE TOWN OF MILFORD.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the chief of police of the town of Milford shall be the appointing authority for all appointments and promotions within the police department of that town below the rank of chief.

SECTION 2. This act shall take effect 90 days after the appointment of a permanent chief of police of the town of Milford.

Approved June 25, 2002.

Chapter 146. AN ACT RELATIVE TO CONTRACTS BETWEEN COURT REPORTERS AND AN ATTORNEY, PARTY OR PARTY HAVING A FINANCIAL INTEREST IN AN ACTION.

Be it enacted, etc., as follows:

Chapter 221 of the General Laws is hereby amended by inserting after section 91C the following section:-

Section 91D.

(a) As used in this section, the following words and phrases unless the context otherwise requires, shall have the following meanings:

"Court reporter", a shorthand reporter or voice reporter engaged in the practice of court reporting.

"Practice of court reporting", the making of a verbatim record of any Massachusetts trial, legislative public hearing, state agency public hearing, deposition, examination before trial, hearing or proceeding before any grand jury, referee, board, commission, master or arbitrator, or other testimony given under oath.

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(b) Contracts entered into pursuant to the practice of court reporting, not related to a particular case or reporting incident, between a court reporter or any person with whom a court reporter has a principal and agency relationship and an attorney at law, party to an action, or party having a financial interest in an action shall be prohibited.

An attorney shall not be prohibited from negotiating or bidding reasonable court reporting fees, equal to all parties, on a case by case basis.

This section shall not apply to a contract entered into pursuant to the practice of court reporting for the courts or to other contracts with governmental entities.

A person aggrieved by a violation of this section shall be entitled to review in the superior court and shall be entitled to all legal and equitable relief within the jurisdiction of the court.

Approved June 25, 2002.

Chapter 147. AN ACT MAKING A CERTAIN FUND TRANSFER FOR FISCAL YEAR 2002.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to effect forthwith certain fund transfers necessary for fiscal balance, 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 to the contrary, the comptroller shall transfer not more than \$300,000,000 from the Commonwealth Stabilization Fund, established in section 2H of chapter 29 of the General Laws, to the General Fund.

Approved June 25, 2002.

Chapter 148. AN ACT MAKING CERTAIN APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE 30, 2003, BEFORE FINAL ACTION ON THE GENERAL APPROPRIATION BILL FOR THAT FISCAL YEAR.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, \$2,010,000,000 is hereby appropriated for the fiscal year ending June 30, 2003 to meet necessary expenditures prior to the enactment into law of the general appropriation act for that fiscal year, for the maintenance and operation of the several departments, boards, commissions and institutions, including federal grant and Intragovernmental Service Fund

expenditures, for other necessary services and for meeting certain requirements of law. The authorization contained in this section shall cease to be operative on the effective date of the general appropriation act and all actions taken under this section shall apply against that general appropriation act. All expenditures made under this authorization shall be consistent with appropriations made in that general appropriation act.

SECTION 2. Notwithstanding any general or special law to the contrary, the unexpended balances of all capital accounts which otherwise would revert on June 30, 2002 but which are necessary to fund obligations during fiscal year 2003 are hereby re-authorized. The re-authorizations in this section shall terminate on enactment of capital account extension legislation.

SECTION 3. The state treasurer shall make advance payments for some or all of periodic local reimbursement or assistance programs to a city, town, regional school district or independent agricultural and technical school that demonstrates an emergency cash shortfall, as certified by the commissioner of revenue and approved by the secretary of administration and finance, pursuant to guidelines issued by the secretary.

SECTION 4. Notwithstanding section 12A of chapter 29 of the General Laws, in order to comply with 42 U.S.C. section 1382e(d), the comptroller may present in his certificate to the governor's council, and the state treasurer, with consent of said council, may transfer to the United States Treasury before July 1 funds necessary to make July 1 Supplemental Security Income payments to commonwealth benefit recipients.

SECTION 5. Sections 1 and 3 shall take effect on July 1, 2002. Section 2 shall take effect on June 30, 2002. Section 4 shall take effect on June 27, 2002.

Approved June 25, 2002.

Chapter 149. AN ACT AUTHORIZING THE TOWN OF NORTH ANDOVER TO SETTLE CERTAIN LAWSUITS.

Be it enacted, etc., as follows:

Notwithstanding any general or special law to the contrary, the town of North Andover may approve a settlement of lawsuits brought against the town and its employees by Mesiti Development Corp. and others in the United States district court for Massachusetts and the Essex division of the superior court department, relating to construction of a sewer line in the area of state Route 114, with payment by the town of \$56,000 per year with no interest over 10 years, to be paid from the sewer rates and from additional connection fees to be assessed by the board of selectmen to landowners who connect to this sewer line, and also with payment to Mesiti Development Corp. of \$176,000 from the inflow and ingress account. The town may accept title and ownership of this sewer line and 3 associated pumping stations that have been constructed, accept appropriate easements, and waive or accept sewer

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connection fees. The town manager, with the approval of the board of selectmen, may expend funds, sign agreements, and take all other actions necessary to carry out the settlement, including but not limited to a certain agreement dated March 2002.

Approved June 26, 2002.

Chapter 150. AN ACT AUTHORIZING THE CERTIFICATION AND APPOINTMENT OF STEPHEN E. GRANLUND AS A POLICE OFFICER IN THE TOWN OF WARE.

Be it enacted, etc., as follows:

Notwithstanding any general or special law or rule to the contrary regulating the maximum age of applicants for appointment as a police officer, the personnel administrator shall certify the name of Stephen E. Granlund for original appointment to the position of police officer in the town of Ware according to his score on the civil service examination for such position. If Stephen E. Granlund meets all other requirements for such appointment to such position, the town of Ware may appoint Stephen E. Granlund.

Approved June 26, 2002.

Chapter 151. AN ACT PROVIDING FOR A MEMORIAL ON THE USS MASSACHUSETTS TO HONOR THOSE INDIVIDUALS FROM THE COMMONWEALTH WHO WERE VICTIMS OF THE SEPTEMBER 11, 2001 ATTACK ON AMERICA.

Be it enacted, etc., as follows:

Notwithstanding any general or special law to the contrary, the USS Massachusetts Memorial Committee, Inc. shall establish an official state memorial located on board the battleship USS Massachusetts to honor the commonwealth victims of the September 11, 2001 attack on America.

Approved July 3, 2002.

Chapter 152. AN ACT RELATIVE TO GUN RANGES.

Be it enacted, etc., as follows:

Section 7B of chapter 214 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the second paragraph the following paragraph:-

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The exemptions from liability and the immunities from prosecution provided in this section shall also extend to any owner who, in order to satisfy a requirement of law, regulation or by-law, relocates his range within the same parcel of land or a contiguous parcel of land, owned by him at the time that the commonwealth or its political subdivision commences enforcement of such a requirement or that the owner voluntarily complies with such a requirement. In order to maintain these exemptions from liability and immunities from prosecution, owners who relocate their ranges pursuant to the preceding sentence shall remain in compliance with the applicable noise control laws, ordinances or by-laws in existence at the time of the construction of the original range described in the first paragraph.

Approved July 3, 2002.

Chapter 153. AN ACT AUTHORIZING QUINCY COLLEGE TO ADOPT A SIX-YEAR TENURE SYSTEM.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, during the first 3 years of a teacher's service at Quincy College, the teacher shall be deemed a nontenured teacher. A nontenured teacher shall be defined as and have such rights as a teacher without professional teacher status under chapter 71 of the General Laws.

A nontenured teacher shall be notified in writing on or before May 30 whenever such person is not to be employed for the following academic year. Unless the notice is given as provided in this section, a nontenured teacher shall be considered to be appointed for the following academic year.

SECTION 2. Notwithstanding any general or special law to the contrary, a teacher who has served at Quincy College for the 3 previous consecutive academic years shall be considered to have achieved instructor status.

Instructors may be dismissed using the criteria and process for teachers with professional teacher status in section 42 of chapter 71 of the General Laws.

Instructors may be subject to nonrenewal at the end of their fourth, fifth or sixth consecutive academic years by notification in writing on or before May 30. Instructors shall not be nonrenewed except for good cause.

SECTION 3. Notwithstanding any general or special law to the contrary, a teacher who has served at Quincy College for the 6 previous consecutive academic years shall be considered a professor and shall be entitled to all rights and privileges provided to teachers with professional teacher status in chapter 71 of the General Laws.

SECTION 4. This act shall apply only to those employees hired by Quincy College after the effective date of this act. Contract faculty who have been employed pursuant to annual appointments during the 3 school years preceding the effective date of this act shall not be considered new hires for purposes of this act.

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

Approved July 3, 2002.

Chapter 154. AN ACT DESIGNATING CIVILIAN CONSERVATION CORPS DAY.

Be it enacted, etc., as follows:

Chapter 6 of the General Laws is hereby amended by inserting after section 15NNNN, inserted by chapter 128 of the acts of 2002, the following section:-

Section 150000. The governor shall annually issue a proclamation setting apart March 31 as Civilian Conservation Corps Day, in recognition of the contribution of its 100,000 members who helped to build roads, construct bridges and towers and preserve our nation's land during the period from 1933 to 1942, and recommending that said day be observed in an appropriate manner by the people.

Approved July 3, 2002.

Chapter 155. AN ACT ESTABLISHING A SICK LEAVE BANK FOR MARILYN ANUFROM, AN EMPLOYEE OF THE DEPARTMENT OF MENTAL RETARDATION.

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

Be it enacted, etc., as follows:

Notwithstanding any general or special law, rule or regulation to the contrary, the department of mental retardation shall establish a sick leave bank for Marilyn Anufrom, an employee of the Wrentham Development Center. Any employee of the Wrentham Development Center may voluntarily contribute 1 or more of his sick, personal or vacation days to said sick leave bank for use by said Marilyn Anufrom.

When said Marilyn Anufrom terminates employment with said department or requests to dissolve said sick leave bank, any remaining time in said sick leave bank shall be transferred to the department's extended illness leave bank.

Approved July 3, 2002.

Chapter 156. AN ACT DESIGNATING THE OFFICIAL MIA/POW MEMORIAL OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

Chapter 2 of the General Laws is hereby amended by adding the following section:-
Section 48. The MIA/POW Memorial located at the Massachusetts National Cemetery in the town of Bourne shall be the official MIA/POW memorial of the commonwealth.

Approved July 3, 2002.

Chapter 157. AN ACT RELATIVE TO ASSISTANT TOWN CLERKS IN CERTAIN TOWNS.

Be it enacted, etc., as follows:

Section 19 of chapter 41 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the fourth sentence.

Approved July 3, 2002.

Chapter 158. AN ACT VALIDATING ACTION TAKEN AT THE SPECIAL TOWN MEETINGS HELD BY THE TOWN OF MANCHESTER-BY-THE-SEA.

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, the acts and proceedings taken by the town of Manchester-by-the-Sea at the special town meetings held on April 2, 2001 and April 1, 2002, and all actions taken pursuant thereto including the award of, appropriation for and payment of contracts, are hereby ratified, validated and confirmed to the same extent as if the warrants for these town meetings had been posted and published in full compliance with law and town by-laws.

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

Approved July 3, 2002.

Chapter 159. AN ACT RELATIVE TO THE ISSUANCE OF CERTAIN BONDS BY THE CITY OF QUINCY.

Be it enacted, etc., as follows:

SECTION 1. The general court finds that: (a) the restructuring of Quincy Hospital under chapter 94 of the acts of 1999 was necessary to ensure the delivery of quality health care to the citizens it serves; (b) the restructuring was necessary to ensure the continued provision of specialized clinical services to patients, particularly to the extent not available through other area services, of comprehensive health care to the communities served by Quincy Hospital, and of care and indigent patients; and (c) the restructuring has served the highest public interests of the citizens of the city and the commonwealth and was essential to the public health and welfare.

SECTION 2. Notwithstanding any general or special law to the contrary, the city of Quincy may issue from time to time bonds or notes in an amount not in excess of \$15 million in the aggregate, for the purpose of making payments to or on behalf of the Quincy Medical Center, Inc., under paragraph (e) of section 1 of that document known as the Affiliation Agreement dated October 15, 1999 by and among the city of Quincy, the Boston Medical Center Corporation, the Quincy Hospital, and the Quincy Medical Center, Inc., which agreement was entered into pursuant to chapter 94 of the acts of 1999, and which payments are hereby declared to be made in consideration of (a) assumption by Quincy Medical Center, Inc. of certain liabilities of Quincy Hospital and (b) the promotion by Quincy Medical Center, Inc. of health care for residents of the city of Quincy, including particularly the delivery of health care services to individuals unable to pay for such services and the conduct of health education, screening, immunization and other preventative medicine programs in the city. Each authorized issue shall constitute a separate loan and each such loan shall be payable within 10 years from its date. Any bonds issued by the city under this act shall have their maturities arranged so that the annual combined payments of principal and interest payable in each year shall be as nearly equal as practicable in the opinion of the mayor and the city treasurer or in accordance with a schedule providing for a more rapid amortization of principal. Indebtedness incurred under this act shall not be included in determining the 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 that chapter.

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

Approved July 10, 2002.

Chapter 160. AN ACT RELATIVE TO THE APPOINTMENT OF RETIRED POLICE OFFICERS IN THE TOWN OF STONEHAM.

Be it enacted, etc., as follows:

SECTION 1. The administrator of the town of Stoneham may appoint, as he deems necessary, retired Stoneham police officers as special police officers for the purpose of performing police details or any police duties arising therefrom or during the course of police

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detail work, regardless of whether or not related to the detail work. The retired police officers must have been regular Stoneham 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. A special police officer must pass a medical examination, by a physician or other certified professional chosen by the town, to determine that he is capable of performing the essential duties of a special police officer, the cost of which shall be borne by the special police officer, prior to performing police details.

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 shall, when performing the duties under section 1, have the same power to make arrests and perform other police functions as do regular police officers of the town of Stoneham.

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

SECTION 5. Special police officers shall also be subject to the rules and regulations, policies and procedures and requirements of the town administrator and the chief of police of the town of Stoneham, 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.

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

SECTION 7. Special police officers appointed under this act shall be subject to section 100 and section 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 special police officers less than 52 weeks prior to the incapacity. In no event shall payment under said section 111F of said chapter 41 exceed, in any calendar year, the limitation on earning 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 a special 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 a higher age limit, but in no event shall the benefits 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 eligible for any benefits pursuant thereto.

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SECTION 8. Appointment as a special police officer shall entitle any individual appointed as such to assignment to any detail.

SECTION 9. Retired Stoneham 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 July 10, 2002.

Chapter 161. AN ACT RELATIVE TO OBSCENE MATERIAL.

Be it enacted, etc., as follows:

SECTION 1. Section 31 of chapter 272 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the word "any", in line 40, the following words:- handwritten or.

SECTION 2. Said section 31 of said chapter 272, as so appearing, is hereby further amended by striking out the definition of "Visual material" and inserting in place thereof the following definition:-

"Visual material", any motion picture film, picture, photograph, videotape, book, magazine, pamphlet that contains pictures, photographs or similar visual representations or reproductions, or depiction by computer. Undeveloped photographs, pictures, motion picture films, videotapes and similar visual representations or reproductions may be visual materials notwithstanding that processing, development or similar acts may be required to make the contents thereof apparent.

Approved July 10, 2002.

Chapter 162. AN ACT RELATIVE TO THE INSURERS INSOLVENCY FUND.

Be it enacted, etc., as follows:

Section 1 of chapter 175D of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out paragraph (6) and inserting in place thereof the following paragraph:-

(6) "Net direct written premiums", direct gross premiums written in the commonwealth on insurance policies to which this chapter applies, less return premiums thereon and dividends paid or credited to policy holders on such direct business. Premiums written by any insurer on policies issued to self-insurers, whether or not designated reinsurance contracts, shall be deemed net direct written premiums. For workers' compensation policies issued with deductibles under paragraph (4) of section 25A of chapter

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152, net direct written premiums shall be deemed to be an amount equal to standard premium plus any applicable all risk adjustment program amounts.

Approved July 12, 2002.

Chapter 163. AN ACT AUTHORIZING THE TOWN OF MASHPEE TO GRANT ADDITIONAL LICENSES FOR THE SALE OF ALL ALCOHOLIC BEVERAGES 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 Mashpee may grant additional licenses for the sale of all alcoholic beverages to be drunk on the premises pursuant to section 12 of said chapter 138. Any such licenses shall be issued in conjunction with a common victualler's license issued under chapter 140 of the General Laws to conduct a restaurant, or in conjunction with an innholder's license issued pursuant to said chapter 140 to conduct a hotel, or in conjunction with a club license issued pursuant to said section 12 of said chapter 138, or in conjunction with a license issued to a war veterans organization pursuant to said section 12 of said chapter 138. Any such license shall be subject to all the provisions of said chapter 138 except said section 17.

Approved July 12, 2002.

Chapter 164. AN ACT RELATIVE TO FEES OF JUSTICES OF THE PEACE.

Be it enacted, etc., as follows:

SECTION 1. Section 35 of chapter 262 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in line 2, the words "forty-five dollars" and inserting in place thereof the following figure:- \$75.

SECTION 2. Said section 35 of said chapter 262, as so appearing, is hereby further amended by striking out, in line 3, the words "sixty dollars" and inserting in place thereof the following figure:- \$125.

Approved July 12, 2002.

Chapter 165. AN ACT RELATIVE TO COMMUNITY PRESERVATION OF HISTORIC RESOURCES.

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

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is forthwith to provide for community preservation of historic resources, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 44B of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in lines 15 and 16, the words "structures and landscapes" and inserting in place thereof the following word:- resources.

SECTION 2. Said section 2 of said chapter 44B, as so appearing, is hereby further amended by striking out, in line 24, the words "structures and landscapes" and inserting in place thereof the following word:- resources.

SECTION 3. Said section 2 of said chapter 44B, as so appearing, is hereby further amended by adding the following definition:-

"Rehabilitation", the remodeling, reconstruction and making of extraordinary repairs to historic resources, open spaces, lands for recreational use and community housing for the purpose of making such historic resources, open spaces, lands for recreational use and community housing functional for their intended use, including but not limited to improvements to comply with the Americans with Disabilities Act and other federal, state or local building or access codes. With respect to historic resources, rehabilitation shall have the additional meaning of work to comply with the Standards for Rehabilitation stated in the United States Secretary of the Interior's Standards for the Treatment of Historic Properties codified in 36 C.F.R. Part 68.

SECTION 4. Subsection (b) of section 5 of said chapter 44B, as so appearing, is hereby amended by striking out paragraph (2) and inserting in place thereof the following paragraph:-

(2) The community preservation committee shall make recommendations to the legislative body for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation and preservation of land for recreational use; for the creation, preservation and support of community housing; and for the rehabilitation or restoration of open space, land for recreational use and community housing that is acquired or created as provided in this section. With respect to community housing, the community preservation committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.

SECTION 5. Sections 1, 2, 3 and 4 of this act shall apply with respect to projects approved by cities and towns pursuant to chapter 44B of the General Laws both before and after the effective date of this act.

Approved July 18, 2002.

Chapter 166. AN ACT RELATIVE TO CERTAIN CHILD PERFORMERS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to grant a specific exemption forthwith to certain child performers, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding sections 60, 86, 104 and 105 of chapter 149 of the General Laws, the theatrical group Cirque de Soleil may employ children under 16 years of age in any theatrical production performed in the commonwealth, including employment as acrobats, contortionists or in any feat of gymnastics, so long as each child performs no more than 10 shows per week and no more than 2 shows per day.

SECTION 2. This act shall expire on September 30, 2002.

Approved July 18, 2002.

Chapter 167. AN ACT MAKING CERTAIN APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE 30, 2003, BEFORE FINAL ACTION ON THE GENERAL APPROPRIATION BILL FOR THAT FISCAL YEAR.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, \$1,080,000,000 is hereby appropriated for the fiscal year ending June 30, 2003, to meet necessary expenditures before the enactment into law of the general appropriation act for that fiscal year, for the maintenance and operations of the several departments, boards, commissions and institutions, including federal grant and Intragovernmental Service Fund expenditures, for other necessary services and for meeting certain requirements of law. Said amount shall be in addition to the amount made available for the purposes in section 1 of chapter 148 of the acts of 2002. The authorization contained in this section shall cease to be operative as of the effective date of the general appropriation act, and all actions taken under this section shall apply against the general appropriation act. All expenditures made under this authorization shall be consistent with appropriations made in the general appropriation act.

SECTION 2. This act shall take effect on July 28, 2002.

Approved July 22, 2002.

Chapter 168. AN ACT AUTHORIZING FIRE DISTRICT NUMBER TWO IN THE TOWN OF SOUTH HADLEY TO CONVEY CERTAIN PARCELS OF LAND TO THE COMMONWEALTH FOR CONSERVATION PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. The commissioner of capital asset management and maintenance may, in consultation with the commissioner of environmental management, acquire from the town of South Hadley certain parcels of land, identified in section 3.

SECTION 2. The inhabitants of Fire District Number Two in the town of South Hadley acting by and through its prudential committee and board of water commissioners may sell and convey these parcels of land to the commonwealth. The parcels shall be used by the commonwealth, acting by and through the department of environmental management, for conservation purposes.

SECTION 3. The parcels to be conveyed are identified as follows:-

all of the lands, including lands under water, in the town of South Hadley as described in certain deeds recorded in the Hampshire County registry of deeds in book 876, page 87; book 878, page 1; book 971, page 104; book 1208, page 36; book 1263, page 490; book 1280, page 254; book 1573, page 188; book 1587, page 99; book 5275, page 7.

SECTION 4. The conveyance authorized in sections 1 and 2 shall comply with paragraphs (a), (b), and (g) of section 16 of chapter 30B of the General Laws.

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

Approved July 23, 2002.

Chapter 169. AN ACT RELATIVE TO WORKERS' COMPENSATION COVERAGE FOR SOLE PROPRIETORS, PARTNERSHIPS AND CORPORATE OFFICERS.

Be it enacted, etc., as follows:

Subsection (4) of section 1 of chapter 152 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the third paragraph the following 2 paragraphs:-

This chapter shall be elective for an officer or director of a corporation who owns at least 25 per cent of the issued and outstanding stock of the corporation. Notwithstanding section 46, these provisions shall apply only if the corporate officer provides the commissioner of industrial accidents with a written waiver of his rights under this chapter. Said commissioner shall promulgate regulations to carry out the purpose of this paragraph. Violations of this paragraph shall subject the corporation to the penalties set forth in section 25C.

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For the purpose of this chapter, a sole proprietor at his option or a partnership at its option shall be an employee. A sole proprietor or partnership may elect coverage by securing insurance with a carrier.

Approved July 25, 2002.

Chapter 170. AN ACT ESTABLISHING A SICK LEAVE BANK FOR HOLLY ANDERSEN, AN EMPLOYEE OF THE TRIAL COURT OF THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the trial court, therefore 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 trial court of the commonwealth shall establish a sick leave bank for Holly Andersen an associate probation officer of the New Bedford division of the superior court department of the trial court. An employee of the trial court may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Holly Andersen. When Holly Andersen terminates employment with the trial court or requests to dissolve the sick leave bank, the balance of sick leave shall be transferred to the trial court paid leave bank.

Approved July 25, 2002.

Chapter 171. AN ACT PROVIDING SUPPORT TO INDIVIDUALS WITH DISABILITIES AND THEIR FAMILIES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 6A of the General Laws is hereby amended by inserting after section 16E, inserted by section 6A of chapter 177 of the acts of 2001, the following section:-
Section 16F. As used in this section, the following words shall have the following meanings:-

(a) "Community services", services that are available to the general population.

"Department", the Massachusetts commission for the blind, the Massachusetts commission for the deaf and hard of hearing, the department of mental health, the department of mental retardation, the department of public health, the division of medical assistance and the Massachusetts rehabilitation commission.

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"Family", a person with a disability or chronic illness and the parents, relatives or guardians who have assumed responsibility for caring for that person indefinitely, excluding professional service providers who are unrelated to the person.

"Flexible supports", support services, subject to appropriation and consistent with each department's authority and mandate for serving people with disabilities and chronic illnesses, may include, but not be limited to:

- (1) coordination and facilitation of support services;
- (2) counseling and information;
- (3) facilitation of self-help groups;
- (4) home adaptations;
- (5) assistive technology devices and services and support services to facilitate full communication and language access;
- (6) financial assistance;
- (7) assistance in caregiving including: respite, day care, after school care and personal care or personal care surrogacy, when necessary;
- (8) adaptive equipment and clothing;
- (9) medical services;
- (10) transportation, including vehicle modification;
- (11) recreation and leisure activities;
- (12) life planning;
- (13) special dietary supplements and medical equipment and maintenance;
- (14) mental health treatment; and
- (15) advocacy training.

"Substantial consultation", may include, but shall not be limited to, the following activities: meetings and discussions with persons with disabilities and chronic illnesses and their families to determine their needs and concerns; public hearings to review draft individual and family support plans developed in response to this section to be held with adequate public notice on a regional basis throughout the commonwealth not less than 90 days prior to the scheduled date of plan submission; issuance of a draft plan sufficiently in advance of a hearing to permit the submission of written comments; public availability of written comments within each region not less than 60 days in advance of the plan submission date.

(b) Each department, after substantial consultation with individuals with disabilities and their families, the departments' statewide or regional advisory councils subject to appropriation, shall annually prepare an individual and family support plan that shall explain how the department intends to provide flexible supports to families and individuals. The plans shall be submitted to the governor, the secretary of health and human services, the joint committee on human services and elderly affairs and the house and senate committees on ways and means. Each department shall set forth its own plan, subject to appropriation, for coordinating, enhancing and expanding individual and family supports during the fiscal year.

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Each department shall seek creative and innovative ways, within its existing authority and mandate for serving individuals with disabilities and chronic illnesses, to provide flexible supports. The plan shall include, but not be limited to, the following goals:

(1) to develop interagency collaboration and public and private partnerships in order to: increase access to services; coordinate resources and referrals; pool funds to better support those with multiple disabilities; and provide technical assistance, training and outreach to consumers, specialized providers and community service providers about the philosophy and goals of individual and family support plans and progress toward those goals;

(2) to create opportunities for individuals with disabilities and their families for oversight of, and input into, the direction and development of policies and programs involving support services funded by the departments' local, regional and central offices and their vendor agencies;

(3) to specify long and short-term objectives and strategies for implementing accessible and flexible supports for individuals with disabilities or chronic illnesses and their families and to review progress toward long and short-term objectives specified in the previous plan. Long-term strategies should span multiple years and the range of years shall parallel the department's usual short and long-term planning patterns;

(4) to identify family support resources that shall be used to achieve goals and objectives specified in the plan and to analyze the current flexibility of departmental funding mechanisms in order to identify any adjustments needed to more adequately provide family supports for those families prioritized for funding within the guidelines of each department mandate;

(5) to enable the full participation of individuals with disabilities or chronic illnesses and their families in community life in a way that maintains respect and sensitivity to choices made by all cultures;

(6) to expand the capacity of community services to include persons with disabilities or chronic illnesses by training and educating community service providers; and

(7) to empower consumers and ensure their active leadership and advocacy through opportunities for education, leadership development and training.

SECTION 2. (a) Within 90 days after the effective date of this act, the departments shall collectively submit to the governor, the secretary of health and human services, the joint committee on human services and elderly affairs and the house and senate committees on ways and means an assessment of the current service delivery systems for individual and family supports for persons with disabilities or chronic illnesses and their families. Before submitting the assessment, the departments shall meet with families who use support services to determine the adequacy of those services.

(b) Each department shall submit its first individual and family support plan, in accordance with section 16F of chapter 6A of the General Laws, not later than 1 year after the effective date of this act. Each year thereafter, such plans shall be submitted by August 1.

SECTION 3. All requirements set forth in this act shall be subject to appropriation

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by the general court and shall not give rise to any enforceable right or entitlement not otherwise provided by state regulation or by general or special law.

Approved July 26, 2002.

Chapter 172. AN ACT RELATIVE TO THE RESIDENCY REQUIREMENT FOR EMPLOYEES OF THE CITY OF LAWRENCE.

Be it enacted, etc., as follows:

SECTION 1. Section 10 of the charter of the city of Lawrence, as appearing in section 1 of chapter 425 of the acts of 1983, as most recently amended by section 1 of chapter 63 of the acts of 1999, is hereby amended by striking out subsection 10.8.

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

Approved July 26, 2002.

Chapter 173. AN ACT RELATIVE TO A CERTAIN LEASE AGREEMENT OF THE CITY KNOWN AS THE TOWN OF METHUEN.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 142 of the acts of 2001 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The proposed leased premises shall be a rectangular area measuring 35 feet by 42 feet for a total of 1,470 square feet, plus a 2 foot fence area on each side, the exact location of the leased premises to be within the above described summit area as determined by the city in its lease agreement.

SECTION 2. Section 2 of said chapter 142 is hereby amended by striking out the second sentence.

Approved July 26, 2002.

Chapter 174. AN ACT AUTHORIZING THE CITY KNOWN AS THE TOWN OF AGAWAM TO USE CERTAIN PARK LAND FOR SCHOOL PURPOSES.

Be it enacted, etc., as follows:

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SECTION 1. The city known as the town of Agawam may use a certain parcel of land conveyed to the city for park, recreation, or conservation purposes for the construction, maintenance and use of schools and educational facilities, facilities for athletic, sports and community programs and activities, and for general recreational uses. The parcel of land is located in said city and is bounded and described as follows:-

Beginning at a point; located S. 77° 46' 00" E. and a distance of 383.33 feet from a stone bound in the easterly side of Perry Lane, also known as Perry Street, formerly called Mill Street, at the Northwesterly corner of land now or formerly of the Agawam Company.

thence N. 11° 05' 48" W. a distance of four hundred twenty and 62/100 (420.62) feet to a point,

thence N. 79° 27' 22" E. a distance of two hundred eighty and 51/100 (280.51) feet to a point,

thence S. 09° 50' 57" E. a distance of one hundred seventy and 00/100 (170.00) feet to a point,

thence S. 34° 14' 31" W. a distance of eighty-one and 94/100 (81.94) feet to a point,

thence S. 25° 18' 43" E. a distance of one hundred seventeen and 56/100 (117.56) feet to a point,

thence S. 15° 37' 31" E. a distance of one hundred ninety and 15/100 (190.15) feet to a point,

thence N. 77° 46' 00" W. a distance of two hundred eighty-five and 76/100 (285.76) feet to the point of beginning, containing about two and 8/10ths (2.80) acres, more or less.

SECTION 2. The change in use of the land authorized by section 1 is contingent upon suitable replacement park lands being provided, as approved by the secretary of environmental affairs and the National Park Service, where applicable.

SECTION 3. This act shall take effect as of January 1, 1994.

Approved July 26, 2002.

Chapter 175. AN ACT DESIGNATING A PORTION OF THE HOLYOKE HERITAGE STATE PARK AS DINAPOLI PLAZA.

Be it enacted, etc., as follows:

A certain parcel of park land within the Holyoke Heritage State Park, under the control of the department of environmental management, which exact location shall be determined jointly by the department and the mayor of the city of Holyoke, shall be designated and known as Dinapoli Plaza, in honor of the heroic service of Holyoke police officer John Dinapoli, who was killed in the line of duty on December 22, 1999. Suitable markers bearing the designation shall be erected by the department in compliance with the standards of the department. The department and the city shall enter into a memorandum of agreement to facilitate the purpose of this act.

Approved July 26, 2002.

Chapter 176. AN ACT ESTABLISHING A COMPREHENSIVE WASTEWATER REUSE AND GREYWATER MANAGEMENT PLAN.

Be it enacted, etc., as follows:

SECTION 1. The department of environmental protection shall develop a comprehensive greywater reuse management plan that pertains to the discharge and reuse of greywater from residential, commercial and public buildings and facilities. For the purposes of this act, the term "greywater" shall mean putrescible wastewater discharged from domestic sinks, hand washing and custodial water use at public and commercial facilities and buildings, washing machines, showers, bathtubs, dishwashers and other sources as identified by the department in regulations promulgated under this act. Greywater shall not include putrescible wastewater discharged from toilets, urinals and drains equipped with garbage grinders.

As part of the greywater reuse management plan and within 3 months of the effective date of this act, the department shall conduct a review of the scientific and engineering literature, in conjunction with the University of Massachusetts at Amherst, pertaining to the discharge and reuse of the different types of greywater, including the effects that the reuse of greywater has on groundwater and surface water, and including a review of the experience of other states with greywater management and reuse. The review shall include recommendations on the course of action to be taken by the department concerning the reuse of the different types of greywater. Upon completion of the review, the department shall prepare a report, which shall be submitted to the chairs of the joint committee on natural resources and agriculture and the chairs of the house and senate committees on ways and means.

SECTION 2. (a) The department shall issue draft regulations not later than January 1, 2003 pertaining to reuse and discharge of greywater created by hand washing and custodial water use at public and commercial facilities and buildings. The department shall promulgate final regulations on such reuse and discharge not later than June 1, 2003.

(b) The department shall issue draft regulations not later than January 1, 2003 pertaining to reuse and discharge of greywater from sources other than hand washing and custodial water use at public and commercial facilities and buildings including, but not limited to, the reuse and discharge of residential greywater. The department shall promulgate final regulations on such reuse and discharge not later than June 1, 2003.

SECTION 3. Where self-contained, zero-discharge, stand-alone, composting toilets are to be utilized by state agencies, political subdivisions of the commonwealth or private organizations, the applicable state agency, political subdivision or owner of the property on which the toilets are to be installed need not demonstrate that a system in full compliance with regulations promulgated pursuant to section 13 of chapter 21A of the General Laws could be installed for wastewater discharged from toilets, urinals and drains.

Approved July 26, 2002.

Chapter 177. AN ACT AUTHORIZING THE TOWN OF CANTON TO GRANT AN EASEMENT TO THE TOWN OF STOUGHTON.

Be it enacted, etc., as follows:

Notwithstanding any general or special law to the contrary, the town of Canton, through its board of selectmen, may grant an easement to the town of Stoughton, for water supply purposes, over a portion of conservation land known as Pequitside Farm, as shown on a plan entitled "Plan of Easement for Waterline Construction (Land owned by Thomas & Joan O'Connor & the Town of Canton, prepared by Town of Stoughton Engineering Department, scale 1"=80", dated December 21, 2001)". A copy of the plan is filed with the planning department of the town of Canton.

Approved July 26, 2002.

Chapter 178. AN ACT AUTHORIZING THE TOWN OF ANDOVER TO CONVEY LAND TO THE ANDOVER VILLAGE IMPROVEMENT SOCIETY.

Be it enacted, etc., as follows:

SECTION 1. Subject only to subsections (a), (b) and (g) of section 16 of chapter 30B of the General Laws, the town of Andover acting through its board of selectmen is authorized to convey to the Andover Village Improvement Society the parcels of land identified as open space and shown as parcels "A", "B", "C", "D" and "E" on a Plan of Land entitled, "Definitive Plan of Far Corners Section 2, Scale: 1"=40"; August 20, 1982, Owner and Developer, Corinna Construction Corp.; Engineers: Dana F. Perkins & Assoc., Inc.", which plan is recorded with the Essex north district registry of deeds as plan number 8991, containing a total of approximately 19.16 acres according to the plan. These parcels shall be held by the Andover Village Improvement Society solely for the purpose of open space preservation.

SECTION 2. If the parcels of land identified in section 1 are used for a purpose other than open space preservation following their conveyance by the town of Andover, the property shall revert to the town of Andover and any further disposition of the parcels shall require the prior approval of the general court.

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

Approved July 26, 2002.

Chapter 179. AN ACT AUTHORIZING THE METROPOLITAN DISTRICT COMMISSION TO GRANT CERTAIN EASEMENTS FOR UNDERGROUND ELECTRIC TRANSMISSION CABLES.

Be it enacted, etc., as follows:

SECTION 1. The metropolitan district commission may, notwithstanding any general or special law to the contrary, grant 2 permanent subsurface easements for the purpose of installing, maintaining and operating 2 underground transmission cables to New England Power Company through 2 certain parcels of land, 1 located in the city of Quincy and known as Squantum Point Park and acquired by the metropolitan district commission for open space and for park and playground purposes, and the other being a portion of Morrissey boulevard in the Dorchester section of the city of Boston and acquired by the metropolitan district commission for use as a parkway. The underground cables have been installed and are providing improved electric service to the city of Quincy. The easement rights to be granted in both subsurface easements are more specifically defined as follows:

(1) the right and easement to construct, reconstruct, repair, maintain, renew, replace, operate and patrol for the transmission of high and low voltage electric current and intelligence, 2 lines of buried wires and cables or lines of wires and cables installed in underground conduits, together with conduits, conductors, sustaining and protective fixtures, underground expansion stabilizers, manholes, handholes, junction boxes and all housings, connectors, switches and any other equipment or appurtenances as is reasonably required;

(2) the right and easement to renew, replace, add to and otherwise change the lines and each and every part thereof and all appurtenances thereto and the locations thereof within the easement area;

(3) the right and easement to pass along the easement area to and from the adjoining lands of the metropolitan district commission as reasonably required in order to exercise its rights granted hereunder; and

(4) the right and easement to clear the easement area of vegetation, underbrush, buildings and structures, to the extent they interfere with the safe and proper operation of the underground transmission lines.

Easement at Squantum Point Park, Quincy

The permanent subsurface easement located at Squantum Point Park shall enter Squantum Point Park at a point by the mean low water line for the Neponset river and shall run in an easterly and southeasterly direction for approximately 2,600 feet to land now or formerly of Boston Scientific Corporation. The easement shall comprise an area of approximately 25,907 square feet and shall be approximately 10 feet in width except for a length of approximately 25 feet, where the easement shall be 15 feet in width to allow for the installation of a manhole. The easement is more particularly bounded and described as follows:-

Beginning at a point at the southeasterly end of the ten (10) foot wide permanent utility easement described herein, said point being twenty four and twenty five hundredths (24.25) feet South 79° 22' 56" West from the southeast corner of land of metropolitan district commission known as Squantum Point Park and by land now or formerly of Boston Scientific Corp;

Thence running along said Boston Scientific Corp. land South 79° 22' 56" West fifteen and fourteen hundredths (15.14) feet to a point;

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Thence running in a northwesterly direction one hundred and ninety three hundredths (100.93) feet along a curve having a radius of 145 feet to a point;

Thence running South 78° 38' 17" West forty two and eighty seven hundredths (42.87) feet to a point on the easterly end of the 15' x 25' wide utility easement to encase a manhole;

Thence running South 11° 21' 43" East two and fifty hundredths (2.50) feet to a point;

Thence running South 78° 38' 17" West twenty five (25.00) feet to a point;

Thence running North 11° 21' 43" West two and fifty hundredths (2.50) feet to a point, the last three courses being the southerly side of said 15' x 25' wide utility easement to encase a manhole;

Thence running South 78° 38' 17" West two hundred ninety five and sixty nine hundredths (295.69) feet to a point;

Thence running in a northwesterly direction three hundred and eighty seven hundredths (300.87) feet along a curve having a radius of 355 feet to a point;

Thence running North 52° 48' 11" West eight hundred sixty two and seventy four hundredths (862.74) feet to a point;

Thence running in a northwesterly direction ninety eight and eighty six hundredths (98.86) feet along a curve having a radius of 195 feet to a point;

Thence running North 82° 36' 01" West two hundred ninety nine and eighty five hundredths (299.85) feet to a point;

Thence running in a westerly direction two hundred thirty two and forty one hundredths (232.41) feet along a curve having a radius of 795 feet and crossing the US Pier and Bulkhead line to a point;

Thence running South 81° 23' 59" West three hundred twenty three and forty one hundredths (323.41) feet to a point on the mean low water line of the Neponset River;

Thence running North 02° 45' 27" West along the mean low water line ten and five hundredths (10.05) feet to a point;

Thence running North 81° 23' 59" East three hundred twenty two and thirty nine hundredths (322.39) to a point;

Thence running in an easterly direction two hundred thirty five and thirty four hundredths (235.34) feet along a curve having a radius of 805 feet and crossing the US Pier and Bulkhead line to a point;

Thence running South 82° 36' 01" East two hundred ninety nine and eighty five hundredths (299.85) feet to a point;

Thence running in a southeasterly direction one hundred three and ninety three hundredths (103.93) feet along a curve having a radius of 205 feet to a point;

Thence running South 52° 48' 11" East eight hundred sixty two and seventy four hundredths (862.74) feet to a point;

Thence running in a southeasterly direction two hundred ninety two and thirty nine hundredths (292.39) feet along a curve having a radius of 345 feet to a point;

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Thence running North 78° 38' 17" East two hundred ninety five and sixty nine hundredths (295.69) feet to a point on the west end of said 15' x 25' wide utility easement to encase a manhole;

Thence running North 11° 21' 43" West two and fifty hundredths (2.50) feet to a point;

Thence running North 78° 38' 17" East twenty five (25.00) feet to a point;

Thence running South 11° 21' 43" East two and fifty hundredths (2.50) feet to a point, the last three courses being the northerly side of said 15' x 25' wide utility easement to encase a manhole;

Thence running North 78° 38' 17" East forty two and eighty seven hundredths (42.87) feet to a point;

Thence running in a southeasterly direction one hundred nineteen and sixty four hundredths (119.64) feet along a curve having a radius of 155 feet to the point of beginning.

Said easement containing 25,907 square feet, more or less, or 0.59 acres, more or less according to a plan of land entitled "PLAN OF LAND SHOWING EASEMENT TO BE GRANTED TO NEW ENGLAND POWER COMPANY BY METROPOLITAN DISTRICT COMMISSION IN NORTH QUINCY, MASSACHUSETTS, DRAWING NUMBER H-71493-1."

Easement within Morrissey boulevard, Dorchester

The permanent subsurface easement located within Morrissey boulevard shall enter Morrissey boulevard from Freeport street and proceed in a northwesterly direction within Morrissey boulevard for approximately 310 feet to a land now or formerly of the commonwealth, department of public works. The easement shall comprise an area of approximately 3,100 square feet and shall be approximately 10 feet in width, as more particularly bounded and described as follows:-

Beginning at a point at the southeasterly corner of the ten (10) foot wide permanent underground utility easement described herein by the northerly end of Freeport Street, said point being fifteen and seventeen hundredths (15.17) feet South 57° 27' 44" West from the easterly sideline of land of the metropolitan district commission at land now or formerly of the commonwealth, highway department;

Thence running South 57° 27' 44" West ten and thirty eight hundredths (10.38) feet along the northerly end of Freeport Street to a point;

Thence running North 17° 01' 54" West seventy seven and thirty two hundredths (77.32) feet to a point;

Thence running in a northwesterly direction ninety five and ten hundredths (95.10) feet along a curve having a radius of 195 feet to a point;

Thence running North 44° 58' 27" West thirty eight and forty two hundredths (38.42) feet to a point;

Thence running in a northwesterly direction seventeen and twenty nine hundredths (17.29) feet along a curve having a radius of 205 feet to a point;

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Thence running North 40° 08' 27" West eighty two and seven hundredths (82.07) feet to a point at land now or formerly of the commonwealth department of public works;

Thence running in a northeasterly direction ten and forty nine hundredths (10.49) feet by land now or formerly of the commonwealth, department of public works along a curve having a radius of 43 feet to a point;

Thence running South 40° 08' 27" East seventy nine and one hundredth (79.01) feet to a point;

Thence running in a southeasterly direction sixteen and forty five hundredths (16.45) feet along a curve having a radius of 195 feet to a point;

Thence running South 44° 58' 27" East thirty eight and forty two hundredths (38.42) feet to a point;

Thence running in a southeasterly direction ninety nine and ninety eight hundredths (99.98) feet along a curve having a radius of 205 feet to a point;

Thence running South 17° 01' 54" east seventy four and fifty five hundredths (74.55) feet to the point of beginning.

Said easement containing 3,100 square feet, more or less, according to a plan of land entitled "COMPILED PLAN OF LAND SHOWING EASEMENT TO BE GRANTED TO NEW ENGLAND POWER COMPANY BY THE METROPOLITAN DISTRICT COMMISSION IN DORCHESTER (SUFFOLK COUNTY) MASSACHUSETTS, DRAWING NUMBER H-71039-2."

Full consideration for the easements granted under this act will be the completion of Phase I of the Squantum Point Park improvements currently under construction in accordance with the following as approved by the commission: (a) the specifications contained in "Phase I Site Improvements Squantum Point Park, Volume I: Technical Specification" prepared by Carol R. Johnson Associates, Inc. landscape architects dated February 9, 2000 and contained in Schedule B of New England Power Company's Contract #1-00 and (b) the construction drawing documents, "Squantum Point Park Phase I Revised April 24, 2000" prepared by Carol R. Johnson Associates, Inc.

Approved July 29, 2002.

Chapter 180. AN ACT AUTHORIZING THE DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO TRANSFER CERTAIN PARCELS OF LAND IN THE TOWN OF MEDFIELD.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to convey forthwith certain land to the town of Medfield, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The commissioner of the division of capital asset management and maintenance, in consultation with the department of mental health, may convey, notwithstanding sections 40E to 40J, inclusive, of chapter 7 of the General Laws, certain parcels of land and easements located in the town of Medfield, currently under the care and control of the department of mental health, and more fully described below, to the town to be used for a well field and related water supply purposes, subject to such other terms and conditions as the commissioner considers appropriate and consistent with this act.

The parcels of land consist of:

(a) That certain parcel of land shown on a plan entitled, "plan of the so-called Hutson 17 Acre Lot, Medfield, Massachusetts M.D. Place, October 29, 1929," recorded in the Norfolk county registry of deeds in book 1891, page 319; and

(b) That certain parcel of land described as "Parcel A" in that certain order of taking recorded in said Norfolk county registry of deeds at book 4567, page 627; and

(c) That certain parcel of land located between lots 86 and 87 as shown on plan 980 of 1966 in Plan Book 221 recorded with said Norfolk county registry of deeds; and

(d) That certain right of way shown on a plan entitled "Right of Way for Water Pipe and Pole Lines conveyed to the Commonwealth of Massachusetts by Sybil Hutson, Medfield, Mass., December, 1929", together with all structures, easements and appurtenances located upon each of said parcels. These parcels were acquired by the department of mental health for water supply purposes and currently are used as open space only.

SECTION 2. The commissioner of the division of capital asset management and maintenance shall commission an appraisal or appraisals of the parcels described in section 1 to determine their full and fair market value. The conveyance shall not be made unless the town of Medfield assumes all costs associated with any appraisal, survey or other expense incurred by the commonwealth, as determined by the commissioner, relating to the conveyance of the parcels described in section 1. The inspector general shall review and approve the appraisal or appraisals, and his review shall include an examination of the methodology utilized for the appraisal or appraisals. The inspector general shall prepare a report of his review and approval of the appraisal or appraisals and file his report with the commissioner of capital asset management and maintenance, and copies of the report shall be filed with the house and senate committees on ways and means and with the chairs of the joint committee on state administration at least 15 days before the execution of the transfer agreement.

SECTION 3. Any agreement conveying the parcels described in section 1 shall require the town of Medfield to compensate the commonwealth for the full and fair market value, as determined under section 2, of all property conveyed to the town. The commissioner shall credit the town for costs borne by the town for rehabilitating the pump station and well field on the property. The commissioner shall also credit the town for the commercial value of any town water used by the Medfield state hospital up to 28,800,000 gallons per year and the commercial value of sewer service provided to the hospital by the

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town for 3 years after July 1 of the fiscal year following the execution of the agreement between the town and the division, until such time as the purchase price has been paid in full.

In addition, before the conveyance authorized by this act, the town shall enter into an agreement with the division of capital asset management and maintenance, in consultation with the department of mental health, to provide Medfield state hospital with up to 28,800,000 gallons of water free of charge per year in perpetuity and with sewer service at no cost for a period of 3 years, to begin on July 1 of the fiscal year following the execution of the agreement between the parties.

SECTION 4. The commissioner of mental health, in consultation with the division of capital asset management and maintenance, and subject to the approval of the department of environmental protection, may transfer any and all permits and registrations held by the department of mental health under chapter 21G of the General Laws to the town of Medfield. The town shall be responsible for preparation and filing with the department of environmental protection of a transfer application and any other documents or materials required by the department of environmental protection. The costs of this transfer, including, without limitation, costs for any preparation and filing of the transfer application, shall be shared equally by the department of mental health and the town.

SECTION 5. Any deed conveying the parcels described in section 1 shall reserve to the commonwealth the right of way to Harding Street, fully shown on a plan entitled, "Plan Showing Location Right of Way for Travel Conferred to the Commonwealth of Massachusetts by Sybil Hutson, Medfield, Mass., December, 1929."

SECTION 6. Any deed conveying the parcels described in section 1 to the town of Medfield shall provide that the use of the parcels shall be limited to the well field and related appurtenances for water supply purposes and such deed shall further provide that the parcels shall revert to the commonwealth without further consideration if they are not used for the purposes described in this act or if they cease at any time to be used for these purposes. Any further disposition of the land shall be subject to sections 40E to 40J, inclusive, of chapter 7 of the General Laws and shall have the prior approval of the general court.

Approved July 29, 2002.

Chapter 181. AN ACT RELATIVE TO THE ISSUANCE OF PENSION FUNDING BONDS BY THE CITY OF SPRINGFIELD.

Be it enacted, etc., as follows:

SECTION 1. The city of Springfield may issue bonds or notes from time to time for the purpose of funding all or a portion of the unfunded pension liability, so-called, of the retirement system of the city of Springfield. Bonds or notes issued hereunder shall be outside the limit of indebtedness prescribed in section 10 of chapter 44 of the General Laws, shall be issued for terms not in excess of 30 years from their date of issue and, except as otherwise

provided in this act, shall be subject to the applicable provisions of said chapter 44. The aggregate amount of bonds or notes which may be issued by the city of Springfield under this act, shall not exceed the amount which the retirement board of the city of Springfield, with the approval of the city treasurer and mayor, shall determine to be necessary to be issued to fund the unfunded pension liability of the retirement system of the city of Springfield as of a particular date and to provide for issuance costs and other expenses necessary or incidental thereto. Such determination of the retirement board of the city of Springfield of the unfunded pension liability shall be based upon the report of a nationally recognized independent consulting firm, which may be the consulting actuary generally retained by the retirement board of the city of Springfield.

SECTION 2. The maturities of bonds or notes issued under this act (i) shall be arranged so that for each issue the annual combined payments of principal and interest shall be as nearly equal as practicable, in the opinion of the treasurer and mayor, or in accordance with a schedule providing for a more rapid amortization of principal, or (ii) shall be arranged so that for each issue the annual combined payments of principal and interest shall be in amounts specifically approved by the secretary for administration and finance.

SECTION 3. Proceeds of any bonds or notes issued under this act, other than amounts to be applied to issuance costs or other expenses, shall be paid by the city of Springfield to the retirement board of the city of Springfield, shall be allocated solely to reduce the unfunded pension liability to which the bonds or notes relate, shall be invested in any investments which are permitted under chapter 32 of the General Laws, and shall otherwise be held and expended by the retirement board of the city of Springfield in accordance with law.

SECTION 4. Prior to the issue of any bonds or notes under this act the city of Springfield shall submit to the executive office for administration and finance a plan showing the amount of the bonds and notes to be issued, the amount of the unfunded pension liability to be funded with the proceeds of the bonds and notes, the proposed maturity schedule of the bonds and notes, the proposed allocation of, if any, and plan to finance the principal of and interest on the bonds and notes, the present value savings reasonably expected to be achieved as a result of the issue of the bonds or notes, and any other information requested by the secretary for administration and finance relating to the bonds and notes and no bonds or notes shall be issued hereunder until the secretary has approved the plan and specifically approved the maturity schedule of the bonds or notes if required by section 2 of this act.

SECTION 5. If the unfunded pension liability to be funded with the proceeds of an issue of bonds or notes issued under this act relates in part to employees of a governmental unit other than the city of Springfield, the employees of which are members of the retirement system of the city of Springfield, each such governmental unit shall be responsible for reimbursing the city of Springfield for such proportion of the annual debt service expense paid by the city of Springfield for bonds or notes issued under this act as is equal to the proportion of the total unfunded pension liability to be funded with the proceeds of the bonds

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or notes as relates to that governmental unit. Notwithstanding any general or special law to the contrary, the public employee retirement administration commission shall increase the annual amount to be certified under section 22 of chapter 32 of the General Laws as the amount necessary to be paid by each such governmental unit other than the city of Springfield by each such governmental unit's proportionate share of the annual debt service expense as determined herein. The city of Springfield shall have the same legal rights and authority as the retirement board of the city of Springfield to collect any amount so assessed to any such governmental unit.

SECTION 6. Notwithstanding chapter 70 of the General Laws or the provisions of any other general or special law to the contrary, the portion of the annual debt service paid by the city of Springfield for bonds or notes issued under this act applicable to school department personnel who are members of the city's retirement system shall be included in the computation of net school spending for the purposes of said chapter 70 or any other provision of law.

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

Approved July 29, 2002.

Chapter 182. AN ACT ESTABLISHING THE PLYMOUTH DEVELOPMENT CORPORATION.

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 of selectmen", the duly elected board of selectmen of the town of Plymouth.

"Corporation", the Plymouth Development Corporation or such other name as designated by the board of selectmen, established by section 3.

"Cost of a project", all costs, whether incurred prior to or after the issuance of bonds or notes hereunder, of acquisition, site development, improvement, enlargement, reconstruction, alteration, machinery, equipment, furnishings, demolition or removal of existing structures, relocation payments, financing charges, interest prior to and during the carrying out of the project, interest for up to 2 years after completion of the project, planning, engineering and legal services, administrative expenses, the funding of notes issued for capital purposes, such reserve for debt service or other capital or current expenses as may be required by a trust agreement or resolution securing notes or bonds, and all other expenses incidental to the determination of the feasibility of a development project or to carrying out or placing the project in operation.

"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 the property so acquired; (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 the purposes of this act; and (4) a project involving a combination of the foregoing types of projects.

"Development zone", the geographic area within which the corporation may carry out a development project consistent with the purposes of this act. The development zone encompasses 2 sections of the town known locally as the Plymouth Downtown Waterfront District and portions of the North Plymouth village center, specifically, the contiguous area in the town of Plymouth bounded by Stephens field on the south, the Kingston town line on the north, the Atlantic ocean on the east, and 500 feet west of Route 3A to the west.

"Economic development plan", a plan or study including, but not limited to, a master plan or comprehensive plan, community development or economic development plan, capital improvements plan, or other plans approved from time to time by the Plymouth planning board or board of selectmen, which plan shall guide the types, land uses, general locations, densities and other requirements of development projects carried out by the corporation.

"Financial institution", banking corporation or institution, trust company, savings bank, cooperative bank, savings or loan association, insurance company or related corporation, partnership, foundation or other institutions engaged primarily in lending or investing funds.

"Town", the town of Plymouth.

"Town manager", the person holding the office of town manager under the charter of the town.

SECTION 2. It is hereby declared that in the town of Plymouth, unused, underused, substandard or underdeveloped areas exist, including but not limited to the development zone that contains all of the Plymouth Downtown Waterfront District and portions of the village center known as North Plymouth; that each such area constitutes a serious menace, injurious and inimical to the health, safety and welfare of the residents of the town; that each such area constitutes an economic liability, substantially impairing or arresting the sound growth of the town and retarding the economic well-being of the commonwealth; that each such area decreases the value of private investments and threatens sources of public revenue; that redevelopment of each such area in accordance with locally approved community and economic development, tourism, capital improvement or other plans, including the town's master plan, for the elimination of such substandard conditions and prevention of their recurrence is necessary to retain existing enterprises, attracting new commercial, industrial or residential development, retaining and expanding the town's tourism industry, and promoting the sound and orderly growth of the town; that the existence of such unused, underused or underdeveloped areas makes persons unwilling or unable to do business in the town, and seriously reduces the economic benefits of tourism; that the menace of such unused, underused or underdeveloped areas is beyond remedy and control solely by the regulatory process in the exercise of the police powers, and cannot be dealt with effectively

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by the ordinary operations of private enterprise without the aids herein provided; that to prevent a recurrence of such conditions in such areas, the improvement of sites for commercial, industrial or residential uses or for necessary public facilities in the areas, the disposition of property for redevelopment incidental to the foregoing, the exercise of powers by the corporation, and any assistance which may be given by the town or any other public body in connection therewith, are public uses and purposes for which public money may be expended; that the acquisition, planning, clearance, development, rehabilitation or rebuilding of such unused, underused, substandard and undeveloped areas for commercial, industrial, residential, institutional, public facility and marine or marine related purposes are public benefits for which public funds may be expended for the good and welfare of the town and the commonwealth.

It is hereby further declared that there exists in the town a condition of underemployment which causes hardship to many individuals and families, wastes vital human resources, increases the public assistance burden, impairs the security of family life, impedes the economic and physical development of the town and adversely affects the welfare and prosperity of its people; that obsolete, inefficient or inadequate public facilities and infrastructure are causing injury to the town's economy; that the unaided efforts of private industry have not provided and cannot provide the necessary sites within the development zone due to problems in the assembly of suitable sites, the provision of adequate public facilities and services, the unavailability of private capital for development and the inability of private enterprise alone to plan, finance and coordinate feasible development projects.

It is hereby further declared that there exists in the town a need to develop or redevelop public facilities and infrastructure to stimulate and support economic growth; that without such public facilities and services the town cannot arrest the decline of, revitalize, stabilize or expand the economy of the Plymouth Downtown Waterfront District and portions of the North Plymouth village center; that without such public facilities the town cannot develop a sound, vibrant tourism industry or promote the town as a visitor destination; that the development, management and operation of such facilities as off-street and structured parking, directional and informational signage, transit service, pedestrian walkways, marine and marine-dependent uses along the waterfront including, but not limited to, the town wharf, and other public amenities are essential to the preservation and enhancement of the Plymouth Downtown Waterfront District as the social, cultural, civic, governmental and institutional center of the town, and to the orderly economic and physical development of North Plymouth.

Therefore, a public corporation is necessary to address these and related public purposes. It is the purpose of the corporation created by this act to aid the town, private enterprises and nonprofit organizations, and other public agencies in the speedy and orderly development or redevelopment of unused, underused or underdeveloped areas, and in the development, operation and management of facilities and infrastructure necessary to support the economic vitality of the development zone defined in section 1.

SECTION 3. (a) There is hereby created a body politic and corporate to be known as the Plymouth Development Corporation, or such other name as designated by the board of selectmen. The corporation is a public instrumentality separate from the town, and is not an authority, board or committee of the town. The corporation is empowered to carry out the provisions of this act, and the exercise by the corporation of the powers conferred by this act is the performance of essential public and governmental functions.

(b) The purposes of the corporation shall be to correct the conditions found to exist in the town as set forth in section 2, promote the common good and general welfare of the town, improve the living standards of the citizens thereof by fostering the improvement of their employment opportunities, and develop, manage and operate public facilities and infrastructure necessary to improve the town's economy, focusing on, but not limited to, areas within the development zone, all in a manner consistent with approved economic development plans as defined in section 1. In furtherance of purposes and in addition to the powers conferred on the corporation by the foregoing provisions, the corporation may:

(1) sue and be sued in its own name, plead and be impleaded;

(2) adopt bylaws and rules for the regulation of its affairs and the conduct of its business and to alter the same;

(3) 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 or purposes, any property, both real and personal, from any source, including grants, loans or advances for or in aid of the purposes of said corporation from any federal agency, agency of the commonwealth or any political subdivision thereof;

(4) sell, convey, mortgage, lease, transfer, exchange or otherwise dispose of, any such property, both real and personal, that the objectives and purposes of said corporation may require, subject to such limitations as may be prescribed by law;

(5) borrow money and, from time to time, to make, accept, endorse, execute, and issue bonds, debentures, promissory notes, bills of exchange, and other obligations of said corporation for monies borrowed or in payment for property acquired or for any of the other purposes of said corporation and to secure the payment of any such obligations by mortgage, pledge, deed, indenture, agreement, or other instrument of trust, or by other lien upon, assignment of, or agreement in regard to all or any part of the property, rights of privileges of said corporation, whether now owned or hereafter to be acquired, said borrowing not to exceed a period of 40 years;

(6) employ consulting engineers, an executive director, superintendents, managers, and such other employees, agents and consultants as may be necessary in its judgment, and to fix their compensation. Employees of the corporation shall not be considered employees of the town; but the town and the corporation may in writing agree to allow employees of the corporation to participate in employee insurance, retirement or other benefit programs offered to town employees; in which case, any employees performing non-administrative or managerial work, shall be members of the appropriate municipal bargaining unit;

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(7) make and enter into all contracts and agreements necessary or incidental to the performance of its duties;

(8) receive and accept from any federal agency, the commonwealth or any political subdivision thereof any grants, loans or advances for or in aid of a development project or projects and to receive and accept contributions from any other source of either money, property, labor or other things of value, to be held, used and applied for the purposes for which such grants, loans, advances and contributions may be made;

(9) invest any funds not required for immediate use or disbursement in certificates of deposit or in obligations of the government of the United States or in obligations the payment of the principal of, and interest on, which is guaranteed by the government of the United States; and subject to a specific vote of the board of directors, to invest funds in any fashion in which municipal funds may be invested pursuant to the provisions of chapter 44 of the General Laws;

(10) own and manage real property;

(11) make loans to any person, firm, corporation, joint stock company, association or trust located or doing business in the town for the purposes of promoting and developing business, industry, or tourism;

(12) acquire improved and unimproved real estate for the purposes of developing, demolishing, constructing or reconstructing commercial, industrial, residential, institutional, or other establishments thereon, or of 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 of public facilities, as the objects and purposes of the corporation may require; provided that nothing contained herein shall be construed to grant the corporation the power of eminent domain;

(13) 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;

(14) acquire, subscribe for, own, hold, sell, assign, transfer, mortgage, pledge or otherwise dispose of the bonds, debentures, notes or other securities and evidence of interest in, or indebtedness of, any person, firm, corporation, joint stock company, association or trust, and while the owner or holder thereof, to exercise all of the rights, powers and privileges of ownership;

(15) 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;

(16) provide advisory services and technical assistance necessary or desirable to carry out the purposes of this act;

(17) prepare or cause to be prepared plans, designs, drawings, specifications and estimates of cost for the construction, reconstruction, development, redevelopment, rehabilitation, remodeling, alteration or repair of development projects and from time to time

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modify such plans, designs, drawings, specifications and estimates;

(18) designate property for development projects, except that when the property is owned by the town, the designation and use shall have the concurrence of the board of selectmen;

(19) procure insurance against any loss in connection with its property, other assets and operations, and in relation to insuring the payment of principal and interest for bonds issued pursuant to section 9, in amounts and from insurers as it considers desirable;

(20) arrange or contract with the town for the planning, replanning, 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 or projects;

(21) manage or lease any development project, whether owned or leased by the corporation, and to enter into agreements with the commonwealth or the town or any agency or instrumentality thereof, or with any person, firm, partnership or corporation either public or private for the purposes of causing any development project to be managed;

(22) prepare and amend plans to advance economic development goals within the entire development zone and defining necessary development projects to achieve these goals;

(23) establish subsidiary or affiliate legal entities convenient or necessary to advance the purposes of this act;

(24) establish and collect fees for the use of any properties owned or leased by the corporation, or for the provision of infrastructure, facilities, services and amenities;

(25) act with respect to one or more development projects as a corporation organized under chapter 121A of the General Laws;

(26) carry out any other public purposes designated by the board of selectmen; but, in no case shall members of any municipal bargaining unit be laid off, or their regular compensation or other contractual benefits be otherwise adversely effected; and no action shall be in conflict with any existing or future municipal collective bargaining agreement;

(27) do all acts and things necessary or convenient to carry out the powers expressly granted in this act.

(c) The corporation shall not participate in or intervene in any political campaign on behalf of any candidate for public office, or publish or distribute any statements with respect thereto. Notwithstanding any other provision herein contained, neither the directors, officers, nor the corporation, shall participate in any of the prohibited transactions as defined in section 503 of the Internal Revenue Code, as the same may, from time to time, be amended, nor shall 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 the Internal Revenue Code as the same may be, from time to time, amended, nor shall the corporation be operated at any time for the primary and sole purpose of carrying on a trade or business for profit.

SECTION 4. The principal office of the corporation shall be located in the town of Plymouth.

SECTION 5. For the purposes of chapter 30B and section 11 of chapter 30A of the General Laws, the corporation shall be a governmental body. The corporation shall not be subject to section 16 of chapter 30B of the General Laws. Redevelopment or improvement of any property owned by the corporation or leased by the corporation to another party, including design, development, construction and operation, shall be subject to sections 38A to 38O, inclusive, of chapter 30B; section 39M of chapter 30; and sections 44A to 44M, inclusive, of chapter 149 of the General Laws, when customized improvements exceed the thresholds contained therein, except to the extent that the corporation enters into a ground lease which provides that title to the improvements remain with the lessee. For the purposes of clause Sixth of section 7 of chapter 4 and chapter 66 of the General Laws, the records of the corporation shall be public records. Chapter 31 of the General Laws shall not apply to any person employed or engaged by the corporation under this act. For the purposes of chapter 268A of the General Laws, the corporation shall be considered a municipal agency. The members of the board of directors and employees of the corporation, together with any person who performs professional services for the corporation on a part-time, intermittent, or consultant basis, such as those of an architect, attorney, engineer, planner, or construction, financial, or real estate expert, shall be special municipal employees.

The corporation shall be subject to all local by-laws and regulations of the town, including the zoning by-law, by-laws concerning the protection of foreshores and wetlands in the town, and historic district regulations where applicable. The corporation shall also be subject to sections 23A to 23C, inclusive, of chapter 39 of the General Laws.

SECTION 6. 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 7. The corporation shall be managed by a board of directors consisting of 7 members, appointed by the board of selectmen. At least 1 member of the board of directors shall be a nominee of the Plymouth Regional Economic Development Foundation, Inc. and the board of directors shall include persons with education and experience in the fields of law, finance, real estate, architecture or planning, tourism, and local government. A majority of the board of directors shall be residents or owners of property or business establishments within the development zone defined in section 1. Each of the 7 members shall be sworn by the Plymouth town clerk to the faithful performance of his official duties as a director of the corporation. A majority of the 7 members shall constitute a quorum for the transaction of any business, but any action of the board of directors shall require the affirmative vote of a majority of the entire board.

The original members of the board of directors shall be appointed within 60 days following the effective date of this act. Of the members of the board of directors first appointed, 1 shall be appointed to serve for a term of 1 year, 1 for a term of 2 years, 1 for a term of 3 years, 2 for a term of 4 years, and 2 for a term of 5 years. All terms thereafter shall

be for 5 years. Upon the expiration of the term of office of any member of the board of directors, or any subsequent member of the board of directors, the successor of the member shall be appointed for a term of 5 years. In the event of a vacancy on the board of directors, a successor member shall be appointed to complete the term of service for the member whose term has not expired. Unless reappointed, no member of the board of directors shall hold office after the expiration of his term. At its discretion, the board of selectmen may reappoint members to the board of directors of the corporation.

The first meeting of the corporation shall be called by the chairman pro tem, who shall be designated by the board of selectmen when the initial appointments to the board of directors are made. There shall be elected by and from the board of directors a president, treasurer, secretary/clerk, and any other officers considered necessary by the board.

Any member of the board of directors of the corporation may be removed by the board of selectmen for malfeasance, misfeasance, or willful neglect of duty, but only after reasonable notice and a public hearing by the board of selectmen, unless the notice and hearing are in writing expressly waived by the member of the board subject to removal.

The members of the board of directors shall not receive compensation for the performance of their duties hereunder, but each member shall be reimbursed by the corporation for expenses actually incurred in the performance of his duties. Every reimbursement shall be open to public inspection from and after the requisition therefor.

The board of directors shall have the powers to set a fiscal year for the operation of the corporation and to make, amend, or repeal the by-laws in whole or in part.

SECTION 8. The board of directors shall adopt a corporate seal for the corporation and designate the custodian thereof. The board of directors shall cause at all times accurate accounts to be kept of all receipts and expenditures of the funds of the corporation; and shall make a report annually to the board of selectmen, containing an abstract of such accounts and detailed information of all receipts and expenditures, including prices paid for property acquisition, contracts for construction of facilities and for the leasing thereof, and such other detailed information as may be helpful. The corporation shall cause an audit of its books and accounts to be made at least once in each fiscal year by certified public accountants and the cost thereof shall be treated as a current expense. Except as otherwise provided for 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 thereof to be paid by the corporation.

SECTION 9. The corporation may provide by resolution, one time or from time to time, for the issuance of revenue bonds of the corporation for the purposes of paying all or any part of the cost of a 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 40 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 denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within the commonwealth. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be an officer before the delivery of the bonds, the signature or facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until the delivery. The bonds may be issued in coupon or registered form or both, as the corporation may determine, and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest. The corporation may sell the bonds in a manner and for a price, either at public or private sale, as it may determine to be for the best interests of the corporation.

The proceeds of the bonds shall be used solely for the payment of the cost of a development project, and shall be disbursed in a manner and under such restrictions, if any, 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 bonds which shall become mutilated or shall be destroyed or lost. Revenue bonds may be issued under the provisions of this act subject only to those proceedings, conditions or things which are specifically required by this act.

The corporation may provide by resolution for the issuance of revenue refunding bonds of the corporation for the purpose of refunding any revenue bonds then outstanding and issued under the provisions of this act, including the payment of any redemption premium thereon 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 purpose of construction or reconstructing 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 in respect of the same shall be governed by this act insofar as the same may be applicable.

While any bonds issued by the corporation remain outstanding, the powers, duties or existence of the corporation shall not be diminished or impaired in any way that will affect adversely the interests and rights of the holders of such bonds.

Revenue and revenue refunding bonds issued under this act, unless otherwise authorized by law, shall not be deemed to constitute a debt of the commonwealth or the town, or a pledge of the faith and credit of the commonwealth or of the town, but the bonds shall be payable solely from the funds herein provided therefore from revenues. In the event that the corporation or the town or commonwealth is not obliged to pay the revenue or revenue refunding bonds, then and in that event, all such revenue and revenue refunding bonds shall

contain on the face thereof a statement to the effect that neither the corporation nor the commonwealth nor the town shall be obliged to pay the same or the interest thereon except from revenues, and that neither the faith and credit nor taxing power of the commonwealth or of the town is pledged to the payment on the bonds.

All revenue and revenue refunding bonds issued under this act shall have and are hereby declared to have all the qualities and incidents of negotiable instruments as defined in sections 3 to 104 of chapter 106 of the General Laws.

SECTION 10. 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 any trust company or bank having the powers of a trust company within the commonwealth. The trust agreement may pledge or assign the revenues to be received, but shall not convey or mortgage any development project or part thereof.

Either the resolution providing for the issuance of bonds or the trust agreement may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including without limiting the generality of the foregoing provisions defining defaults and providing for remedies in the event thereof, which may include the acceleration of maturities, and covenants setting for the duties of and limitations on the corporation in relation to the acquisition, construction, improvement, enlargement, alteration, equipping, furnishing, maintenance, operation, repair, insurance and disposition of property, the custody, safeguarding, investment and application of moneys, the use of any surplus bond or note proceeds and the establishment of reserves. The resolution or trust agreement may also contain covenants by the corporation in relation to, among other things: (1) the establishment, revision and collection of such rents and charges for services of facilities furnished or supplied by the corporation as shall 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 said revenue bonds as the same shall become due and payable, (iii) payments in lieu of taxes, betterment and special assessments, and (iv) reserves for such purposes; (2) the purpose or 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 such additional revenue bonds may be issued; and (5) the operation, maintenance, management, accounting and auditing of the development project and of the income and revenues of the corporation.

It shall be lawful for any bank or trust company incorporated under the laws of the

commonwealth to act as depository of the proceeds of the bonds or of revenues, and to furnish such indemnifying bonds or to pledge securities as required by the corporation. The trust agreement may set forth the rights and remedies of the bondholders and of the trustees, and may restrict the individual right of action by bondholders as is customary in trust agreements or trust indentures securing bonds and debentures of corporations. In addition to the foregoing, 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 thereafter received by the corporation shall immediately be subject to the lien of the pledge without any physical delivery thereof or further act; and the lien of the pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the corporation, irrespective of whether the parties have notice thereof. Neither the resolution nor any trust agreement by which pledge it is created need be filed or recorded except in the records of the corporation, and no filing need be made under chapter 106 of the General Laws.

SECTION 11. Revenue bonds and revenue refunding bonds issued under this act are hereby made securities in which all public officers and public bodies of the commonwealth and its political subdivisions, all insurance companies, trust companies in their commercial departments and within the limits set by section 14 of chapter 167E of the General Laws, banking associations, investment companies, executors, trustees and other fiduciaries, and all other persons whatsoever who are now or may hereafter be authorized to invest in bonds or other obligations of a similar nature may properly and legally invest funds, including capital in their control and belonging to them; and the bonds are hereby made obligations which may properly and legally be made eligible for the investment of savings deposits and income thereof in the manner provided by section 2 of said chapter 167E. The bonds are hereby made securities which may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivision of the commonwealth for any purpose for which the deposit of bonds or other obligations of the commonwealth is now or may hereafter be authorized by law.

SECTION 12. 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 be deemed to constitute a debt of the commonwealth or of the town, or a pledge of the faith and credit of the commonwealth or of the town, and shall be subordinated to all other obligations of the corporation and shall be payable at 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 located within the commonwealth and shall be a trust company or bank having the powers of a trust company. The trust agreement shall contain provisions for protecting and enforcing the rights and remedies of the debentureholder as may be reasonable and proper and not in violation of law. It shall be lawful for any bank or trust company incorporated under the laws of the commonwealth which may act as a depository under the trust agreement to furnish indemnifying bonds or to pledge securities as required by the corporation. Such trust agreement shall set forth the rights and remedies of the debentureholders and of the trustee, and may restrict individual right of action by debentureholders. In addition to the foregoing, the trust agreement may contain such other provisions as the corporation may consider reasonable and proper for the security of the debentureholders. All expenses incurred in carrying out the provisions of the trust agreement may be treated as an item 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 condition or things other than those proceedings, conditions or things which are specifically required by this act.

SECTION 13. Any holder of bonds or debentures issued under this act or of any coupons appertaining thereto, and the trustee, except to the extent the rights herein given may be restricted by the trust agreement, may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce 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 14. Notwithstanding any rule at common law or any authorization, limitation or any such other provision of any general or special law, or any provision in their respective charters, agreements of associations, articles or organization, or trust indentures, domestic corporations organized for the purpose of carrying on business within the commonwealth, including without implied limitation any electric or gas company as defined in section 1 of chapter 164 of the General Laws, railroad corporations as defined in section 1 of chapter 166 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 evidence of indebtedness of the corporation and to 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 170 of the General Laws and by other general or special law.

SECTION 15. Except as herein provided, rents and charges for services or facilities furnished or supplied by the corporation shall not be subject to supervision or regulation by any department, division, commission, board, bureau or agency of the commonwealth or the

town, and if derived from a development project in connection with which revenue bonds have been issued, shall, with all other revenues derived from the development project, except such part thereof as may be necessary to pay the cost of maintenance, repair and operation, and to provide reserves therefore provided for in the resolution authorizing the issuance of the bonds or in the trust agreement, but including the part thereof necessary to provide such reserves for the payment of the principal of and the interest on said revenue bonds provided for in the resolution or trust agreement, and including also the proceeds of sales by the corporation of property for, or in connection with, a development project, be set aside at such regular intervals provided for in the resolution or trust agreement, in a sinking fund which is hereby pledged to and charged with the payment of: (1) the interest upon the bonds as the interest shall fall due, (2) the principal of the bonds as the same shall fall due, (3) the necessary charges of paying agents for paying principal and interest, and (4) the redemption price or the purchase price of bonds retired by call or purchase as therein provided.

SECTION 16. The corporation shall be liable in contract and in tort in the same manner as a municipal corporation. The directors, employees, officers and agents of the corporation shall be liable as such in contracts and tort, in the same manner as municipal employees under the General Laws. The corporation shall indemnify its employees under sections 9 and 13 of chapter 238 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 Plymouth division of the superior court department 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 the provisions of 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 make reports of its condition not less than annually to the board of selectmen and secretary of state, which report shall be published in a newspaper of general circulation in the town within 60 days of the close of the corporation's fiscal year. The secretary of state shall make copies of the reports available to the commissioner of insurance and to the commissioner of banks, and the corporation shall also furnish such other information as may be required by the secretary of state from time to time.

SECTION 18. Notwithstanding any other general or special law to the contrary, the town, acting through the board of selectmen, may lease for a term not to exceed 60 years any land or land with improvements owned by the town within the development zone, upon such terms and conditions as the board of selectmen shall determine, for public purposes consistent with this act. The terms and conditions of the lease or sale shall be determined by the board of selectmen. All leases shall provide that the corporation may not encumber property owned by the town, or the corporation's leasehold interest therein, without approval of the board of selectmen.

The town shall not incur any financial obligation as a result of any action by the corporation, absent a $\frac{2}{3}$ vote of town meeting.

Notwithstanding the provisions of any general or special law to the contrary, the corporation shall establish a maintenance reserve fund from any lease revenues obtained from development projects carried out on publicly owned property, sufficient to meet the expenses of maintaining said projects in a fully operational state, including, but not limited to, routine and nonroutine maintenance and the maintenance of any and all improvements. All leases shall also provide that the lease shall terminate in the event that the corporation ceases to use the land for the declared public purpose described in section 2.

SECTION 19. No development project shall be undertaken until a public hearing relating to the development project has been held by the corporation after due notice. Notice of public hearings shall be given by the corporation to the general public through a legal notice in a newspaper having a general circulation in the town, published no later than 2 weeks before the hearing date.

SECTION 20. The real estate and tangible personal property of the corporation shall be deemed public property used for essential public and governmental purposes and shall be exempt from taxation by the commonwealth or any subdivision thereof and from betterments and special assessments; but in lieu of the taxes, betterments, and special assessments, the town may determine a sum to be paid to it annually in any year or period of years, the sum in any year not to be in excess of the amount that would be levied at the then current tax rate upon the average assessed value of the real estate, including buildings and other structures, for the 3 years preceding the acquisition thereof, the valuation for each year being reduced by all abatements thereon.

The town may, however, agree with the corporation upon the payments to be made, or the corporation may make and the town may accept the payments, the amount of which shall not in either case be subject to the foregoing limitation.

Nothing in this act shall be construed to prevent the taxation, to the same extent and in the same manner as other real estate is taxed, of real estate sold or otherwise transferred by the corporation pursuant to a development project, or the taxation to the same extent and in the same manner as real estate of the commonwealth is taxed, of real estate acquired by the corporation pursuant to a development project and thereafter leased by the corporation; but real estate so acquired by the corporation and sold or leased to an urban redevelopment corporation or other entity operating under chapter 121A, 121B, and 121C of the General Laws shall be taxed under said chapters.

The corporation and the debentures issued under the provisions of this act, their transfer and the income therefrom, including any profit made on the sale thereof, shall at all times be free from taxation by the commonwealth or any subdivision thereof.

SECTION 21. Upon $\frac{2}{3}$ vote of the town meeting, the town may expand the geographic boundaries of the development zone defined in section 1 or enter into agreements with the corporation to carry out development projects consistent with the purposes of this act outside the development zone.

SECTION 22. The corporation is hereby designated as a community-based development organization for purposes of carrying out community or economic development

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projects with federal financial assistance.

SECTION 23. The town may raise and appropriate or may borrow under section 8 of chapter 44 of the General Laws or otherwise as appropriate, or may agree with the corporation, or with the federal government, or the commonwealth, to borrow or as otherwise appropriate, in aid of the corporation, the sums necessary to carry out the purposes and powers of the corporation, including defraying part of the development, acquisition and operating costs of any development project. Indebtedness of the town authorized under this section shall be outside the limit of indebtedness prescribed in section 10 of chapter 44 of the General Laws and shall be payable within 40 years, otherwise subject to sections 16 to 27, inclusive, of said chapter 44; but the total amount of indebtedness of the town outstanding at any one time under this section and clauses (1), (2) and (4) of section 20 of chapter 121B shall not exceed 5 per cent of the town's equalized valuation as defined in section 1 of said chapter 44, notwithstanding section 21 of said chapter 121B. Indebtedness incurred under this act shall also be subject to approval under section 22 of said chapter 121B, in like manner as indebtedness incurred under said section 20.

SECTION 24. The corporation may, upon the affirmative vote of 2/3 of its members, 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 25. If the town shall modify its charter, or if it shall adopt a new charter, then without amendment of this act, those provisions of this act which refer to specific municipal officials or municipal bodies shall be understood, upon the charter change, to refer to those who under such change exercise the same or equivalent functions.

SECTION 26. This act, being necessary for the welfare of the commonwealth and the town and its inhabitants, shall be liberally construed to effect the purpose thereof.

SECTION 27. The provisions of this act are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of the court shall not impair any of the remaining provisions.

SECTION 28. This act shall take effect upon its passage.

Approved July 29, 2002.

Chapter 183. AN ACT RELATIVE TO MINI-FENWAY PARK, INC.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 275 of the acts of 1998 is hereby amended by striking out, in line 7, the words "Athletes Reaching Out Foundation" and inserting in place thereof the following words:- Mini-Fenway Park, Inc.

SECTION 2. Said section 1 of said chapter 275 is hereby further amended by striking out, in lines 10, 15, 17, 20 and 31 the word "foundation" and inserting in place there-

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of, in each instance, the following word:- organization.

SECTION 3. Said section 1 of said chapter 275 is hereby further amended by striking out, in line 21, the word "foundation's" and inserting in place thereof the following word:- organization's.

SECTION 4. Section 2 of said chapter 275 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The parcels referred to in section 1 comprise approximately 11.438 acres and are shown as Lot A on a plan of land entitled "Subdivision Plan of Land, Riccutti Drive, Quincy, Mass.," prepared by Harry R. Feldman, Inc., dated February 7, 2000.

SECTION 5. Section 3 of said chapter 275 is hereby amended by striking out, in line 4, the word "foundation" and inserting in place thereof the following word:- organization.

SECTION 6. Section 4 of said chapter 275 is hereby amended by striking out, in line 1, the words "Athletes Reaching Out Foundation" and inserting in place thereof the following words:- Mini-Fenway Park, Inc.

SECTION 7. Section 5 of said chapter 275 is hereby amended by striking out, in line 6, the word "foundation" and inserting in place thereof the following word:- organization.

SECTION 8. Said section 5 of said chapter 275 is hereby further amended by striking out, in line 7, the word "foundation's" and inserting in place thereof the following word:- organization's.

Approved July 29, 2002.

Chapter 184. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR 2003 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, 2002, and to make certain changes in law, each of which is immediately necessary or appropriate to effectuate said appropriations or for other important public purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. To provide for the maintenance of the several departments, boards, commissions and institutions and other services, and for certain permanent improvements and to meet certain requirements of law, the sums set forth in sections 2, 2B, 2D and 3, for the several purposes and subject to the conditions specified in sections 2, 2B, 2D and 3, are hereby appropriated from the General Fund unless specifically designated otherwise, subject to the provisions of law regulating the disbursement of public funds and the approval thereof for the fiscal year ending June 30, 2003. All sums appropriated under this act, including supplemental and deficiency budgets, shall be expended in a manner reflecting and encouraging a policy of nondiscrimination and equal opportunity for members of minority groups, women and handicapped persons. All officials and employees of an agency, board, department, commission or division receiving monies under this act shall take affirmative steps to ensure equality of opportunity in the internal affairs of state government, as well as in their relations with the public, including those persons and organizations doing business with the commonwealth. Each agency, board, department, commission or division, in spending appropriated sums and discharging its statutory responsibilities, shall adopt measures to ensure equal opportunity in the areas of hiring, promotion, demotion or transfer, recruitment, layoff or termination, rates of compensation, in-service or apprenticeship training programs and all terms and conditions of employment.

SECTION 1A. In accordance with Articles LXIII and CVII of the Articles of Amendment to the Constitution of the Commonwealth and section 6D of chapter 29 of the General Laws, it is hereby declared that the amounts of revenue set forth in this section by source for the respective funds of the commonwealth for the fiscal year ending June 30, 2002 are necessary and sufficient to provide the means to defray the appropriations and expenditures from such funds for said fiscal year as set forth and authorized in sections 2 and 2B. The comptroller shall keep a distinct account of actual receipts from each such source by each such fund to furnish the executive office for administration and finance and the house and senate committees on ways and means with quarterly statements comparing such receipts with the projected receipts set forth herein and to include a full statement comparing

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such actual and projected receipts in the annual report for said fiscal year pursuant to section 13 of chapter 7A of the General Laws. The quarterly and annual reports shall also include detailed statements of any other sources of revenue for the budgeted funds in addition to those specified in this section.

FY2003 Revenue By Source and Budgetary Fund
(in millions)

Source	All Funds	General	Highway	Local	Other
Alcoholic Beverages	63.36	63.36	-	-	-
Commercial Banks and Savings Institutions	152.37	152.37	-	-	-
Cigarette Corporations	276.58	93.75	-	-	182.83
Deeds	122.41	122.41	-	-	-
Income	7,535.93	4,521.56	-	3,014.37	-
Estate/Inheritance	138.40	138.40	-	-	-
Insurance	335.53	335.53	-	-	-
Motor Fuels	687.31	91.44	587.39	-	8.48
Utilities	105.69	105.69	-	-	-
Racing	6.20	6.20	-	-	-
Room Occupancy	136.84	69.85	-	-	66.99
Sales & Use: Regular	2,174.30	1,301.16	-	867.44	5.70
Sales & Use: Meals	496.52	296.91	-	197.94	1.68
Sales & Use: Motor Vehicles	453.03	271.82	-	181.21	-
Miscellaneous	18.61	4.92	-	-	13.70
Unemployment Insurance Surcharges	23.50	-	-	-	23.50
Joint Tax Resolution	13,431.74	7,998.46	587.39	4,543.02	302.87
Tax changes					
Part B rate	215.00	129.00	-	86.00	-
Exemptions	240.00	144.00	-	96.00	-
Charitable	190.00	114.00	-	76.00	-
Capital Gains	275.00	165.00	-	110.00	-
Tobacco	220.00	220.00	-	-	-
Total Taxes	14,571.74	8,770.46	587.39	4,911.02	302.87
Federal Reimbursements	4,673.02	3,500.59	10.61	-	1,161.82
Departmental Revenues	1,984.19	1,049.96	440.75	1.88	496.60
Transfers & Other Receipts	880.82	756.37	(50.47)	856.71	(681.79)
Total for Budget	22,114.68	14,077.29	988.27	5,769.61	1,279.50

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: Executive Office Summary

Revenue Source	Unrestricted Non-Tax	Restricted Non-Tax	Total Non-Tax
	\$0	\$0	\$0
Labor, Education and Development	\$0	\$0	\$0
Office of the State Treasurer	\$3,653,019	\$3,653,019	\$7,306,038
Judiciary	\$78,506,425	\$3,000,000	\$81,506,425
District Attorneys	\$21,188	\$0	\$21,188
Office of the Governor	\$11,000	\$0	\$11,000
Office of the Secretary of State	\$109,207,364	\$851,000	\$110,058,364
Office of the State Treasurer	\$352,172,034	\$778,091,951	\$1,130,263,985
State Auditor's Office	\$414	\$0	\$414
Office of the Attorney General	\$5,792,269	\$0	\$5,792,269
Ethics Commission	\$44,830	\$0	\$44,830
Office of the Inspector General	\$0	\$196,530	\$196,530
Campaign & Political Finance	\$32,750	\$0	\$32,750
Office of the State Comptroller	\$236,367,957	\$25,000	\$236,392,957
Executive Office: Administration & Finance	\$423,713,881	\$34,098,344	\$457,812,225
Executive Office: Environmental Affairs	\$82,823,968	\$7,938,735	\$90,762,703
Executive Office: Human Services	\$4,456,470,859	\$133,318,665	\$4,589,789,524
Executive Office: Transportation	\$7,347,297	\$27,344	\$7,374,641
Board of Library Commissioners	\$1,901	\$0	\$1,901
Labor, Education and Development	\$273,415,804	\$2,407,000	\$275,822,804
Executive Office of Public Safety	\$490,371,203	\$47,030,772	\$537,401,975
Executive Office of Elder Affairs	\$5,325,890	\$0	\$5,325,890
Legislature	\$22,000	\$0	\$22,000
Taxes	\$14,578,741,000	\$0	\$14,578,741,000
Total:	\$21,104,043,054	\$1,010,638,360	\$22,114,681,414

Non-Tax Revenue: Executive Office by Department Summary

Revenue Source	Unrestricted Non-Tax	Restricted Non-Tax	Total Non-Tax
	\$0	\$0	\$0
Division of Energy Resources	\$0	\$0	\$0
State Lottery Commission	\$3,653,019	\$3,653,019	\$7,306,038
TOTALS:	\$3,653,019	\$3,653,019	\$7,306,038

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Revenue Source	Unrestricted Non-Tax	Restricted Non-Tax	Total Non-Tax
Judiciary			
Supreme Judicial Court	\$1,673,715	\$0	\$1,673,715
Appeals Court	\$0	\$0	\$0
Committee for Public Counsel	\$85,000	\$0	\$85,000
Appeals Court	\$245,135	\$0	\$245,135
Supreme Judicial Court	\$0	\$2,000,000	\$2,000,000
Trial Court	\$76,502,575	\$1,000,000	\$77,502,575
TOTALS	\$78,506,425	\$3,000,000	\$81,506,425
District Attorneys			
Northern District Attorney	\$12,548	\$0	\$12,548
Northwestern District Attorney	\$2,200	\$0	\$2,200
Eastern District Attorney	\$1,233	\$0	\$1,233
Middle District Attorney	\$3,924	\$0	\$3,924
Bristol District Attorney	\$0	\$0	\$0
Hampden District Attorney	\$1,283	\$0	\$1,283
Plymouth District Attorney	\$0	\$0	\$0
TOTALS	\$21,188	\$0	\$21,188
Office of the Governor			
Office of the Governor	\$11,000	\$0	\$11,000
TOTALS	\$11,000	\$0	\$11,000
Office of the Secretary of State			
Secretary of State	\$109,207,364	\$851,000	\$110,058,364
TOTALS	\$109,207,364	\$851,000	\$110,058,364
Office of the State Treasurer			
Treasurer's Office	\$187,812,043	\$0	\$187,812,043
State Lottery Commission	\$149,756,819	\$778,091,951	\$927,848,770
Mass Cultural Council	\$14,603,172	\$0	\$14,603,172
TOTALS	\$352,172,034	\$778,091,951	\$1,130,263,985
State Auditor's Office			
State Auditor's Office	\$414	\$0	\$414
TOTALS	\$414	\$0	\$414
Office of the Attorney General			
Attorney General	\$5,782,769	\$0	\$5,782,769
*Victim Witness Assistance	\$9,500	\$0	\$9,500
TOTALS	\$5,792,269	\$0	\$5,792,269
Ethics Commission			
Ethics Commission	\$44,830	\$0	\$44,830
TOTALS	\$44,830	\$0	\$44,830

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Revenue Source	Unrestricted Non-Tax	Restricted Non-Tax	Total Non-Tax
Office of the Inspector General			
Inspector General	\$0	\$196,530	\$196,530
TOTALS	\$0	\$196,530	\$196,530
Campaign & Political Finance			
Campaign & Political Finance	\$32,750	\$0	\$32,750
TOTALS	\$32,750	\$0	\$32,750
Office of the State Comptroller			
Comptroller's Office	\$234,666,000	\$0	\$234,666,000
Comptroller's Office	\$975,861	\$0	\$975,861
Comptroller's Office	\$726,096	\$25,000	\$751,096
TOTALS	\$236,367,957	\$25,000	\$236,392,957
Executive Office: Administration & Finance			
Veterans Affairs	\$111,000	\$150,000	\$261,000
Civil Service Commission	\$512,000	\$0	\$512,000
Secretary of Administration & Finance	\$54,043,624	\$0	\$54,043,624
Division of Fiscal Affairs-Fringe Recovery	\$64,006,166	\$0	*\$64,006,166
Fingold Library	\$688	\$0	\$688
Office of Dispute Resolution	\$0	\$436,381	\$436,381
DCAMM	\$7,962,392	\$12,254,322	\$20,216,714
Group Insurance Commission	\$159,216,101	\$0	\$159,216,101
Division of Administrative Law Appeals	\$89,625	\$0	\$89,625
M.C.A.D	\$461,098	\$2,157,318	\$2,618,416
Dept of Revenue	\$134,336,133	\$15,547,280	\$149,883,413
Appellate Tax Board	\$2,489,079	\$300,000	\$2,789,079
Human Resources Division	\$112,999	\$1,300,000	\$1,412,999
Division of Operational Services	\$249,623	\$1,351,706	\$1,601,329
BSOB	\$120,752	\$0	\$120,752
Division of Information Technology	\$2,602	\$601,337	\$603,939
TOTALS:	*\$423,713,881	\$34,098,344	\$457,812,225
Executive Office: Environmental Affairs			
Secretary of Environmental Affairs	\$6,592	\$50,000	\$56,592
Secretary of Environmental Affairs	\$0	\$0	\$0
Dept of Environmental Management	\$8,484,670	\$4,753,612	\$13,238,282
Dept of Environmental Protection	\$36,166,081	\$0	\$36,166,081
Fish/Wildlife Environmental Law Enforcement	\$16,523,989	\$542,898	\$17,066,887
Metropolitan District Commission	\$19,686,803	\$2,592,225	\$22,279,028
Dept of Food & Agriculture	\$1,955,834	\$0	\$1,955,834
TOTALS	\$82,823,968	\$7,938,735	\$90,762,703

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Revenue Source	Unrestricted Non-Tax	Restricted Non-Tax	Total Non-Tax
Executive Office: Human Services			
Dept of Youth Services	\$0	\$0	\$0
Secretary of Human Services	\$100	\$0	\$100
Chelsea Soldiers' Home	\$9,500,000	\$0	\$9,500,000
Division of Medical Assistance	\$3,013,278,279	\$70,000,000	\$3,083,278,279
Division of Health Care Finance and Policy	(\$30,044,477)	\$0	(\$30,044,477)
Mass Commission for the Blind	\$2,580,026	\$0	\$2,580,026
Mass Rehabilitation Commission	\$3,724,000	\$7,000,000	\$10,724,000
Mass Commission for the Deaf	\$4,000	\$175,000	\$179,000
Office of Child Care Services	\$199,240,087	\$0	\$199,240,087
Chelsea Soldiers' Home	\$8,744,712	\$207,000	\$8,951,712
Holyoke Soldiers' Home	\$6,628,926	\$835,125	\$7,464,051
Dept of Youth Services	\$4,404,228	\$0	\$4,404,228
Dept of Transitional Assistance	\$402,512,938	\$0	\$402,512,938
Dept of Public Health	\$80,364,166	\$48,876,540	\$129,240,706
Dept of Social Services	\$256,023,365	\$0	\$256,023,365
Dept of Mental Health	\$91,059,884	\$6,125,000	\$97,184,884
Dept of Mental Retardation	\$408,450,625	\$100,000	\$408,550,625
TOTALS:	\$4,456,470,859	\$133,318,665	\$4,589,789,524
Executive Office: Transportation			
Secretary of Transportation	\$1,175,531	\$27,344	\$1,202,875
Mass Aeronautics Commission	\$280,260	\$0	\$280,260
Mass Highway	\$5,891,506	\$0	\$5,891,506
TOTALS:	\$7,347,297	\$27,344	\$7,374,641
Board of Library Commissioners			
Board of Library Commissioners	\$1,901	\$0	\$1,901
TOTALS:	\$1,901	\$0	\$1,901
Labor, Education and Development			
Office of Director of Labor	\$0	\$0	\$0
Office of Director of Labor	\$1,065,715	\$200,000	\$1,265,715
Dept of Industrial Accidents	\$18,543,032	\$0	\$18,543,032
Labor Relations Commission	\$500	\$0	\$500
Board of Conciliation & Arbitration	\$120,669	\$0	\$120,669
Office of Communities and Development	\$3,373,326	\$1,000,000	\$4,373,326
Director of Consumer Affairs and Business Reg.	\$850	\$0	\$850
Secretary of Economic Affairs	\$4,000	\$0	\$4,000
Division of Banks	\$23,671,400	\$0	\$23,671,400
Division of Insurance	\$36,000,298	\$0	\$36,000,298

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Revenue Source	Unrestricted Non-Tax	Restricted Non-Tax	Total Non-Tax
Division of Insurance	\$65,000	\$0	\$65,000
Division of Registration	\$13,529,952	\$0	\$13,529,952
Division of Standards	\$982,397	\$608,900	\$1,591,297
Community Antenna Television Division	\$1,596,500	\$0	\$1,596,500
Dept of Public Utilities	\$14,369,273	\$0	\$14,369,273
Energy Facilities Siting Commission	\$0	\$75,000	\$75,000
Alcohol Beverages Control Commission	\$1,697,745	\$0	\$1,697,745
State Racing Commission	\$5,165,857	\$0	\$5,165,857
Board of Medicine	\$2,892,979	\$0	\$2,892,979
Division of Energy Resources	\$300,715	\$0	\$300,715
Department of Education	\$11,467,380	\$0	\$11,467,380
Higher Education	\$41,806,359	\$523,100	\$42,329,459
University of Massachusetts	\$96,761,858	\$0	\$96,761,858
TOTALS:	\$273,415,804	\$2,407,000	\$275,822,804
Executive Office of Public Safety			
Secretary of Public Safety	\$388,073	\$17,980	\$406,053
Chief Medical Examiner	\$300	\$0	\$300
Criminal History Systems Board	\$8,147,661	\$0	\$8,147,661
Board of Building Regulations	\$585,842	\$0	\$585,842
Architectural Access Board	\$13,690	\$0	\$13,690
Dept of State Police	\$516,645	\$25,750,329	\$26,266,974
Criminal Justice Training Council	\$2,500	\$1,161,500	\$1,164,000
Dept of Public Safety	\$6,865,710	\$980,000	\$7,845,710
Dept of Fire Services	\$8,193,094	\$0	\$8,193,094
Dept of Fire Services	\$10,815	\$0	\$10,815
Registry of Motor Vehicles	\$446,437,050	\$6,515,000	\$452,952,050
Merit Rating Board	\$37,000	\$0	\$37,000
Sex Offender Registry Board	\$826	\$0	\$826
Military Division	\$2,000	\$500,000	\$502,000
Emergency Management Agency	\$635,801	\$0	\$635,801
Gov's Highway Safety Bureau	\$227,706	\$0	\$227,706
Dept of Corrections	\$15,523,631	\$9,224,000	\$24,747,631
Sheriff's Department Franklin	\$508,000	\$650,000	\$1,158,000
Sheriff's Department Berkshire	\$29,141	\$0	\$29,141
Sheriff's Department Essex	\$733,791	\$400,000	\$1,133,791
Sheriff's Department Hampden	\$843,827	\$743,963	\$1,587,790
Sheriff's Department Middlesex	\$239,000	\$925,000	\$1,164,000
Sheriff's Department Hampshire	\$196,500	\$163,000	\$359,500
Sheriff's Department Worcester	\$222,600	\$0	\$222,600
Parole Board	\$10,000	\$0	\$10,000
TOTALS:	\$490,371,203	\$47,030,772	\$537,401,975

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Revenue Source	Unrestricted Non-Tax	Restricted Non-Tax	Total Non-Tax
Executive Office: Human Services			
Dept of Youth Services	\$0	\$0	\$0
Secretary of Human Services	\$100	\$0	\$100
Executive Office of Elder Affairs			
Secretary of Elder Affairs	\$5,325,890	\$0	\$5,325,890
TOTALS:	\$5,325,890	\$0	\$5,325,890
Legislature			
House of Representatives	\$21,000	\$0	\$21,000
Joint Legislative	\$0	\$0	\$0
Senate	\$1,000	\$0	\$1,000
TOTALS:	\$22,000	\$0	\$22,000
Taxes			
Taxation	\$14,578,741,000	\$0	\$14,578,741,000
TOTALS:	\$14,578,741,000	\$0	\$14,578,741,000
Total Tax and Non-Tax Revenue:	\$21,104,043,054	\$1,010,638,360	\$22,114,681,414

SECTION 2.

JUDICIARY.

Supreme Judicial Court.

0320-0001	For the office of the chief justice and the 6 associate justices	\$912,413
0320-0003	For the operation of the supreme judicial court	\$4,792,476
0320-0010	For the operation of the clerk's office of the supreme judicial court for Suffolk county	\$976,267
0320-0016	For the cost of upgrading and purchasing computer equipment for the supreme judicial court and the appeals court of the commonwealth	\$622,770
0321-0001	For the operation of the commission on judicial conduct	\$405,036
0321-0100	For the services of the board of bar examiners	\$1,060,765
0321-1500	For the operation of the committee for public counsel services as authorized by chapter 211D of the General Laws, including expenses for an audit and oversight unit; provided, that employee compensation levels funded herein shall not exceed the compensation levels in fiscal year 2002	\$7,614,304
0321-1502	For compensation to public counsel assigned cases under the provisions of subsection (a) of section 6 of chapter 211D of the General Laws, pursuant to section 13 of chapter 211D of the General Laws, including compensation for the chief counsel, deputy chief counsels, and general counsel; provided	

further, that the committee shall submit a report to the clerks of the house of representatives and senate, the speaker and minority leader of the house of representatives, the president and minority leader of the senate and the house and senate committees on ways and means not later than January 31, 2003 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 said 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 case and geographic location; (f) the average cost for services rendered by said committee by type of case; (g) the average number of hours spent per attorney or staff per type of case; (h) the feasibility of the implementation of a flat rate compensation system based on the type of case \$7,241,014

0321-1503	For the children and family law program pursuant to section 6A of chapter 211D of the General Laws	\$751,397
0321-1504	For the continuation of a youth advocacy program	\$414,274

Committee for Public Counsel Services.

0321-1510	For compensation paid to private counsel assigned to criminal cases under subsection (b) of section 6 of chapter 211D of the General Laws, pursuant to section 12 of said chapter 211D; provided, that not more than \$500,000 of the sum appropriated in this item may be expended for services rendered before fiscal year 2003; provided further, that the chief counsel may transfer funds to item 0321-1512 as necessary, pursuant to schedules submitted to the house and senate committees on ways and means 30 days before any such transfer; and provided further, that the rates of compensation paid for private counsel services from this item shall be the same as the rates paid in fiscal year 2002	\$41,184,881
0321-1512	For compensation paid to private counsel assigned to family law and mental health cases under subsection (b) of section 6 of chapter 211D of the General Laws, pursuant to section 12 of said chapter 211D; provided, that not more than \$500,000 of	

the sum appropriated in this item may be expended for services rendered before fiscal year 2003; provided further, that the chief counsel may transfer funds to item 0321-1510 as necessary, pursuant to schedules submitted to the house and senate committees on ways and means 30 days before any such transfer; and provided further, that the rates of compensation paid for private counsel services from this item shall be the same as the rates paid in fiscal year 2002 \$19,882,356

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 \$500,000 of the sum appropriated in this item may be expended for services rendered before fiscal year 2003 \$4,382,420

0321-1600 For the Massachusetts Legal Assistance Corporation to provide legal representation for indigent or otherwise disadvantaged residents of the commonwealth; provided, that \$1,190,129 shall be expended for the disability benefits project, \$544,286 shall be expended for the Medicare advocacy project, and \$2,490,993 shall be expended for the battered women's legal assistance project; provided further, that said corporation shall submit a report to the house and senate committees on ways and means not later than January 30, 2003 that shall include, but not be limited to the following: (a) the number of persons said programs assisted in the prior fiscal year; (b) any proposed expansion of legal services delineated by type of service, target population, and cost; (c) the total number of indigent or otherwise disadvantaged residents of the commonwealth who received services by said corporation, by type of case and geographic location; provided further, that the first paragraph of section 9 of chapter 221A of the General Laws shall not apply to said programs; and provided further, that said corporation may contract with any organization for the purpose of providing such representation \$4,225,408

0321-1610 For the Massachusetts Legal Assistance Corporation for the purpose of distributing funds for general operating costs of local and statewide civil legal services providers; provided, that the corporation shall submit a plan to the house and senate committees on ways and means not later than February 15, 2003

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	on the proposed implementation of expanding legal services for civil cases; and provided further, that the plan shall detail the amounts and sources of funding to be secured by the corporation for the purposes of the expansion, the dates upon which the funding shall be available from each such source, and the proposed distribution of such expansion funds by type of case, and geographic location	\$4,734,750
0321-2000	For the operation of the mental health legal advisors committee and for certain programs for the indigent mentally ill, as provided in section 34E of chapter 221 of the General Laws	\$501,085
0321-2100	For the Massachusetts correctional legal services committee	\$700,250
0321-2205	For the expenses of the social law library located in Suffolk county	\$1,629,479
0321-2206	For the social law library to operate the electronic law database project	\$264,600
	<i>Appeals Court.</i>	
0322-0100	For the appeals court, including the salaries, traveling allowances and expenses of the chief justice, recall judges and the associate justices, and the expenses of the conference program	\$8,825,436
	<i>Supreme Judicial Court.</i>	
0330-0101	For the salaries of the justices of the superior court department of the trial court; provided, that the chief justice for administration and management shall provide written notification to the house and senate committees on ways and means of any transfers of funds from this item to any other item of appropriation within 30 days of such transfer	\$9,016,916
0330-0102	For the salaries of the justices of the district court department of the trial court; provided, that the chief justice for administration and management shall provide written notification to the house and senate committees on ways and means of any transfers of funds from this item to any other item of appropriation within 30 days of such transfer	\$19,659,604
0330-0103	For the salaries of the justices of the probate and family court department of the trial court; provided, that the chief justice for administration and management shall provide written notification to the house and senate committees on ways and means of any transfers of funds from this item to any other item of appropriation within 30 days of such transfer	\$5,706,930
0330-0104	For the salaries of the justices of the land court department of the	

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	trial court; provided, that the chief justice for administration and management shall provide written notification to the house and senate committees on ways and means of any transfers of funds from this item to any other item of appropriation within 30 days of such transfer	\$711,211
0330-0105	For the salaries of the justices of the Boston municipal court; provided, that the chief justice for administration and management shall provide written notification to the house and senate committees on ways and means of any transfers of funds from this item to any other item of appropriation within 30 days of such transfer	\$1,253,410
0330-0106	For the salaries of the justices of the housing court department of the trial court; provided, that the chief justice for administration and management shall provide written notification to the house and senate committees on ways and means of any transfers of funds from this item to any other item of appropriation within 30 days of such transfer	\$1,110,824
0330-0107	For the salaries of the justices of the juvenile court department of the trial court; provided, that the chief justice for administration and management shall provide written notification to the house and senate committees on ways and means of any transfers of funds from this item to any other item of appropriation within 30 days of such transfer	\$4,585,226
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 agreement, jury expenses, trial court law libraries, county courthouse leases, statewide telecommunications, private and municipal court rental and leases, operation of courthouse facilities, witness fees, printing expenses, equipment maintenance and repairs, court interpreter program, and insurance and chargeback costs; provided, that notwithstanding the provisions of section 9A of chapter 30, or any 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 veteran, as so defined, who holds a trial court office or position in the service of the commonwealth not classified under chapter 31, 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 such office or position for not less than	

one year and (2) has 30 years of total creditable service to the commonwealth, as such service is defined in chapter 32; provided further, that there shall be a special commission of the legislature to examine and evaluate the various issues relating to the administration, management and operation of the judiciary; provided further, that said issues shall include the following: (1) the administrative organization and structure of the judiciary, including, but not limited to, the consolidation of the seven departments of the trial court into one unified trial court system, the management of the trial court by a non-judicial, professional administrator, and the administration of the individual divisions or places for holding court within the trial court, (2) the fiscal practices and policies of the judiciary to allocate, manage and spend appropriations, (3) the process to develop, create and administer the budget for the judiciary, (4) the post appointment review and evaluation of judges and clerk-magistrates, (5) the personnel policies and practices, including the hiring, supervision and evaluation of employees in all court departments, (6) the practice and policies for the implementation of technology, including planning, usage and spending, (7) the use of technology to enhance the public's confidence in the judiciary, (8) sentencing standards and guidelines, including mandatory sentencing, appropriate exercise of judicial discretion and the commonwealth's right to appeal sentencing decisions, (9) treatment of victims and victim's families including, but not limited to, an evaluation of the judicial compliance with the assessments required pursuant to section 8 of chapter 258B, (10) the management, maintenance and construction of court facilities, and (11) the operation of the courts, including assignments of personnel, transferability of funds and the scheduling of court sessions; provided further, that not less than \$100,000 shall be expended from this item for a contract with Massachusetts General Hospital for a research program on abused children; provided further, that not less than \$100,000 shall be expended for the implementation of a changing lives through literature program; provided further, that members of the commission shall include the chief justice of the supreme judicial court or her designee, the chief justice for administration and management or her designee, 5 members

appointed by the speaker of the house of representatives, one of whom shall co-chair the commission, one of whom shall be from a private business, one of whom shall be from academia and two others so chosen by the speaker; 5 members appointed by the senate president, one of whom shall serve as co-chair, one of whom shall be the chair of the joint committee on the judiciary, and one of whom shall be the chair of the joint committee on criminal justice; provided further, that said commission shall submit a report to the house of representatives within 120 days after the formation and appointment of said commission so that any legislative recommendations may be fully considered during the next legislative session; 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 said report shall include, but not be limited to, the number of cases in which said assessment was reduced or waived by a judge or clerk-magistrate within said courts; provided further, that said report shall be submitted to the victim and witness assistance board on or before January 15, 2003 \$96,545,267

0330-0410 For alternative dispute resolution services for the trial court; provided, that such services shall be made available to the extent possible in connection with child care, protection and custody proceedings in juvenile and probate courts; provided further that not less than \$44,337 shall be expended for North Central Court Services, Inc.; provided further, that not less than \$40,000 shall be expended for the North Shore Community Mediation Program in Salem; provided further, that not less than \$48,032 shall be expended for Metropolitan Mediation Services; provided further, that not less than \$36,947 shall be expended for Community Mediation of Worcester; provided further, that not less than \$62,811 shall be expended for Mediation Works, Inc; provided further, that not less than \$36,947 shall be expended for Quabbin Mediation in Athol; provided further, that not less than \$25,863 shall be expended for the Mediation and Training Collaborative of Franklin County in Greenfield; provided further, that not less than \$36,947 shall be expended for Framingham Court Mediation

Services; provided further, that not less than \$42,737 shall be expended for Dispute Resolution Services, Inc., in Springfield district court; provided further, that not less than \$25,863 shall be expended for the Housing Services and Mediation Program operated by the Berkshire County Regional Housing Authority in Pittsfield; provided further, that not less than \$36,947 shall be expended for the Cape Cod Resolution Center; provided further, that not less than \$36,947 shall be expended for the Community Dispute Settlement Center, Inc., of Cambridge; provided further, that not less than \$36,947 shall be expended for the Somerville Mediation Program; provided further, that not less than \$29,558 shall be expended for Berkshire Mediation Services inc.; provided further, that not less than \$11,084 shall be expended for the Winchester Mediation Program; provided further, that not less than \$48,032 shall be expended for the Middlesex Multi-door Court House Program; and provided further, that all remaining funds from this item shall be expended for approved mediation programs in fiscal year 2003 \$600,000

0330-0317 For the operation and expenses of the Massachusetts sentencing commission, pursuant to chapter 211E of the General Laws . . . \$232,756

0330-0441 For permanency mediation services in the probate and juvenile courts \$476,598

0330-2410 For the operation of the judicial training institute \$500,000

0330-3200 For the court security program, including personnel and expenses; provided, that security guards and court officers may be available for assignment in accordance with juvenile court expansion funded pursuant to item 0337-0003; provided further, that all other per diem court officers shall be paid the daily rate in accordance with collective bargaining agreements; and provided further, that the chief justice for administration and management shall submit a report to the house and senate committees on ways and means not later than January 30, 2003, detailing the number of court officers and security personnel located in each trial court of the commonwealth \$48,468,335

0330-3420 The chief justice for administration and management may expend revenues up to a maximum of \$1,000,000 from fees charged for attorney representation of indigent clients; provided, that the only revenue available for expenditure in

this item for fiscal year 2003 shall be revenue collected in excess of the amount collected in fiscal year 2002 from said fees; and provided further, that the comptroller shall certify to said chief justice of administration and finance upon collection of fiscal year 2003 revenues in excess of fiscal year 2002 revenue from said fees \$1,000,000

0330-4500 For the buyback costs associated with the trial court early retirement program \$1,029,498

Superior Court Department.

0331-0100 For the administrative office of the superior court department . . . \$7,651,412

0331-0300 For medical malpractice tribunals established in accordance with the provisions of section 60B of chapter 231 of the General Laws \$72,401

0331-2100 For the Barnstable superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping \$633,737

0331-2200 For the Berkshire superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping \$236,780

0331-2300 For the Bristol superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping \$1,159,313

0331-2400 For the Dukes superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping \$188,586

0331-2500 For the Essex superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping \$1,701,216

0331-2600 For the Franklin superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping \$364,940

0331-2700 For the Hampden superior court; provided, that the clerk of the court shall have responsibility for the internal administration

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	of his office, including personnel, staff services and record keeping	\$1,472,430
0331-2800	For the Hampshire superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping	\$344,737
0331-2900	For the Middlesex superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping	\$3,903,094
0331-3000	For the Nantucket superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping	\$158,921
0331-3100	For the Norfolk superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping	\$1,525,423
0331-3200	For the Plymouth superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping	\$1,287,139
0331-3300	For the Suffolk superior civil court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping	\$3,648,563
0331-3400	For the Suffolk superior criminal court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping	\$2,280,297
0331-3404	For an education and community outreach pilot program to be administered in the Suffolk superior criminal court	\$218,341
0331-3500	For the Worcester superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping	\$1,299,938

District Court Department.

0332-0100	For the administrative office of the district court department, including a civil conciliation program	\$1,180,294
0332-1100	For the first district court of Barnstable	\$2,001,208

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0332-1200	For the second district court of Barnstable at Orleans	\$1,232,089
0332-1203	For the third district court of Barnstable at Falmouth	\$1,045,719
0332-1300	For the district court of northern Berkshire at Adams, North Adams and Williamstown	\$695,582
0332-1400	For the district court of central Berkshire at Pittsfield	\$1,269,393
0332-1500	For the district court of southern Berkshire at Great Barrington and Lee	\$537,420
0332-1600	For the first district court of Bristol at Taunton	\$1,988,803
0332-1700	For the second district court of Bristol at Fall River	\$2,793,618
0332-1800	For the third district court of Bristol at New Bedford	\$3,103,172
0332-1900	For the fourth district court of Bristol at Attleboro	\$1,383,447
0332-2000	For the district court of Edgartown	\$302,672
0332-2100	For the first district court of Essex at Salem	\$1,989,415
0332-2300	For the third district court of Essex at Ipswich	\$431,157
0332-2400	For the central district court of northern Essex at Haverhill	\$1,881,985
0332-2500	For the district court of eastern Essex at Gloucester	\$915,812
0332-2600	For the district court of Lawrence	\$3,397,350
0332-2700	For the district court of southern Essex at Lynn	\$2,908,919
0332-2800	For the district court of Newburyport	\$1,446,350
0332-2900	For the district court of Peabody	\$1,296,616
0332-3000	For the district court of Greenfield	\$1,152,149
0332-3100	For the district court of Orange	\$671,961
0332-3200	For the district court of Chicopee	\$1,143,072
0332-3300	For the district court of Holyoke	\$1,283,253
0332-3400	For the district court of eastern Hampden at Palmer	\$827,320
0332-3500	For the district court of Springfield	\$3,886,127
0332-3600	For the district court of western Hampden at Westfield	\$883,444
0332-3700	For the district court of Hampshire at Northampton	\$1,784,340
0332-3800	For the district court of eastern Hampshire at Ware	\$647,364
0332-3900	For the district court of Lowell	\$3,476,062
0332-4000	For the district court of Somerville	\$2,471,344
0332-4100	For the district court of Newton	\$978,255
0332-4200	For the district court of Marlborough	\$1,102,342
0332-4300	For the district court of Natick	\$879,978
0332-4400	For the first district court of eastern Middlesex at Malden	\$2,191,784
0332-4500	For the second district court of eastern Middlesex at Waltham . . .	\$1,509,974
0332-4600	For the third district court of eastern Middlesex at Cambridge . . .	\$3,333,247
0332-4700	For the fourth district court of eastern Middlesex at Woburn	\$2,263,122
0332-4800	For the first district court of northern Middlesex at Ayer	\$1,061,628
0332-4900	For the first district court of southern Middlesex at Framing- ham	\$2,169,652

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0332-5000	For the district court of central Middlesex at Concord	\$1,321,436
0332-5100	For the district court of Nantucket	\$269,937
0332-5200	For the district court of northern Norfolk at Dedham; provided, that one court officer shall be designated by the first justice of said court as the chief court officer; provided further, that said designation shall not result in the hiring of any additional personnel; and provided further, that said designation shall occur without additional cost to the commonwealth	\$1,912,579
0332-5300	For the district court of East Norfolk at Quincy	\$4,684,184
0332-5400	For the district court of western Norfolk at Wrentham	\$1,535,991
0332-5500	For the district court of southern Norfolk at Stoughton	\$1,614,018
0332-5600	For the municipal court of Brookline	\$863,861
0332-5700	For the district court of Brockton	\$3,213,897
0332-5800	For the second district court of Plymouth at Hingham	\$1,867,849
0332-5900	For the third district court of Plymouth at Plymouth	\$2,053,887
0332-6000	For the fourth district court of Plymouth at Wareham	\$1,939,992
0332-6100	For the district court of Brighton	\$1,315,671
0332-6200	For the district court of Charlestown	\$717,435
0332-6300	For the district court of Chelsea; provided, that notwithstanding the provisions of any general or special law to the contrary, said district court shall be the permanent location for the northern trial session to handle six 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	\$2,318,984
0332-6400	For the municipal court of the Dorchester district	\$4,468,725
0332-6500	For the district court of East Boston	\$1,723,538
0332-6600	For the district court of Roxbury	\$3,638,014
0332-6700	For the district court of South Boston	\$1,066,330
0332-6800	For the district court of West Roxbury	\$2,101,917
0332-6900	For the central district court of Worcester	\$4,067,920
0332-7000	For the district court of Fitchburg	\$1,397,999
0332-7100	For the district court of Leominster	\$1,010,628
0332-7200	For the district court of Winchendon	\$285,996
0332-7300	For the first district court of northern Worcester at Gardner	\$1,204,259
0332-7400	For the first district court of eastern Worcester at Westborough	\$1,028,718
0332-7500	For the second district court of eastern Worcester at Clinton	\$804,202
0332-7600	For the district court of southern Worcester at Dudley	\$1,289,184

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0332-7700	For the second district court of southern Worcester at Uxbridge . . .	\$914,287
0332-7800	For the third district court of southern Worcester at Milford	\$998,739
0332-7900	For the district court of western Worcester at East Brookfield	\$886,703
0332-8000	For the development of an early intervention project for substance abusers at the Cambridge division of the district court department; provided, that such project shall be administered by a seven member advisory board consisting of the first justice of the Cambridge court or his designee, the clerk of the Cambridge court or his designee, the chief probation officer of the Cambridge court or his designee, the Middlesex county district attorney or his designee, the city manager of the city of Cambridge or his designee, the chief administrative justice of the trial court or his designee and one person to be appointed by the governor; and provided further, that the employment conditions of the project director and the allocation of project funds shall be determined by the executive board	\$102,410

Probate and Family Court Department.

0333-0002	For the administrative office of the probate and family court department; provided, that the case manager shall meet monthly with the department of social services and shall report quarterly to the house and senate committees on ways and means on the backlog of cases in the probate court and the parties' progress made in such backlog each month	\$1,831,301
0333-0100	For the Barnstable probate court	\$1,591,396
0333-0150	For the operation of a child and parents program in the Barnstable probate court; provided, that this item shall not be subject to paragraphs(a) and (b) of clause(xxiii) of the third paragraph of section 9 of chapter 211B of the General Laws	\$97,020
0333-0200	For the Berkshire probate court	\$825,226
0333-0300	For the Bristol probate court	\$2,530,000
0333-0400	For the Dukes probate court	\$227,134
0333-0500	For the Essex probate court	\$2,534,154
0333-0600	For the Franklin probate court	\$870,781
0333-0700	For the Hampden probate court	\$2,514,644
0333-0711	For the operation of the Berkshire, Franklin, Hampden and Hampshire family court clinic to be administratively located in the city of Springfield and to serve the Berkshire, Franklin, Hampden and Hampshire divisions of the probate court	\$48,510

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0333-0800 For the Hampshire probate court	\$984,822
0333-0900 For the Middlesex probate court	\$5,339,127
0333-0911 For the Middlesex probate court family services clinic	\$236,477
0333-1000 For the Nantucket probate court	\$172,439
0333-1100 For the Norfolk probate court	\$2,672,020
0333-1111 For the Norfolk probate court family services clinic	\$103,980
0333-1200 For the Plymouth probate court	\$2,395,177
0333-1300 For the Suffolk probate court	\$3,764,192
0333-1313 For the Suffolk probate community access program of commu- nity outreach and education; provided, that said program shall be targeted at low income persons who experience educational and language barriers to court access; and provided further, that said program shall be administered by the register of probate of Suffolk county	\$230,715
0333-1400 For the Worcester probate court	\$2,753,363
0333-1411 For the Worcester probate court family services clinic	\$206,697

Land Court Department.

0334-0001 For the operation of the land court; provided, that funds shall be expended for additional operating and personnel expenses	\$2,868,631
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Boston Municipal Court Department.

0335-0001 For the operation of the Boston municipal court	\$8,464,474
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Housing Court Department.

0336-0002 For the administrative office of the housing court department	\$115,389
0336-0100 For the Boston housing court	\$1,043,740
0336-0200 For the western division of the housing court	\$738,496
0336-0300 For the Worcester county housing court	\$718,565
0336-0400 For the southeastern division of the housing court	\$1,308,847
0336-0500 For the northeastern division of the housing court	\$728,028

Juvenile Court Department.

0337-0002 For the administrative office of the juvenile court department	\$1,181,789
0337-0003 For the personnel and expenses associated with the expansion of the juvenile court, including Berkshire, Essex, Hampshire/ Franklin, Hampden, Middlesex, Norfolk, Plymouth, Suffolk, Worcester and Nantucket/Dukes counties; provided, that \$91,150 shall be expended on the CASA program in the Lawrence juvenile court; provided further, that \$72,920 shall be expended for the CASA program in the Worcester juvenile court; provided further, that \$72,920 shall be expended for the	

CASA program in the Plymouth county juvenile court; provided further, that \$77,478 shall be expended for the Franklin/Hampshire CASA program, including Northampton, Greenfield, Orange and Ware district courts; provided further, that \$54,690 shall be expended for a Berkshire CASA program in the Berkshire county juvenile court; provided further, that each CASA program shall be assessed 5 per cent of its appropriation to conduct a qualified independent study of its program; and provided further, that the findings of said study shall be reported to the house and senate committees on ways and means not later than January 1, 2003 \$17,262,707

0337-0100 For the Boston juvenile court \$3,617,118

0337-0200 For the Bristol juvenile court \$3,050,714

0337-0300 For the Springfield juvenile court; provided further, that \$145,841 shall be expended for the CASA program in the Springfield juvenile court; provided further, that each CASA program shall be assessed 5 per cent of its appropriation to conduct a qualified independent study of its program; and provided further, that the findings of said study shall be reported to the house and senate committees on ways and means not later than January 1, 2003 \$1,899,450

0337-0400 For the Worcester juvenile court \$1,574,382

0337-0500 For the Barnstable county juvenile court located in the town of Plymouth \$2,116,587

Office of the Commissioner of Probation.

0339-1001 For the office of the commissioner of probation; provided, that notwithstanding the provisions of any general or special law, rule or regulation to the contrary, said commissioner, subject to appropriation, shall have exclusive authority to appoint, dismiss, assign and discipline probation officers, associate probation officers, probation officers-in-charge, assistant chief probation officers and chief probation officers; and provided further, that said associate probation officers shall only perform in-court functions and shall assume the in-court duties of the currently employed probation officers who shall be reassigned within the probation service subject to collective bargaining agreements to perform intensive, community-based supervision of probationers, including the provisions of intensive supervision and community restraint services as described in item 0339-1004 of this act \$13,315,523

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0339-1002	For the superior court probation services	\$9,795,463
0339-1003	For the operation of the trial court office of community corrections, including the costs of personnel	\$3,902,505
0339-1004	For the cost of intensive supervision and community corrections programs; provided, that said programs shall include, but not be limited to, tracking, community service, educational assistance, drug and alcohol testing and treatment, curfew enforcement, home confinement, day reporting, means-tested fines, restitution, and community incapacitation or restraint; provided, that the number of placements in said programs shall not exceed a daily average goal of 5,000 intensively-supervised probationers; provided further, that funds from this item shall be expended to cover the costs of said programs that are undertaken and administered by court probation offices and county sheriffs' offices; provided further, that said funds shall be expended for the purpose of providing said programs in Barnstable, Berkshire, Bristol, Dukes, Essex, Franklin, Hampden, Hampshire, Middlesex, Nantucket, Norfolk, Plymouth, Suffolk, and Worcester counties in fiscal year 2003; provided further, that the executive director of the office of community corrections of the trial court shall enter into interagency service agreements and memoranda of understanding with said probation offices and sheriffs' offices for the provision of said programs, including the contracting for detention space for probationers arrested for violating probation and awaiting court action and detention space for probationers who have been ordered by the trial court to be supervised at a higher level of restraint; provided further, that said agreements and memoranda shall be entered into at the direction of said executive director; provided further, that said executive director shall submit a spending and management plan for said programs to the house and senate committees on ways and means not later than January 30, 2003; and provided further, that said plan shall include the projected number of probationers to be served by each such program and include a description of the oversight and services provided to said probationers	\$11,760,240
0339-1005	The office of the commissioner of probation may expend revenues up to a maximum of \$1,000,000 from fees charged for attorney representation of indigent clients; provided, that the only revenue available for expenditure in this item for fiscal	

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year 2003 shall be revenue collected in excess of the amount collected in fiscal year 2002 from said fees; and provided further, that the comptroller shall certify to said commissioner upon collection of fiscal year 2003 revenues in excess of fiscal year 2002 revenue from said fees \$1,000,000

0339-1006 The commissioner of probation may expend revenues collected from fees charged for probation supervision pursuant to section 87A of chapter 276 of the General Laws in excess of the amount collected in fiscal year 2002, calculated on a monthly basis; provided, that the comptroller shall certify to said commissioner of probation at the end of each month the amount available for expenditure from this item \$1,000,000

Office of the Jury Commissioner.

0339-2100 For the office of jury commissioner in accordance with chapter 234A of the General Laws \$1,918,172

Suffolk District Attorney.

0340-0100 For the Suffolk district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program, the domestic violence unit and the children's advocacy center; provided, that not more than \$125,000 shall be expended for a North Dorchester safe neighborhood initiative, in Suffolk county; provided further, that not more than \$125,000 shall be expended for a safe neighborhood initiative, in Suffolk county; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 1, 2003 summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2002 and the disposition or status thereof which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which the cases were managed or prosecuted; and provided further, that no assistant district attorney shall be paid an annual salary of less than \$35,000 . . \$13,079,260

General Fund 93.00%
Victim and Witness Assistance Fund 7.00%

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 house and senate committees on ways and means not later than February 1, 2003 summarizing the number and types of criminal cases managed or prosecuted by said office in calendar year 2002 and the disposition or status thereof which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which the cases were managed or prosecuted; and provided further, that no assistant district attorney shall be paid an annual salary of less than \$35,000 \$10,499,483
General Fund 89.00%
Victim and Witness Assistance Fund 11.00%

Essex District Attorney.

0340-0300 For the Essex district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program, and the domestic violence unit; provided, that the office shall submit a report to the house and senate committees on ways and means not later than February 1, 2003 summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2002 and the disposition or status thereof which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which the cases were managed or prosecuted; and provided further, that no assistant district attorney shall be paid an annual salary of less than \$35,000 . . . \$6,363,177
General Fund 89.00%
Victim and Witness Assistance Fund 11.00%

Worcester District Attorney.

0340-0400 For the Worcester district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program and the domestic violence unit; provided, that the office shall submit a report to the house and senate committees on ways and means not later than February 1, 2003 summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2002 and the disposition or status thereof which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which the cases were managed or prosecuted; and provided further, that no assistant district attorney shall be paid an annual salary of less than \$35,000 . . . \$6,773,463

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General Fund 92.00%
Victim and Witness Assistance Fund 8.00%

Hampden District Attorney.

0340-0410 For the analyses 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 \$300,000

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 house and senate committees on ways and means not later than February 1, 2003 summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2002 and the disposition or status thereof which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which the cases were managed or prosecuted; and provided further, that no assistant district attorney shall be paid an annual salary of less than \$35,000 \$5,861,138

General Fund 87.00%
Victim and Witness Assistance Fund 13.00%

Hampshire/Franklin District Attorney.

0340-0600 For the Hampshire/Franklin district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program, and the domestic violence unit; provided, that said office shall submit a report to the house and senate committees on ways and means not later than February 1, 2003 summarizing the number and types of criminal cases managed or prosecuted by said office in calendar year 2002 and the disposition or status thereof which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which said cases were managed or prosecuted; provided, that not less than \$120,000 shall be expended for the salaries and expenses of a children's advocacy project, so-called; and provided further, that no assistant district attorney shall be paid an annual salary of less than \$35,000 \$4,120,908

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General Fund 86.00%
Victim and Witness Assistance Fund 14.00%

Norfolk District Attorney.

0340-0700 For the Norfolk district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program, and the domestic violence unit; provided, that said office shall submit a report to the house and senate committees on ways and means not later than February 1, 2003 summarizing the number and types of criminal cases managed or prosecuted by said office in calendar year 2002 and the disposition or status thereof which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which said cases were managed or prosecuted; and provided further, that no assistant district attorney shall be paid an annual salary of less than \$35,000 \$6,833,969

General Fund 89.00%
Victim and Witness Assistance Fund 11.00%

Plymouth District Attorney.

0340-0800 For the Plymouth district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program, and the domestic violence unit; provided, that no assistant district attorney shall be paid an annual salary of less than \$35,000; provided further, that the Plymouth county district attorney's office shall employ a special assistant district attorney to specialize in the investigation and prosecution of alleged criminal offenses committed by inmates in state correctional facilities, county and state houses of corrections, and jails; provided further, that interagency service agreements shall be established between the Plymouth county district attorney's office and the office of the district attorneys for Bristol, and the Cape and Islands to equally share the compensation and related expenses of said special assistant; provided further, that said special assistant shall practice only in those jurisdictions participating in said interagency service agreement; and provided further, that no expenditures shall be made, on or after the effective date of this act, which would cause the commonwealth's obligation for the purpose of this item to exceed the amount appropriated herein \$5,391,403

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General Fund	88.00%
Victim and Witness Assistance Fund	12.00%

Bristol District Attorney.

0340-0900 For the Bristol district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program and the domestic violence unit; provided, that the office shall submit a report to the house and senate committees on ways and means not later than February 1, 2003 summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2002 and the disposition or status thereof which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which the cases were managed or prosecuted; and provided further, that no assistant district attorney shall be paid an annual salary of less than \$35,000 . . . \$5,818,947

General Fund	87.00%
Victim and Witness Assistance Fund	13.00%

Cape and Islands District Attorney.

0340-1000 For the Cape and Islands district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program and the domestic violence unit; provided, that not less than \$20,000 shall be expended for the Cape and Islands Child Advocacy Center; and provided further, that no assistant district attorney shall be paid an annual salary of less than \$35,000 . . . \$2,611,949

General Fund	83.00%
Victim and Witness Assistance Fund	17.00%

Berkshire District Attorney.

0340-1100 For the Berkshire district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program, and the domestic violence unit; provided, that said office shall submit a report to the house and senate committees on ways and means not later than February 1, 2003 summarizing the number and types of criminal cases managed or prosecuted by said office in calendar year 2002 and the disposition or status thereof which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which said cases were managed or prosecuted; and provided further, that no assistant

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district attorney shall be paid an annual salary of less than \$35,000 \$2,426,106
General Fund 80.00%
Victim and Witness Assistance Fund 20.00%

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 of the commonwealth may contribute a portion of their fiscal year 2003 appropriation to the Massachusetts District Attorneys' Association in order to alleviate the cost of the case management and tracking system as well as the cost of data lines associated with the district attorney's computer network; provided further, that each district attorney shall submit a report to the Massachusetts District Attorneys' Association and the house and senate committees on ways and means delineating all funds expended for the purpose of implementing the case management and tracking system not later than February 15, 2003; provided further, that the report shall include, but not be limited to, an analysis of the total cost of the district attorneys' computer network, the total cost incurred by each district attorney's office, a detailed list of all hardware and software leased, owned or operated by each district attorney, a plan for any purchases to be made in the remainder of fiscal year 2003 and a detailed summary of any policies implemented to contain the costs of the network by either the Massachusetts District Attorneys Association or the individual district attorneys' offices; 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; and provided further, that the said association shall submit a report to the house and senate committees on ways and means not later than January 31, 2003 detailing, by district attorney office, all sources of revenue, including, but not limited to, federal and state grants that were received in fiscal year 2002 \$1,344,906

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0340-2101 For the overtime costs of state police officers assigned to the district attorneys; provided, that no such costs associated with said officers shall be funded from item 8100-0007; provided further, that not less than \$261,479 shall be expended at the direction of the district attorney for the Suffolk district; provided further, that not less than \$366,410 shall be expended at the direction of the district attorney for the Middlesex district; provided further, that not less than \$348,894 shall be expended at the direction of the district attorney for the Essex district; provided further, that not less than \$281,208 shall be expended at the direction of the district attorney for the Worcester district; provided further, that not less than \$219,703 shall be expended at the direction of the district attorney for the Hampden district; provided further, that not less than \$127,953 shall be expended at the direction of the district attorney for the Franklin/Hampshire district; provided further, that not less than \$318,672 shall be expended at the direction of the district attorney for the Norfolk district; provided further, that not less than \$242,316 shall be expended at the direction of the district attorney for the Plymouth district; provided further, that not less than \$229,498 shall be expended at the direction of the district attorney for the Bristol district; provided further, that not less than \$187,750 shall be expended at the direction of the district attorney for the Cape and Islands district; provided further, that not less than \$70,603 shall be expended at the direction of the district attorney for the Berkshire district; and provided further, that no expenditures shall be made on or after the effective date of this act which would cause the commonwealth's obligation for the purpose of this item to exceed the amount appropriated herein \$3,079,377

Highway Fund	88.20%
Local Aid Fund	9.50%
General Fund	2.30%

0340-8908 For the costs associated with maintaining the association's wide area network \$1,285,000

EXECUTIVE.

0411-1000 For the offices of the governor, the lieutenant governor, the governor's council, and the governor's commission on mental

retardation; 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 not more than \$205,161 shall be spent on the governor's commission on mental retardation; 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 years 2003 and 2004 \$5,135,418

SECRETARY OF THE COMMONWEALTH.

- 0511-0000 For the operation of the office of the secretary; provided, that said office shall submit a report detailing staffing patterns for each program operated by said office; provided further, that said report shall include, but not be limited to, actual and functional job titles by program, compensation rates and lengths of service for each employee; and provided further, that said office shall submit said report not later than January 31, 2003 to the house and senate committees on ways and means \$6,628,293
- 0511-0001 The state secretary is hereby authorized to expend revenues not to exceed \$30,000 from the sale of merchandise at the Massachusetts state house gift shop for the purpose of replenishing and restocking gift shop inventory \$30,000
- 0511-0108 The state secretary acting on behalf of the commonwealth may sell, transfer or license the Division of Corporations' software and related documents pertaining to its web based searching and filing applications, including uniform commercial code software, developed by the department of the secretary and copyrighted by it to other states, multi-state or regional associations or other sovereign governments on such terms or conditions as in his sole discretion reasonably compensates the commonwealth for its interests. From the proceeds of such sales or license or use agreements, the secretary may retain and expend revenues not to exceed 10 per cent or \$800,000 whichever is greater for technical activities of the

corporations division the remainder to be deposited in the General Fund. The secretary may also provide web hosting, and on-going support and maintenance to other states, provinces or territories of Canada relative to their UCC and corporate applications. The department of the state secretary may accept credit and debit cards from individuals and corporations filing documents with the department \$800,000

0511-0200 For the operation of the state archives division \$530,450

0511-0230 For the operation of the records center \$155,985

0511-0250 For the operation of the archives facility \$416,804

0511-0260 For the operation of the commonwealth museum \$187,390

0511-0420 For the operation of the address confidentiality program \$108,662

0517-0000 For the printing of public documents \$850,107

0521-0000 For the operation of the elections division, including preparation, printing and distribution of ballots and for other miscellaneous expenses for primary and other elections; provided, that the secretary of state may award grants for voter registration and education in the cities of Boston, Springfield and Worcester; provided further, that such registration and education activities may be conducted by community-based voter registration and education organizations; and provided further, that said secretary shall submit a report to the house and senate committees on ways and means not later than January 31, 2003 detailing the amount appropriated for the purposes of providing reimbursements for the costs of extended polling hours from this item to each city or town . . . \$4,580,239

0521-0001 For the operation of the central voter registration computer system; provided that a report detailing the status, remaining costs and further implementation requirements of the central voter registration system shall be submitted to the house and senate committees on ways and means not later than January 31, 2003; and provided further, that an annual report detailing voter registration activity shall be submitted to the house and senate committees on ways and means on or before January 31, 2003 \$4,494,023

0524-0000 For providing information to voters \$1,151,322

0526-0100 For the operation of the Massachusetts historical commission; provided, that funds may be expended for the Essex National Heritage Commission archives \$792,856

0527-0100 For the operation of the ballot law commission \$16,286

0528-0100 For the operation of the records conservation board \$30,740

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0540-0900	For the registry of deeds located in Lawrence in the former county of Essex	\$744,292
0540-1000	For the registry of deeds located in Salem in the former county of Essex.	\$2,188,103
0540-1100	For the registry of deeds in the former county of Franklin	\$495,444
0540-1200	For the registry of deeds in the former county of Hampden	\$2,016,837
0540-1300	For the registry of deeds in the former county of Hampshire	\$527,234
0540-1400	For the registry of deeds located in Lowell in the former county of Middlesex	\$1,232,274
0540-1500	For the registry of deeds located in Cambridge in the former county of Middlesex	\$3,290,986
0540-1600	For the registry of deeds located in Adams in the former county of Berkshire	\$289,748
0540-1700	For the registry of deeds located in Pittsfield in the former county of Berkshire	\$450,614
0540-1800	For the registry of deeds located in Great Barrington in the former county of Berkshire	\$204,051
0540-1900	For the registry of deeds in the former county of Suffolk	\$2,007,223
0540-2000	For the registry of deeds located in Fitchburg in the former county of Worcester	\$507,349
0540-2100	For the registry of deeds located in the city of Worcester in the former county of Worcester	\$1,947,832

TREASURER AND RECEIVER-GENERAL.

Office of the Treasurer and Receiver-General.

0610-0000	For the office of the treasurer and receiver-general; provided, that the treasurer shall provide computer services required by the teachers' retirement board; provided further, that to the extent that bank fees, so-called, exceed the amount appropriated in item 0610-0100, the treasurer may, subject to an allocation plan filed in advance with the house and senate committees on ways and means, transfer from this item to said item 0610-0100, an amount sufficient to ensure full payment of the bank fees; 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; and provided further, that said report shall be submitted to said board on or before January 31, 2003	\$7,054,378
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	General Fund	50.00%	
	Local Aid Fund	40.00%	
	Highway Fund	10.00%	
0610-0100	For the payment of bank fees; provided, that the treasurer may transfer funds from this item to item 0610-0000 for one-time, non-recurring expenditures upon certification to the secretary of administration and finance that the remaining balance in this account will be sufficient to make all necessary expenditures		\$4,453,880
	General Fund	50.00%	
	Local Aid Fund	40.00%	
	Highway Fund	10.00%	
0610-1500	For tuition payments as required by section 12B of chapter 76 of the General Laws, notwithstanding chapter 29 of the General Laws to the contrary; provided, that the state treasurer may expend in anticipation of revenue amounts necessary to meet payments; and provided further, that the state treasurer shall deduct the amount expended from this account from items 7061-0008 and 0611-5500 and from the amounts specified in section 3, in accordance with said section 12B of said chapter 76.		
0611-1000	For bonus payments to war veterans		\$17,500
0611-5500	For additional assistance to cities and towns to be distributed according to section 3 and for assistance to certain public entities of the commonwealth which have constructed water pollution abatement facilities; provided, that the distribution to the public entities shall equal \$1,249,948		\$477,565,230
	Local Aid Fund	100.00%	
0611-5510	For reimbursements to cities and towns in lieu of taxes on state-owned land pursuant to sections 13 to 17, inclusive, of chapter 58 of the General Laws		\$15,000,000
	Local Aid Fund	100.00%	
0611-5800	For distribution to each city and town within which racing meetings are conducted pursuant to section 18D of chapter 58 of the General Laws		\$1,701,250
	Local Aid Fund	100.00%	
<i>Pension Benefits.</i>			
0612-0105	For payment of the public safety employee killed in line of duty benefit authorized by section 100A of chapter 32 of the General Laws		\$500,000

Local Aid Fund 100.00%

0612-1010 For the Commonwealth's Pension Liability Fund established under section 22 of chapter 32 of the General Laws; provided, further, that the amount appropriated in this item shall constitute the second payment of a triennial funding schedule as part of the 23 year funding schedule for the commonwealth's unfunded pension liability pursuant to section 22 of chapter 32; provided further, that the amount appropriated in this item shall meet the commonwealth's obligations under 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, the reimbursement of local retirement systems for previously authorized cost-of-living adjustments pursuant to section 102 of said chapter 32, and for the costs of increased survivor benefits pursuant to chapter 389 of the acts of 1984; provided further, that subject to the rules and regulations promulgated by the treasurer, the state retirement board and each city, town, county and district shall verify the cost thereof and the treasurer may to make such payments upon a transfer of funds as provided in this item, to reimburse certain cities and towns for pensions to retired teachers and including any other obligations which the commonwealth has assumed on behalf of any retirement system other than the state employees' or state teachers' retirement systems and including the commonwealth's share of the amounts to be appropriated pursuant to section 22B of said chapter 32 and the amounts to be appropriated pursuant to subsection (a) of the last paragraph of section 21 of chapter 138 of the General Laws; provided further, that all payments for the purposes described in this item shall be made only pursuant to distribution of monies from the fund; provided further, that any such distribution and the payments for which distributions are required shall be detailed in a written report filed quarterly by the commissioner of administration with the house and senate committees on ways and means and the joint committee on public service in advance of such distribution; provided further, that such distributions shall not be made in advance of the date on which a payment is actually to be made; provided further, that the state retirement board may expend

an amount for the purposes of the higher education coordinating council's optional retirement program pursuant to section 40 of chapter 15A of the General Laws; provided further, that except where authorized in this item, no funds shall be expended from this item, other than deposits to the Commonwealth's Pension Liability Fund; and provided further, that to the extent that the amount appropriated in this item exceeds the amount necessary to adequately fund this item, the excess amount shall be credited to the Pension Reserves Investment Trust Fund of the commonwealth for the purpose of reducing the unfunded pension liability of the commonwealth \$796,758,000

Local Aid Fund	59.00%
General Fund	33.90%
Highway Fund	7.00%
Inland Fisheries and Game Fund	0.10%

0612-2000 For retirement benefits authorized pursuant to chapters 712 and 721 of the acts of 1981, chapter 154 of the acts of 1983, chapter 67 of the acts of 1988, and chapter 621 of the acts of 1989, for the compensation of veterans who may be retired by the state board of retirement, including individuals formerly in the service of the division of employment security whose compensation for such service was paid in full from a grant from the federal government and for the cost of medical examinations in connection therewith, for pensions of retired judges or their widows or widowers, for retirement allowances of certain employees formerly in the service of the administrative division of the metropolitan district commission, for retirement allowances of certain veterans and police officers formerly in the service of the metropolitan district commission, for retirement allowances of certain veterans formerly in the service of the metropolitan sewerage district, for retirement allowances of certain veterans formerly in the service of the metropolitan water system and for annuities for widows or widowers of certain former members of the uniformed branch of the state police \$16,790,766

General Fund	82.20%
Highway Fund	17.80%

Commission on Firefighters' Relief.

0620-0000 For financial assistance to injured firefighters \$9,808

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Local Aid Fund 100.00%

Emergency Finance Board.

0630-0000 For the operation of the emergency finance board; provided, that notwithstanding any general or special law to the contrary, no employee of the department of revenue shall receive any reimbursement for services from this item \$41,739
Local Aid Fund 100.00%

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 \$69,341,822
0640-0001 For the operation of the state lottery commission; provided, that the commission may seek revenue from corporate advertising for non-lottery products on scratch tickets; provided further, that tickets shall show the odds of winning; provided further, that payments from corporate advertising shall be deposited into the general fund; and provided further, that expenditure in this item is limited to an amount not to exceed 50 per cent of revenues collected from corporate advertising payments or the amount appropriated herein, whichever is less \$3,653,019
0640-0005 For the costs associated with the continued implementation of the game of keno; 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 \$1,233,347
0640-0010 For the promotional activities associated with the state lottery program; provided, that such promotional expenses shall be limited to point-of-sale promotions and agent newsletters; and provided further, that 25 per cent of the amount appropriated in this item shall be transferred quarterly from the State Lottery Fund to the General Fund \$240,000
0640-0096 For the purpose of the commonwealth's fiscal year 2003 contribu-

tions to the health and welfare fund established pursuant to the collective-bargaining agreement between the lottery commission and the service employees international union, Local 254, AFL-CIO; provided, that the contributions shall be paid to the trust fund on such basis as the collective bargaining agreement provides; and provided further, that 25 per cent of the amount appropriated herein shall be transferred quarterly from the State Lottery Fund to the General Fund \$301,392

0640-0300 For the services and operations of the council, including grants to or contracts with public and non-public entities; provided, that notwithstanding the provisions of any general or special law to the contrary, the council may expend the amounts herein appropriated for the purposes of the council as provided in sections 52 to 58, inclusive, of chapter 10 of the General Laws in amounts and at times as the council may determine pursuant to section 54 of said chapter 10; 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 not more than \$1,000,000 of the funds appropriated herein shall be used to assist cultural organizations in augmenting or initiating endowments to promote the financial stability of such organizations and the assistance shall be in the form of challenge grants to the organizations; provided further, that in order to receive a grant a cultural organization shall raise an amount at least equal to the amount of the grant for the organization's endowment; provided further, that funds provided by the grants shall, in perpetuity, be used solely to provide free or reduced rate public programs or services to citizens of the commonwealth; provided further, that no grant made under this program shall exceed \$100,000; and provided further, that persons employed under this item shall be considered employees within the meaning of section 1 of chapter 150E of the General Laws and shall be placed in the appropri-

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ate bargaining units \$13,102,801
0640-0350 For the purposes of cultural resources pursuant to section 36 of chapter 69 of the General Laws including grants to or contracts with public and non-public entities; provided, that the council shall not expend funds from this item for any recipient that, in any program or activity for Massachusetts schoolchildren, does not apply the same terms and conditions to all such schoolchildren; and provided further, that 25 per cent of the amount appropriated herein shall be transferred quarterly from the State Lottery Fund to the General Fund . . . \$1,487,040

Debt Service.

0699-0015 For the payment of interest, discount and principal on certain bonded debt and the sale of bonds of the commonwealth, previously charged to the Local Aid Fund, the State Recreation Areas Fund, the Metropolitan Parks District Fund, the Metropolitan Water District Fund, the Metropolitan Sewerage District Fund, the Watershed Management Fund, the Highway Fund, and the Inter-City Bus Fund; provided, that payments of certain serial bonds maturing previously charged to the Local Aid Fund, the State Recreation Areas Fund, the Metropolitan Water District Fund, the Metropolitan Sewerage District Fund, and the Highway Fund shall be paid from this item; provided further, that notwithstanding any general or special law to the contrary, the state treasurer may make payments pursuant to section 38C of chapter 29 of the General Laws from this item and item 0699-9100; provided further, that such payments shall pertain to the bonds, notes, or other obligations authorized to be paid from each item; provided further, that notwithstanding any general or special law to the contrary, the comptroller may transfer the amounts that would otherwise be unexpended on June 30, 2003, from this item to 0699-9100 or from 0699-9100 to this item which would otherwise have insufficient amounts to meet debt service obligations for the fiscal year ending June 30, 2003; provided further, that each amount transferred shall be charged to the funds as specified in the line item to which the amount is transferred; provided further, that payments on bonds issued pursuant to section 20 of chapter 29 of the General Laws shall be paid from this item and shall be charged to the Infrastructure sub-fund of the Highway fund;

provided further, that payments of interest, discount and principal on certain bonded debt of the commonwealth associated with the Watershed Management Fund for the acquisition of development rights and other interests in land, including fee simple acquisitions of watershed lands of the Quabbin and Wachusett reservoirs and the Ware river watershed above the Ware river intake pipe shall be paid from this item; provided further, that notwithstanding any general or special law to the contrary or other provisions of this item, the comptroller may charge the payments authorized herein to the appropriate budgetary or other fund subject to a plan which the comptroller shall file 10 days in advance with the house and senate committees on ways and means; and provided further, that the comptroller shall transfer from this item to the government land bank fund an amount equal to the amount by which debt service charged to said fund exceeds revenue deposited to said fund \$1,337,485,000

- General Fund 56.34%
- Highway Fund 31.93%
- Local Aid Fund 11.39%
- Watershed Management Fund 0.34%

0699-0017 For payment of interest on notes issued pursuant to Chapter 235 of the Acts of 1998 in anticipation of certain payments to be received from the Massachusetts Port Authority \$6,299,000

- Highway Fund 100.00%

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 \$52,989,000

- Highway Fund 100.00%

0699-9100 For the payment of interest and issuance costs on bonds and bond and revenue anticipation notes and other notes pursuant to sections 47 and 49B of chapter 29 of the General Laws; provided, that the treasurer shall certify to the comptroller a schedule of the distribution of costs among the various funds of the commonwealth; provided further, that the comptroller shall charge costs to such funds in accordance with such schedule; and provided further, that any deficit in this item at the close of the fiscal year ending June 30, 2003 shall be charged to the various funds or to the General Fund or highway fund debt service reserves \$20,950,000

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- 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 \$74,698,000
- 0699-9200 For certain debt service contract assistance to the Massachusetts Development Finance Agency in accordance with chapter 23G of the General Laws \$13,279,968

Office of the State Auditor.

- 0710-0000 For the office of the state auditor, including the review and monitoring of privatization contracts in accordance with sections 52 to 55, inclusive, of chapter 7 of the General Laws and shared oversight of the central artery/third harbor tunnel project; provided, that a report shall be submitted to the house and senate committees on ways and means not later than December 1, 2002 delineating the privatization contracts reviewed and monitored during fiscal year 2002; and provided further, that the report shall further detail the number of full-time equivalent positions assigned by the office for the review of each of the privatization contracts \$14,380,300
- 0710-0100 For the operation of the division of local mandates \$585,103
Local Aid Fund 100.00%
- 0710-0200 For the operation of the bureau of special investigations; provided, that the director of the bureau shall report to the house and senate committees on ways and means no later than February 15, 2003 on the monthly investigator caseload, without disclosing names or other personal identifiers, for fiscal years 1995 to 2001, inclusive; provided further, that said report shall include the monthly average of the amounts recovered by the commonwealth through successful prosecution, settlement or other disposition of such cases investigated for fiscal years 1995 to 2002, inclusive; provided further, that said report shall separately delineate the caseload data for the front-end detection program so-called; and provided further, that said report shall state the most recent activity date for each open case assigned to each investigator as of the first business day of each fiscal quarter of fiscal years 2001 and 2002 for which such information is available \$1,300,000

Office of the Attorney General.

0810-0000 For the office of the attorney general, including the administration of the local consumer aid fund, the operation of the anti-trust division, all regional offices, a high-tech crime unit and the victim and witness compensation program; provided, that the victim and witness compensation program shall be administered in accordance with chapters 258B and 258C of the General Laws; provided further, that the attorney general shall submit to the general court and the secretary of administration and finance a report detailing the claims submitted to the state treasurer for payment under item 0810-0004 indicating both the number and costs for each category of claim; provided further, that not more than \$250,000 shall be expended for a grants program for the safe neighborhood initiative-jobs for youth program; provided further, that not more than \$250,000 shall be expended from the funds appropriated in this item for a safe neighborhood initiative pilot program in the Bowdoin/Geneva area, of Dorchester; provided further, that the public proceedings unit shall review the water rate increases; provided further, that no more than \$240,000 shall be expended for the operation of a child protection unit, so-called; and provided further, that funds may be expended for the commission on uniform state laws . \$20,851,774

General Fund	92.74%
Local Aid Fund	3.91%
Anti-Trust Law Enforcement Fund	1.98%
Victim and Witness Assistance Fund	0.88%
Safe Drinking Water Act Fund	0.49%

0810-0004 For compensation to victims of violent crimes; provided, that notwithstanding the provisions of chapter 258C of the General Laws, if a claimant is 60 years of age or older at the time of the crime and is not employed or receiving unemployment compensation, such claimant shall be eligible for compensation in accordance with said chapter 258C even if the claimant has suffered no out-of-pocket loss; provided further, that compensation to such claimant shall be limited to a maximum of \$50; and provided further, that notwithstanding the provisions of any general or special law to the contrary, victims of the crime of rape shall be notified of all available services designed to assist rape victims including,

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	but not limited to, the provisions outlined in section 5 of chapter 258A of the General Laws	\$2,156,000
	General Fund	78.21%
	Victim and Witness Assistance Fund	21.79%
0810-0007	For the overtime costs of state police officers assigned to the attorney general; provided, that no such costs associated with said officers shall be funded from item 8100-0007; and provided further, that no expenditures shall be made on or after the effective date of this act which would cause the commonwealth's obligation for the purpose of this item to exceed the amount appropriated in this item	\$486,517
	Highway Fund	88.20%
	Local Aid Fund	9.50%
	General Fund	2.30%
0810-0014	For the operation of the department of telecommunications and energy proceedings unit, pursuant to section 11E of chapter 12 of the General Laws; provided, that notwithstanding any general or special law to the contrary, the amount assessed to said unit shall be equal to the amount expended from this item	\$1,395,065
0810-0017	For the expenses related to judicial proceedings relevant to the fuel charge pursuant to section 94G of chapter 164 of the General Laws and such other proceedings as may be reasonably related to the section; provided, that the assessment levied for such expense shall be credited to the General Fund	\$73,500
0810-0021	For the operation of the Medicaid fraud control unit; provided, that the federal reimbursement for any expenditure from this item shall not be less than 75 per cent of such expenditure; provided further, that not less than \$225,000 shall continue to be used specifically for the investigation and prosecution of abuse, neglect, mistreatment and misappropriation based on referrals from the department of public health pursuant to section 72H of chapter 111 of the General Laws; provided further, that the unit shall provide training for all investigators of the department's division of health care quality responsible for such investigations on a periodic basis pursuant to a comprehensive training program to be developed by the division and the unit; and provided further, that training shall include instruction on techniques for improving the efficiency	

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	and quality of investigations of abuse, neglect, mistreatment and misappropriation pursuant to said section 72H	\$1,816,248
0810-0045	For the labor law enforcement program pursuant to subsection (b) of section 1 of chapter 23 of the General Laws; provided, that notwithstanding the provisions of any general or special law to the contrary, any non-management position funded by this item shall be deemed a job title in a collective bargaining unit as prescribed by the labor relations commission and shall be subject to the provisions of chapter 150E of the General Laws	\$3,043,422
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; and provided further, that notwithstanding any general or special law to the contrary, the amount assessed for said costs shall be equal to the amount expended from this item	\$1,375,223
0810-0338	For the investigation and prosecution of automobile insurance fraud; provided, that notwithstanding section 3 of chapter 399 of the acts of 1991, the amount assessed pursuant to said section 3 for the cost of this program shall be \$280,164	\$280,164
0810-0399	For the investigation and prosecution of workers' compensation fraud; provided, that notwithstanding section 3 of chapter 399 of the acts of 1991, the amount assessed pursuant to said section 3 for the cost of this program shall be \$280,164; provided further, that the attorney general shall investigate and prosecute, where appropriate, employers who fail to provide workers' compensation insurance in accordance with the laws of the commonwealth; and provided further, that said unit shall investigate and report on all companies not in compliance with chapter 152 of the General Laws	\$280,164

Victim Witness Assistance Board.

0840-0100 For the operation of the Massachusetts office for victim assistance; provided, that said office shall submit a comprehensive report compiled from the information required of and submitted to said 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

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section 8 of chapter 258B of the General Laws; and provided further, that said report shall be submitted to the house and senate committees on ways and means on or before February 15, 2003 \$380,007

Victim and Witness Assistance Fund 100.00%

0840-0101 For the safeplan advocacy program; provided, that the amount allocated in this item shall be expended on the salaries and employee benefits of safeplan advocates and regional coordinators, including the advocates in the Hampshire probate and family court and the Northampton and Ware district courts; provided further, that funds may be expended by the Massachusetts office for victim assistance to administer the program; provided further, that said office shall submit to the house and senate committees on ways and means not later than February 3, 2003 a report detailing the effectiveness of contracting for said program including, but not limited to, the number and types of incidents to which such advocates responded, the types of services and service referrals provided by such domestic violence advocates, the cost of providing such services and the extent of coordination with other service providers and state agencies \$590,826

STATE ETHICS COMMISSION.

0900-0100 For the operation of the state ethics commission \$1,265,221
General Fund 50.00%
Local Aid Fund 50.00%

OFFICE OF THE INSPECTOR GENERAL.

0910-0200 For the operation of the office of the inspector general \$1,725,658
0910-0210 The office of the inspector general may expend revenues collected up to a maximum of \$196,530 from the fees charged to participants in the Massachusetts public purchasing official certification program and the certified public manager program for the operation of such programs; provided, that for the purpose of accommodating discrepancies between the receipts of retained revenues and related expenditures, the office of the inspector general may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system \$196,530

OFFICE OF CAMPAIGN AND POLITICAL FINANCE.

0920-0300 For the operation of the office of campaign and political finance	\$997,813
General Fund	50.00%
Local Aid Fund	50.00%

OFFICE OF THE STATE COMPTROLLER.

1000-0001 For the office of the state comptroller for the purpose and cost of compliance with the Single Audit Act of 1984, Public Law 89-502, and for the federally required comprehensive, statewide single audit of state operations for the fiscal year ending June 30, 2003 in accordance with generally accepted accounting principles; provided, that the office of the comptroller shall charge other items of appropriation for the cost of said audit from allocated federal funds transferred from federal reimbursement and grant receipts; provided further, that the office of the comptroller shall charge not more than a total of \$725,000 to other items of appropriation for the cost of said audit; provided further, that notwithstanding any general or special law to the contrary, allocated federal funds transferred from federal reimbursement and grant receipts shall be retained and expended from a separate item without further appropriation, in addition to state funds appropriated to this item, for the cost of compliance with the mandate of the federal law and the office of management and budget regulations; provided further, that the amount of any such federal funds and grant receipts so credited and expended from this item shall be reported to the house and senate committees on ways and means; provided further, that the comptroller shall maintain a special federal and 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, the full year estimate of revenues and revenues collected; provided further, that notwithstanding the provisions of any general or special law to the contrary, the comptroller shall deduct an amount of \$1,000 from any item of appropriation in section 2 of this act in which a reporting

requirement is stipulated within said item and which report is not filed within ten days of the stated due date; provided further, that any and all amounts deducted shall be deposited in the General Fund and said comptroller shall notify the house and senate committees on ways and means of any and all amounts so deducted; provided further, that notwithstanding the provisions of any general or special law to the contrary, the comptroller may enter into contracts with private vendors to identify and pursue cost avoidance opportunities for programs of the commonwealth and to enter into interdepartmental service agreements with state agencies, as applicable, for said purpose; provided further, that payments to private vendors on account of such cost avoidance projects shall be made only from such actual cost savings as have been certified in writing to the house and senate committees on ways and means by the comptroller and the budget director as attributable to such cost avoidance projects; provided further, that the comptroller may establish such procedures, in consultation with the budget director and the affected departments, as he deems appropriate and necessary to accomplish the purpose of this section; provided further, that the budget director shall report on a quarterly basis to the house and senate committees on ways and means the status of all cost avoidance projects which are undertaken pursuant to the provisions of this section; and provided further, that the comptroller shall report on said projects as a part of his annual report pursuant to section 12 of chapter 7A of the General

Laws \$7,905,392

 General Fund 93.81%

 Revenue Maximization Fund 6.19%

1000-0004 The office of the comptroller shall expend an amount not to exceed \$25,000 from fees collected from vendors who participate in training on statewide financial systems including, but not limited to, the Massachusetts management accounting and reporting system; provided, that said office shall provide such training, offer sessions to vendors who do business with the commonwealth and establish and charge a reasonable fee for such training \$25,000

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Office of the Secretary.

1100-1100 For the office of the secretary; provided, that the secretary shall conduct an ongoing review of affirmative action steps taken by the various agencies, boards, departments, commissions or divisions to determine whether such agencies, boards, departments, commissions or divisions are complying with the commonwealth's policies of non-discrimination and equal opportunity; provided further, that whenever non-compliance is determined by the secretary, the secretary shall hold a public hearing on the matter and report his resulting recommendations to the head of the particular agency, board, department, commission or division, to the governor and to the massachusetts commission against discrimination; and 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 non-compliance with affirmative action policies to the chairs of the house and senate committees on ways and means, the joint committee on public service and the joint committee on commerce and labor on or before December 1, 2002; provided that a special commission is hereby established to investigate and study the calculation of superannuation retirement allowances for members classified as Group 1 under chapter 32 of the General Laws; provided, that said investigation and study shall include, but not be limited to, an analysis of alternative calculations of said allowances, including comparison of member eligibility, vesting, portability, the contribution rate of members, other benefits and the effects on accrued liabilities and costs attributable to such alternative calculations; provided, that said commission shall consist of eleven members as follows: the house and senate chairmen of the joint committee on public service, who shall serve as co-chairs of the commission; the house and senate chairmen of the committees on ways and means, or their designees; the Governor or designee, the Secretary of Administration and Finance or designee, a representative of the Massachusetts Municipal Association, a representative of the Massachusetts Association of Contributory Retirement Systems; the chair-

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men of the State Teachers' Retirement Board and the State Retirement Board, or their designees, and the chairman of the Public Employee Retirement Administration Commission, or his designee; and provided further, that said commission shall report to the general court the results of its study together with its recommendations and draft of legislation necessary to carry such recommendations into effect by filing the same with the clerk of the house of representatives, the joint committee on public service and the house and senate committees on ways and means on or before the December 31, 2002 \$1,410,584

Office of Dispute Resolution.

1100-1103 For the operation of the office of dispute resolution \$200,000
1100-1104 The office of dispute resolution may expend an amount not to exceed \$436,381 in revenues collected from fees charged to cities, towns or public instrumentalities and other political subdivisions of the commonwealth or to corporations and individuals for the costs of mediation and related services; and provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the office of dispute resolution may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system, including the cost of personnel \$436,381

Fiscal Affairs Division.

1101-2100 For the administration of the fiscal affairs division, including costs associated with a capital budgeting program; provided, that charges for the cost of computer resources and services provided by the information technology division for the design, development and production of reports and information required to be included in budgets submitted by the governor to the legislature shall not be charged to this item \$1,820,536

Division of Capital Asset Management and Maintenance.

1102-3205 The division may expend for the maintenance and operation of the Massachusetts information technology center an amount not to exceed \$5,500,000 in revenues collected from rentals, commissions, fees, parking fees and any and all other sources

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	pertaining to the operations of said center; provided, that the building manager selected by the division shall make such expenditures on behalf of the division pursuant to section 2AA of chapter 29 of the General Laws; and provided further, that notwithstanding any general or special law to the contrary, and for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the division may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate therefore as reported in the state accounting system	\$5,500,000
	State Building Management Fund	100.00%
1102-3206	For the costs associated with the maintenance and security of surplus state properties	\$600,000
1102-3214	For the state transportation building; provided, that the division may expend revenues collected up to a maximum of \$6,100,000 from rentals, commissions, fees, parking fees and from any and all other sources pertaining to the operation of the state transportation building for the maintenance and operation of said building; provided further, that the building manager selected by the division shall make such expenditures on behalf of the division pursuant to section 2AA of chapter 29 of the General Laws; and provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the division may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system	\$6,100,000
	State Building Management Fund	100.00%
1102-3231	For the Springfield state office building; provided, that the division may expend revenues collected up to a maximum of \$654,322 from rents charged to agencies occupying said building for the maintenance and operation of said building, pursuant to section 2AA of chapter 29 of the General Laws; and provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the division may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system	\$654,322

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State Building Management Fund 100.00%

Bureau of State Office Buildings.

- 1102-3301 For the operation of the bureau and for the maintenance and operation of buildings under the jurisdiction of the state superintendent of buildings; provided, that the bureau shall retain full jurisdiction over all contracts, purchases and payments for any and all materials and services required in the operation of the bureau \$7,957,787
- 1102-3302 For the purposes of utility costs and associated contracts for the properties managed by the bureau of state office buildings . . . \$4,530,273

Office of Disability.

- 1107-2400 For the office on disability \$604,825
- 1107-2501 For the disabled persons protection commission; provided, that the commission shall facilitate compliance by the department of mental health and the department of mental retardation with uniform investigative standards, so-called; provided further, that the commission shall report to the house and senate committees on ways and means not later than the last day of each quarter on the number of claims of abuse by caretakers made by employees or contracted service employees of the departments of mental retardation and mental health and the Massachusetts rehabilitation commission; provided further, that the report shall include: (i) the number of claims found to be substantiated; (ii) the number of claims found to be unsubstantiated; and (iii) the number of claims found to be falsely reported as a result of intentional and malicious action; and provided further, that the commission shall ensure that all calls received by the commission's 24-hour hotline are recorded, that all persons who call said hotline shall be immediately informed that all calls are recorded, and each such person shall be provided with the opportunity to elect that the call not be recorded \$1,631,153

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 implement said reimbursement to the general fund; provided

further, that any fee imposed upon a person for filing a grievance or appeal with the commission shall be returned to him upon a finding on the merits in favor of the aggrieved person \$512,000

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; provided further, that the commission, in consultation with the department of public health, the division of medical assistance, the Extended Care Federation, the Massachusetts Home and Health Care Association, the Massachusetts Council of Home Care Aides Services, the Mass Home Care Association, Mass Aging, the Personal Assistance Coalition, the Service Employees International Union and the Paraprofessional Health Care Institute shall review relevant surveys and studies of health care coverage for direct care workers and the progress of the implementation of the health care plan for private health and human service workers permitted by this item, and shall develop a report listing options and recommendations for increasing access to health insurance for health care workers and shall file the report with the house and senate committees on ways and means no later than June 1, 2003; provided further, that the commission may establish a health plan for private health and human service providers who deliver services under contract with departments within the executive office of health and human services and the executive office of elder affairs, including providers who deliver services by rate; provided further, that (1) the commission, in consultation with the executive office of health and human services, the executive office of elder affairs and the department of public health, may establish eligibility criteria for the service providers in the plan and shall maintain a separate health care risk pool for individuals in the plan, (2) health care costs and administrative costs of the plan shall be paid by eligible service providers and their employees, (3) the Massachusetts council of human service providers or its contractor shall administer

eligibility and collection of premiums, (4) participation by each eligible service provider and employee shall be voluntary, and (5) the Commission shall assess the enrollees of the plan for any administrative costs incurred by the state that are associated with the implementation of the plan; provided further, that said health plan shall commence on January 1, 2004 and shall expire on January 30, 2007; provided further, that the group insurance commission may enter into an agreement with the Massachusetts council of human service providers or its contractor for services to implement the plan; provided further, that prior to implementation, the Massachusetts council of human services providers shall acknowledge in writing its obligation to comply with the requirements of the plan, including its obligation to ensure that the commonwealth shall not be liable for any costs incurred by said plan; provided further, that on or before March 1 of each year, the Massachusetts council of human service providers shall submit to the secretary of administration and finance and house and senate committees on ways and means a report to include, but not be limited to the following: (1) the number of covered lives enrolled in said plan, (2) the number of employees enrolled in said plan who previously had no health coverage, (3) the cost to administer said plan, (4) the total health care expenditures of said plan, (5) the premium increases of said plan, and (6) the recommendations necessary for the continued viability of said plan; and provided further, that nothing herein shall prohibit the group insurance commission from making modifications to said plan \$1,984,318

1108-5200 For the commonwealth's share of the group insurance premium and plan costs incurred in fiscal year 2003; provided, that the secretary of administration and finance shall charge the division of employment and training and other departments, authorities, agencies and divisions, which have federal or other funds allocated to them for this purpose, for that portion of insurance premiums and plan costs as the secretary determines should be borne by such funds, and shall notify the comptroller of the amounts to be transferred, after similar determination, from the several state or other funds and amounts received in payment of all such charges or such transfers shall be credited to the General Fund; provided further, that prior

year costs incurred by the state indemnity health insurance plan and the preferred provider organization shall be funded from this item; provided further, that the group insurance commission shall report quarterly to the house and senate committees on ways and means the amounts expended from this item for said prior year costs; provided further, that the group insurance commission shall obtain reimbursement for premium and administrative expenses from other agencies and authorities not funded by state 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 one year; provided further, that the amounts received in payment for such charges shall be credited to the general fund; provided further, that notwithstanding section 26 of chapter 29 of the General Laws, the commission may negotiate, purchase and execute contracts before July 1 of each year for policies of group insurance as authorized by chapter 32A of the General Laws; provided further, that notwithstanding chapter 150E of the General Laws and as provided in section 8 of said chapter 32A and for the purposes of section 14 of said chapter 32A, the commonwealth's share of the group insurance premium for state employees who have retired before July 1, 1994 shall be 90 per cent and the commonwealth's share of the group insurance premium for state employees who have retired on or after July 1, 1994 shall be 85 per cent; provided further, that the commission shall provide the number of retirees for whom the commonwealth pays said 85 per cent to the house and senate committees on ways and means by February 1 of each year; provided further, that the commonwealth's share of such premiums for active state employees shall be 85 per cent of such premiums and rates; provided further, that notwithstanding chapter 150E of the General Laws, retirees of the Massachusetts Bay Transportation Authority and of regional transit authorities shall continue to pay the same percentage, if any, of the health insurance premium that they paid on June 1, 1994; provided further, that active employees of the Massachusetts Bay Transportation Authority and of regional transit authorities shall pay 15 per cent of such premiums and

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rates; provided further, that the commission shall notify the house and senate committees on ways and means by March 15 of each year of the cost of the commonwealth's projected share of group insurance premiums for the next fiscal year; and provided further, however, that the commission shall issue, at the request of the beneficiary, a separate identification number for enrollment and benefit purposes instead of the social security number \$744,063,652

1108-5350 For elderly governmental retired employee premium payments . . . \$1,109,509

1108-5400 For the costs of the retired municipal teachers' premiums and the audit of such premiums \$41,710,424

Local Aid Fund 100.00%

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 such benefits pursuant to a separate appropriation or the provisions of a contract or collective bargaining agreement; provided, that such employees shall pay 15 per cent of the monthly premium established by the commission for such benefits; and provided further, that the commission shall expend all necessary funds from this item to ensure that all dental and vision benefits shall be at least at the level in effect on June 30, 1998 \$5,994,310

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 \$661,161

George Fingold Library.

1120-4005 For the administration of the library; provided, that said library shall maintain regular hours of operation from 9:00 a.m. to 5:00 p.m. \$1,153,824

Massachusetts Commission Against Discrimination.

1150-5100 For the office of the commission, including the processing and resolution of cases pending before the commission that were filed on or before July 1, 1999; provided, that not less than \$667,500 shall be expended in fiscal year 2003 for full-time equivalent investigators, attorneys, conciliators, hearing officers and contracted personnel as required for the exclusive purpose of reducing the backlog of cases pending before the

commission; provided further, that on or before November 1, 2002 the commission shall submit to the house and senate committees on ways and means a report on the total number of all currently pending cases and the total number of such cases in the investigation, conciliation, post-probable cause and pre-public hearing and post-hearing stages; provided further, that the commission shall file an update of the report with such committees on or before March 1, 2003; provided further, that the commission shall identify in such reports the number of cases in which the commission has determined there is probable cause to believe that a violation of chapter 151B of the General Laws has been committed in a case in which Massachusetts Bay Transportation Authority is named as a respondent; provided further, that the commission shall report to the house and senate committees on ways and means on or before November 1, 2002 the number of cases pending before the commission in which a state agency or state authority is named as a respondent, specifying those cases in which the Massachusetts Bay Transportation Authority is named as a respondent, and the number of such cases in which there is probable cause to believe that a violation of chapter 151B has been committed; provided further, that the commission shall include in such report the total number of new cases filed in 2002 and the total number of cases closed by the commission in 2002; provided further, that an amount not to exceed \$15,000 may be expended to fund Edward Brooke scholarships, whereby the recipients of such scholarships assist the commission in resolving cases filed on or before July 1, 1999; provided further, that funds made available in this item shall be in addition to funds available in item 1150-5104; provided further, that all positions, except clerical, shall be exempt from chapter 31 of the General Laws; and provided further, that the commission shall pursue the highest allowable rate of federal reimbursement \$2,064,248

1150-5104 The Massachusetts commission against discrimination may expend revenues from federal reimbursements received for the purposes of the United States department of housing and urban development fair housing type 1 program and the equal opportunity resolution contract program during fiscal year 2003 and federal reimbursements received for these and other

programs in prior years; provided, that for the purposes of accommodating discrepancies between the receipt of retained revenues and related expenditures, the commission may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system; provided further, that notwithstanding section 1 or any other general or special law to the contrary, federal reimbursements received in excess of \$2,129,818 shall be credited to the General Fund; provided further, that the commission shall report to the house and senate committees on ways and means, not later than the last day of each quarter, the following: federal reimbursements received in each such quarter, anticipated reimbursements to be received in the remaining quarters of the fiscal year and reimbursements projected to be collected in the subsequent fiscal year for such purposes; provided further, that such report shall detail actual and anticipated reimbursements by date of receipt, case type, reimbursement per case and cases resolved; and provided further, that the costs of personnel may be charged to this item \$2,129,818

1150-5116 The Massachusetts commission against discrimination may expend an amount not to exceed \$27,500 from revenues collected from fees charged for the training and certification of diversity trainers for the operation of the discrimination prevention certification program \$27,500

Department of Revenue.

1201-0100 For the operation of the department of revenue, including tax collection administration, audits of certain foreign corporations, and the division of local services; provided, that the department may allocate an amount not to exceed \$250,000 to the office of the attorney general for the purpose of the tax prosecution unit; provided further, that the department may charge the expenses for computer services, including the cost of personnel and other support costs provided to the child support enforcement unit, from this item to item 1201-0160, consistent with the costs attributable to said unit; provided further, that the department may not charge the office of tax policy for said services; provided further, that the department

shall maintain regional offices in the cities of Hyannis, Springfield, Pittsfield, Fall River, and Worcester; and provided further, that the department shall provide to the general court access to the municipal data bank \$109,077,990

General Fund	60.00%
Local Aid Fund	35.00%
Highway Fund	5.00%

1201-0101 The department of revenue may expend an amount not to exceed \$9,000,000 from the revenues collected under the tax amnesty program authorized by section 182 for the costs of administering this program, for discovering and identifying persons who are delinquent either in the filing of any tax return or the payment of any tax due and payable to the commonwealth, for the costs of obtaining those delinquent returns and collecting those delinquent taxes for any prior fiscal year, and for other administrative expenses of the department; provided, that the department shall seek to contract with an outside vendor to enhance the department's capacity to identify unreported income and increase collection of taxes owed to the commonwealth; and provided further, 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 therefore as reported in the state accounting system \$9,000,000

1201-0160 For the child support enforcement unit; provided, that the department may allocate funds appropriated herein to the department of state police, the district courts, the probate and family courts, the district attorneys and other state agencies for the performance of certain child support enforcement activities, and such agencies are hereby authorized to expend said funds for the purposes of this item; provided further, that all such allocations shall be reported quarterly to the house and senate committees on ways and means upon the allocation of said funds; provided further, that the federal receipts associated with the child support computer network shall be drawn down at the highest possible rate of reimbursement and deposited into a revolving account to be

expended for said network; provided further, that federal receipts associated with child support enforcement grants shall be deposited into a revolving account to be drawn down at the highest possible rate of reimbursement and to be expended for the grant authority, so-called; provided further, that the department shall file quarterly reports with the house and senate committees on ways and means, detailing the balance, year-to-date and projected receipts and year-to-date and projected expenditures, by subsidiary, of the child support trust fund established pursuant to section 9 of chapter 119A of the General Laws; and provided further, that the department shall file a performance report with the house and senate committees on ways and means on or before January 15, 2003 detailing current staffing levels by function and performance indicators, including, but not limited to, TAFDC and non-TAFDC caseloads, collection levels, court cases, paternities established, court orders established, average employee workload, federal reimbursements, projections of said indicators for the remainder of the fiscal year and any deviations of current performance from previous projections \$45,779,169
General Fund 97.80%
Child Support Fines and Penalties Fund 2.20%

1201-0163 For the child support enforcement division provided, that said 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 \$6,547,280

1231-1000 For the Commonwealth Sewer Rate Relief Fund established by section 2Z of chapter 29 of the General Laws \$55,500,000
Local Aid Fund 100.00%

1231-1020 For a program of loans, loan purchases or loan guarantees or interest subsidies to assist homeowners, homeowner associations or condominium associations in complying with revised state environmental code for subsurface disposal of sanitary waste, Title V, so called; provided, that said program shall be in addition to the loan program established pursuant to item 2200-9959 in section 2 of chapter 85 of the acts of 1994; provided further, that the department may contract with third parties, including, but not limited to, commonwealth-based financial institutions to manage said program; provided further, that the department and said third parties shall take all

steps necessary to minimize said program's administrative costs; provided further, that such loans, loan purchases or loan guarantees shall be available on the basis of a sliding scale that relates a homeowner's income and assets to the cost of Title V compliance; provided further, that interest subsidies shall be means-tested and may be for zero-interest loans pursuant to income standards developed by the department; and provided further, that the department of revenue shall consult with the department of environmental protection in developing rules, regulations and guidelines for said program, prior appropriation continued.

1232-0100	For underground storage tank reimbursements to parties that have remediated spills of petroleum products pursuant to chapter 21J of the General Laws	\$19,200,000
	Underground Storage Tank Petroleum Product Cleanup Fund	100.00%
1232-0200	For the Underground Storage Tank Petroleum Cleanup Fund Administrative Review Board pursuant to chapter 21J of the General Laws and for the administration of the underground storage tank program associated with the implementation of chapter 21J of the General Laws; provided, that notwithstanding section 4 of chapter 21J or any other general or special law to the contrary, appropriations made in this item shall be sufficient to cover said administrative expenses of the underground storage tank program; provided further, that the board shall submit to the house and senate committees on ways and means a report on the status of the underground storage program, including, but not limited to, the number of municipal grants made for the removal and replacement of underground storage tanks and the reimbursements for remediated petroleum spills; provided further, that the report shall detail how many tanks are out of compliance with chapter 21J; and provided further, that the report shall be submitted not later than February 16, 2003	\$1,428,651
	Underground Storage Tank Petroleum Product Cleanup Fund	100.00%
1232-0300	For underground storage tank municipal grants to remove and replace such tanks pursuant to section 2 of chapter 21J of the General Laws and section 37A of chapter 148 of the General Laws	\$2,000,000

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	Underground Storage Tank Petroleum	
	Product Cleanup Fund	100.00%
1233-2000	For reimbursing cities and towns for taxes abated pursuant to clauses Seventeenth, Twenty-second, Twenty-second A, Twenty-second B, Twenty-second C, Twenty-second E and Thirty-seventh of section 5 of chapter 59 of the General Laws	\$8,400,000
	Local Aid Fund	100.00%
1233-2010	For reimbursing cities and towns for tax abatements granted to certain homeowners over the age of 65 pursuant to clause Fifty-second of section 5 of chapter 59 of the General Laws	\$9,655
1233-2310	For reimbursing cities and towns for taxes abated pursuant to the clauses Forty-first, Forty-first B and Forty-first C of section 5 of chapter 59 of the General Laws; provided, that the commonwealth shall reimburse each city or town that accepts the provisions of said clause forty-first B or clause forty-first C for additional costs incurred in determining eligibility of applicants under said clauses in an amount not to exceed \$2 per exemption granted	\$9,890,345
	Local Aid Fund	100.00%

Appellate Tax Board.

1310-1000	For the operation of the appellate tax board; provided, that the board shall schedule hearings in Barnstable, Gardner, Lawrence, Milford, Northampton, Pittsfield, Springfield, Worcester and southeastern Massachusetts; provided further, that the board shall report to the house and senate committees on ways and means on the number of hearings held at each location; and provided further, that notwithstanding section 14 of chapter 58 of the General Laws, the town of Hadley may submit and the appellate tax board shall review a written application for a correction, under sections 13 or 15 of said chapter, within 180 days after receipt of the determination of value by the commissioner of revenue	\$1,677,359
1310-1001	The appellate tax board may expend revenues up to a maximum of \$300,000 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	\$300,000

Office of Tax Policy Analysis.

1350-0100 For the administration of the office of tax policy analysis established pursuant to Chapter 58B of the General Laws; provided that said office shall not be subject to the control or supervision of the department of revenue, or the secretary of administration and finance; provided further, that said office shall submit to the house and senate committees on ways and means, and the secretary of administration and finance, monthly tax collection reports not later than the second business day of the following month that detail levels of tax collection including but not limited to, income, corporate, and sales; provided further, that said reports shall detail anticipated levels of tax collection based on the consensus tax revenue estimate, so-called; provided further, that said office shall submit a report to the house and senate committees on ways and means, and the secretary of administration and finance, detailing the collection of taxes from capital gains, bonuses, and dividends for the tax years 1991 to 2001, inclusive; provided further, that said office shall take all steps necessary to track and report on tax collections from capital gains, bonus income, and dividend income beginning in fiscal year 2003; and provided further, that notwithstanding the provisions of any general or special law to the contrary, charges for the cost of data services required for the development of tax policy analysis and revenue estimates shall not be charged by the Department of Revenue \$1,000,000

General Fund	60.00%	
Local Aid Fund	35.00%	
Highway Fund	5.00%	

Department of Veterans Services.

0610-0093 For the purposes of allowing the department of veterans' services to make bonus payments to Persian Gulf war veterans; provided, that all such payments shall be consistent with the purposes of the trust instrument for "A Hero's Welcome Trust Fund" \$23,000

A Hero's Welcome Trust Fund	100.00%	
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1410-0010 For the operation of the office of veterans' services; provided, that not less than \$10,000 shall be obligated for a contract with the Korean war veterans committee of Massachusetts for the purpose of maintaining the Massachusetts Korean war

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	memorial located in the shipyard park of the Charlestown navy yard; provided further, that \$10,000 shall be obligated for the purpose of maintaining the Massachusetts Vietnam Veterans Memorial located in the Green Hill Park in Worcester; provided further, that said office shall fund a housing specialist from this item; and provided further, that the department may expend funds for the Glory 54th Brigade	\$2,118,057
1410-0012	For services to veterans, including the maintenance and operation of outreach centers; provided, that said centers shall provide counseling to incarcerated veterans and to Vietnam era veterans and their families who may have been exposed to agent orange; provided further, that not less than \$239,643 shall be obligated for a contract with the Veterans Benefit Clearinghouse in the Roxbury section of Boston; provided further, that not less than \$86,698 shall be obligated for a contract with the Veterans Northeast Outreach Center in the city of Haverhill; provided further, that not less than \$111,152 shall be obligated for a contract with the North Shore Veterans Counseling Center in the city of Beverly; provided further, that not less than \$88,921 shall be obligated for a contract with the Veterans Association of Bristol county in the city of Fall River; provided further, that not less than \$99,000 shall be obligated for a contract with NamVets of the Cape and Islands in the town of Hyannis; provided further, that not less than \$88,921 shall be obligated for a contract with the Outreach Center, Inc., in the city of Pittsfield; provided further, that not less than \$175,353 shall be obligated for a contract with the Montachusett Veterans Outreach Center in the city of Gardner; provided further, that not less than \$88,475 shall be obligated for a contract with the Metrowest/Metrosouth Outreach Center in the town of Framingham; and provided further, that not less than \$88,921 shall be obligated for a contract with the Puerto Rican Veterans Association of Massachusetts, Inc., in the city of Springfield	\$1,091,615
	Local Aid Fund	100.00%
1410-0015	For the women veterans' outreach program	\$40,281
1410-0018	The department may expend for the maintenance and operation of Agawam veterans' cemetery an amount not to exceed \$150,000 from revenue collected from fees, grants, gifts, or other contributions to said cemetery	\$150,000

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- 1410-0100 For the revenue maximization project of the executive office of elder affairs to identify individuals eligible for veterans' pensions who are currently receiving home care and home health services \$126,183
- 1410-0250 For homelessness services, including the maintenance and operation of homeless shelters and transitional housing for veterans; provided, that not less than \$303,966 shall be obligated for a contract with the central Massachusetts shelter for homeless veterans located in the city of Worcester; provided further, that not less than \$352,395 shall be obligated for a contract with the southeastern Massachusetts veterans housing program, Inc. located in the city of New Bedford; provided further, that \$100,350 shall be obligated for a contract with the Veterans Benefit Clearinghouse located in Dorchester; provided further, that not less than \$90,000 shall be obligated for a contract with Unity House located in the city of Gardner; provided further, that not less than \$28,350 shall be obligated for a contract with the Transition House located in the city of Springfield; provided further, that not less than \$51,975 shall be expended for a contract with the Springfield bilingual veterans outreach center for the operation and maintenance of a transitional housing unit at the YMCA of Springfield; provided further, that not less than \$44,888 shall be obligated for a contract with the Mansion located in the city of Haverhill; provided further, that not less than \$28,350 shall be obligated for a contract with the Homestead located in the town of Hyannis; provided further, that not less than \$108,000 shall be obligated for contracts with the veterans hospice homestead in the city of Leominster and the veterans hospice in the town of Fitchburg; provided further, that not less than \$22,500 shall be obligated for a contract with the Turner House located in the town of Williamstown; provided further, that not less than \$73,350 shall be obligated for a contract with the Veterans Benefit Clearinghouse located in Roxbury; provided further, that not less than \$90,000 shall be obligated for a contract with Habitat P.L.U.S. in the city of Lynn; provided further, that not less than \$43,200 shall be obligated for a contract with the Chapin Mansion/Soldiers' home in the city of Holyoke for homeless veterans care; and provided further, that not less than \$22,500 shall be obligated for a contract with the Magu-

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	der House/Soldiers' Home for transitional housing for veterans in the city of Chicopee	\$1,359,824
1410-0251	For homelessness services, including the maintenance and operation of homeless shelters and transitional housing for veterans at the New England Shelter for Homeless Veterans located in the city of Boston	\$2,135,727
1410-0300	For the payment of annuities to certain disabled veterans and the parents and un-remarried spouses of certain deceased veterans; provided, that such payments shall be made pursuant to section 6B of chapter 115 of the General Laws; provided further, that the department shall take reasonable steps to terminate payments upon the death of a recipient; and provided further, that the commissioner of veterans' services shall file with the house and senate committees on ways and means a report detailing the number of applications received for annuities offered under this program at the end of each fiscal quarter	\$11,002,311
1410-0400	For reimbursing cities and towns for money paid for veterans' benefits and for payments to certain veterans; provided, that said reimbursements shall be made pursuant to section 6 of chapter 115 of the General Laws; provided further, that notwithstanding any general or special law to the contrary, 100 per cent of the amounts of veterans' benefits paid by cities and towns to residents of a soldiers' home shall be paid by the commonwealth to the several cities and towns; provided further, that pursuant to section 9 of said chapter 115, the department shall reimburse cities and towns for the cost of United States flags placed on the graves of veterans on Memorial day; provided further, that notwithstanding any general or special law to the contrary, the commissioner of veterans' services may continue a training program for veterans' agents and directors of veterans' services in cities and towns of the commonwealth; provided further, that the purpose of such training program shall be to maximize federal assistance available for veterans and to assure that such agents and directors receive uniform instruction on providing veterans and dependents with advice relative to procurement of state, federal and local benefits to which they are entitled, including employment, education, health care, retirement and other veterans' benefits; provided further, that the subject matter of such training program shall include benefits available	

under chapter 115 of the General Laws and alternative resources, including those which are partially or wholly subsidized by the federal government, such as Medicaid, Supplemental Security Income, and Social Security Disability benefits, as well as federal pension and compensation entitlements; provided further, that the commissioner shall promulgate regulations for said training program; and provided further, that upon successful participation by such veterans' agents or directors of veterans' services in such training program, the costs of such training program incurred by the several cities and towns shall be reimbursed by the commonwealth on or before November 10 following the fiscal year in which such costs were paid \$10,260,803

Local Aid Fund 100.00%

1410-0630 For the administration of the veterans' cemeteries in the towns of Agawam and Winchendon \$457,424

Reserves.

1599-0002 For contributions toward the maintenance of the old provincial state house \$75,000

1599-0006 For reimbursement to the city of Boston for interest on bonds or notes in anticipation thereof issued under the authority of section 7 of chapter 152 of the acts of 1997 \$1,135,829
 Boston Convention and
 Exhibition Center Fund 100.00%

1599-0009 For the payment of interest and principal on bonds of the commonwealth or notes in anticipation thereof issued under the authority of section 11 of chapter 152 of the acts of 1997 \$14,000,000
 Boston Convention and
 Exhibition Center Fund 100.00%

1599-0033 For a reserve to promote departmental revenue optimization projects authorized by and subject to section 188 of this act . . . \$1,000,000
 Revenue Maximization Fund 100.00%

1599-0035 For certain debt service contract assistance to the Massachusetts Convention Center Authority in accordance with section 39 of chapter 190 of the acts of 1982; provided, that said assistance shall be expended notwithstanding section 35J of chapter 10 of the General Laws \$16,378,338

1599-0036 For the expenses of the Massachusetts Convention Center Authority \$13,733,770

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	Tourism Fund	100.00%	
1599-0041	For the expenses of the commission on end of life care as established by section 480 of chapter 159 of the acts of 2000; provided, that notwithstanding the provisions of any general or special law, the membership of said commission shall consist of 16 members; and provided further, that one member of said commission shall be from the Massachusetts extended care foundation		\$75,000
1599-0049	For contract assistance payments to the Foxborough Industrial Development Finance Authority in accordance with section 8 of chapter 16 of the acts of 1999		\$5,339,315
1599-0093	For contract assistance to the water pollution abatement trust for debt service obligations of the trust, in accordance with the provisions of sections 6 and 6A of chapter 29C of the General Laws; provided, that the executive office of administration and finance and the state treasurer shall, in conjunction with the department of environmental protection and the state revolving fund administration, examine and report on the status of clean and drinking water state revolving funds to be administered in the fiscal year 2005 and beyond; provided further, that said report shall include, but not be limited to, the number of ongoing projects, projected numbers of projects to be undertaken over the next 10 years, the status of the leveraging ratio of the fund, recommendations for changing or maintaining the current leveraging ratio, and projections of the commonwealth's contract assistance payments over said time period; provided further, that notwithstanding the provisions of any general or special law to the contrary, the water pollution abatement trust board is hereby directed to leverage funds in the water pollution abatement trust for disbursement to finance projects authorized pursuant to chapter 29C of the General Laws on the basis of a 3-to-1 ratio; provided further, that if in the opinion of the state treasurer, such 3-to-1 leveraging is not feasible, the proceeding provisions shall not apply; and provided further, that the treasurer shall notify the secretary of administration and finance, the house and senate committees on ways and means, the commissioner of the department of environmental protection, and the joint committee on natural resources upon making any such determination		\$45,970,130
	Local Aid Fund	100.00%	

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1599-1970	For a reserve for the Massachusetts turnpike authority for costs incurred in fiscal year 2002 for the operation and maintenance of the central artery/ tunnel project pursuant to chapter 235 of the acts of 1998	\$7,604,617
1599-1971	For the cost of hired and leased equipment, vehicle repair, and sand, salt, and other control chemicals used for snow and ice control; provided, that the secretary of administration and finance shall submit to the house and senate committee on post audit and oversight and the house and senate committees on ways and means a report no later than October 1, 2002 which shall include, but not be limited to, the following: (a) a list of amounts paid to each vendor from state appropriations for snow and ice control efforts for fiscal years 1997, 1998, 1999, 2000, 2001, and 2002; (b) a comparison of the average snowfall by county as reported by the national weather service and the amount of state snow and ice control effort funds appropriated by county for fiscal years 1997, 1998, 1999, 2000, 2001, and 2002; (c) a detailed account of the administrative oversight exercised by either the secretary of administration and finance, the secretary of transportation and construction, or the department of highways for snow and ice control efforts, including an explanation of measures taken to verify services provided, audit vendor payment vouchers, or any other measures taken to ensure accountability relative to the expenditure of the state funds for snow and ice control efforts; (d) a comparison delineated by county of the commonwealth of the amounts expended on snow and ice control efforts to the daily snowfall amounts as reported by the national weather service; and (e) any other information that said secretary determines is necessary to account for and explain the extraordinary expenditure of state appropriations for the control and removal of snow and ice; and provided further, that no funds shall be expended from this appropriation until said secretary, the commissioner of the department of highways and any other officer of the commonwealth involved in snow and ice control efforts has submitted all documentation, testimony, data and other information as required by the provisions of this appropriation	\$15,000,000
1599-3234	For the commonwealth's south Essex sewerage district debt service assessment	\$96,156

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1599-3837	For the payment to the water pollution abatement trust to fund financial assistance to municipalities and other eligible borrowers to meet debt service obligations incurred by said municipalities and other eligible borrowers after January 1, 1992, to finance the costs of water treatment projects or portions thereof which have been approved by the department of environmental protection, or otherwise authorized by law, and which have been completed, as determined by said department, on or prior to the promulgation date of said department's regulations related to the implementation of the federal Safe Drinking Water Act, so-called	\$8,000,000
	Local Aid Fund	100.00%
1599-3838	For a reserve for payment to the water pollution abatement trust to finance the costs of water treatment projects or portions thereof which have been approved by the department of environmental protection, or otherwise authorized by law, after the promulgation date of said department's regulations related to the implementation of the federal Safe Drinking Water Act, so-called	\$4,700,000
	Local Aid Fund	100.00%
1599-3856	For rent and associated costs at the Massachusetts information technology center in Chelsea	\$7,115,000
	State Building Management Fund	100.00%
1599-3857	For capital lease payments from the university of Massachusetts to the Massachusetts development finance agency and for annual operations of the advanced technology and manufacturing center in Fall River	\$1,100,884
1599-4116	For a reserve to meet the fiscal year 2002 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Berkshire Sheriff's office and the Service Employees International Union, Local 254, Unit SB1, and to meet the fiscal year 2002 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover those; and provided further, that said	

	secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2002 such amounts as are necessary to meet those 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	\$815,000
1599-4117	For a reserve to meet the fiscal year 2001 and 2002 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the commonwealth and the Service Employees International Union, Local 254, Unit SC2, for the Berkshire county registry of deeds and to meet the fiscal year 2001 and 2002 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover those positions; and provided further, that said secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2001 and 2002 such amounts as are necessary to meet those 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	\$55,000
1599-4118	For a reserve to meet the fiscal year 2000, 2001 and 2002 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the commonwealth and the Service Employees International Union, AFL-CIO, Local 285, for the Suffolk county registry of deeds and to meet the fiscal year 2000, 2001 and 2002 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary	

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of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover those positions; and provided further, that said secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2002 such amounts as are necessary to meet those 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 \$350,000

1599-4119 For a reserve to meet the fiscal year 2000, 2001 and 2002 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the commonwealth and the American Federation of State, County and Municipal Employees, Council 93, Local 653, AFL-CIO, for the Essex county registry of deeds and to meet the fiscal year 2000, 2001 and 2002 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover said positions; and provided further, that said secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2002 such amounts as are necessary to meet those 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 \$255,000

1599-4120 For a reserve to meet the fiscal year 2001 and 2002 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the commonwealth and the American Federation of State, County and Municipal Employees, Council 93, Local 653, AFL-CIO, for the Essex County registry of deeds and to meet the fiscal year

	2001 and 2002 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover those positions; and provided further, that said secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2002 such amounts as are necessary to meet those 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	\$175,000
1599-4121 For	a reserve to meet the fiscal year 2002 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the University of Massachusetts and the Massachusetts Society of Professors/Faculty Staff Union/MTA/NEA and to meet the fiscal year 2002 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover those positions; and provided further, that said secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2002 such amounts as are necessary to meet those 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	\$6,340,000
1599-4122 For	a reserve to meet the commonwealth's obligations for fiscal years 2002, 2003 and 2004 pursuant to the provisions of article 26.13 of the collective bargaining agreement between	

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- the University of Massachusetts and the Massachusetts Society of Professors/Faculty Staff Union/MTA/NEA regarding professional growth and development; provided, that the secretary of administration and finance may allocate during said fiscal years from the sum appropriated in this item such amounts as are necessary to meet the costs of those obligations; and provided further, that this appropriation shall expire on June 30, 2004 \$2,525,000
- 1599-4123 For a reserve to meet the fiscal year 2002 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the University of Massachusetts and the Professional Staff Union, Local 509, Service Employees International Union, AFL-CIO/CLC, and to meet the fiscal year 2002 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover those positions; and provided further, that said secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2002 such amounts as are necessary to meet those costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means \$3,350,000
- 1599-4124 For a reserve to meet the commonwealth's obligations for fiscal years 2002, 2003 and 2004 pursuant to the provisions of clauses I and J of article 31.1 of the collective bargaining agreement between the University of Massachusetts and the Professional Staff Union, Local 509, Service Employees International Union, AFL-CIO/CLC, regarding professional development, licensure and certification; provided, that the secretary of administration and finance may allocate during said fiscal years from the sum appropriated in this item such

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	amounts as are necessary to meet the costs of those obligations; and provided further, that this appropriation shall expire on June 30, 2004	\$1,350,000
1599-4125	For a reserve to meet the fiscal year 2002 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the University of Massachusetts and the University Staff Association/Massachusetts Teachers Association/NEA and to meet the fiscal year 2002 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover those positions; and provided further, that said secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2002 such amounts as are necessary to meet those costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means	\$1,045,000
1599-4126	For a reserve to meet the fiscal year 2001 and 2002 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the University of Massachusetts and the International Brotherhood of Police Officers, Local 432, Units A and B, and to meet the fiscal year 2001 and 2002 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover those positions; and provided further, that said secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2002	

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- such amounts as are necessary to meet those 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 \$197,000
- 1599-4127 For a reserve to meet the fiscal year 2001 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the University of Massachusetts and the International Brotherhood of Teamsters, Local 25, and to meet the fiscal year 2001 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover those positions; and provided further, that said secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2002 such amounts as are necessary to meet those 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 \$60,000
- 1599-4128 For a reserve to meet the fiscal year 2001 and 2002 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the University of Massachusetts and the International Brotherhood of Police Officers, Local 399, and to meet the fiscal year 2001 and 2002 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover those positions; and provided further, that said secretary may transfer from the sum appropriated in

	this item to other items of appropriation and allocations thereof for fiscal year 2002 such amounts as are necessary to meet those 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	\$139,000
1599-4129	For a reserve to meet the fiscal year 2002 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the University of Massachusetts and the American Federation of State, County and Municipal Employees, AFL-CIO, Council 93, Local 507, and to meet the fiscal year 2002 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover those positions; and provided further, that said secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2002 such amounts as are necessary to meet those 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	\$224,000
1599-4130	For a reserve to meet the fiscal year 2002 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the University of Massachusetts and the National Association of Government Employees, Local 245, and to meet the fiscal year 2002 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in effect which	

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	otherwise would cover those positions; and provided further, that said secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2002 such amounts as are necessary to meet those 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	\$135,000
1599-4131	For a reserve to meet the fiscal year 2002 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the University of Massachusetts and the American Federation of Teachers, Local 1895, AFL CIO, Faculty Federation, and to meet the fiscal year 2002 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover those positions; and provided further, that said secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2002 such amounts as are necessary to meet those costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means	\$1,422,000
1599-4132	For a reserve to meet the commonwealth's obligations for fiscal years 2002, 2003 and 2004 pursuant to section C of article XI of the collective bargaining agreement between the University of Massachusetts and the American Federation of Teachers, Local 1895, AFL-CIO, Faculty Federation, regarding professional development and research assistance; provided, that the secretary of administration and finance may allocate during said fiscal years from the sum appropriated in this item such amounts as are necessary to meet the costs of those obligations; and provided further, that this appropriation shall expire on June 30, 2004	\$576,000

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- 1599-4133 For a reserve to meet the fiscal year 2002 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the University of Massachusetts and the American Federation of Teachers, Local 1895, AFL CIO, Educational Services Unit, and to meet the fiscal year 2002 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover those positions; and provided further, that said secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2002 such amounts as are necessary to meet those 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 \$329,000
- 1599-4134 For a reserve to meet the commonwealth's obligations for fiscal years 2002, 2003 and 2004 pursuant to clause 7 of article VI of the collective bargaining agreement between the University of Massachusetts and the American Federation of Teachers, Local 1895, AFL-CIO, Educational Services Unit, regarding professional development and research assistance; provided, that the secretary of administration and finance may allocate during said fiscal years from the sum appropriated in this item such amounts as are necessary to meet the costs of those obligations; and provided further, that this appropriation shall expire on June 30, 2004 \$134,000
- 1599-4135 For a reserve to meet the fiscal year 2001 and 2002 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the University of Massachusetts and the International Association of Police Officers and to meet the fiscal year 2001 and 2002 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be

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covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover those positions; and provided further, that said secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2002 such amounts as are necessary to meet those 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 \$285,000

1599-4136 For a reserve to meet the fiscal year 2002 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the University of Massachusetts and the Massachusetts Society of Professors/Lowell and to meet the fiscal year 2002 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover those positions; and provided further, that said secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2002 such amounts as are necessary to meet those costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means \$1,787,000

1599-4137 For a reserve to meet the commonwealth's obligations for fiscal years 2002, 2003 and 2004 pursuant to clause C of article XIX of the collective bargaining agreement between the University of Massachusetts and the Massachusetts Society of Professors/Lowell regarding professional growth and development; provided, that the secretary of administration and finance may allocate during said fiscal years from the sum

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- appropriated in this item such amounts as are necessary to meet the costs of those obligations; and provided further, that this appropriation shall expire on June 30, 2004 \$705,000
- 1599-4138 For a reserve to meet the fiscal year 2002 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the University of Massachusetts and the American Federation of State, County and Municipal Employees, AFL-CIO, Council 93, Local 1776, and to meet the fiscal year 2002 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover those positions; and provided further, that said secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2002 such amounts as are necessary to meet those 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 \$880,000
- 1599-4139 For a reserve to meet the fiscal year 2002 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the board of higher education and the Association of Professional Administrators, MTA/NEA, and to meet the fiscal year 2002 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover those positions; and provided further, that said secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year

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	2002 such amounts as are necessary to meet those costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means	\$1,840,000
1599-4140 For	a reserve to meet the commonwealth's obligations for fiscal years 2002, 2003 and 2004 pursuant to article XIII of the collective bargaining agreement between the board of higher education and the Association of Professional Administrators, MTA/NEA, regarding professional growth and development; provided, that the secretary of administration and finance may allocate during said fiscal years from the sum appropriated in this item such amounts as are necessary to meet the costs of those obligations; and provided further, that this appropriation shall expire on June 30, 2004	\$380,000
1599-4141 For	a reserve to meet the fiscal year 2002 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the University of Massachusetts and the Graduate Employee Organization, Local 2322, UAW, and to meet the fiscal year 2002 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover those positions; and provided further, that said secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2002 such amounts as are necessary to meet those 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	\$693,000
1599-4142 For	a reserve to meet the commonwealth's obligations for fiscal years 2002, 2003 and 2004 pursuant to article 24 of the collective bargaining agreement between the University of Massachusetts and the Graduate Employee Organization, Lo-	

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- cal 2322, UAW, regarding professional growth and development; provided, that the secretary of administration and finance may allocate during said fiscal years from the sum appropriated in this item such amounts as are necessary to meet the costs of those obligations; and provided further, that this appropriation shall expire on June 30, 2004 \$255,000
- 1599-4143 For a reserve to meet the fiscal year 2002 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the University of Massachusetts and the Service Employees' International Union, Local 509, Unit B, and to meet the fiscal year 2002 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover those positions; and provided further, that said secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2002 such amounts as are necessary to meet those 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 \$50,000
- 1599-4144 For a reserve to meet the fiscal year 2001 and 2002 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the University of Massachusetts and the International Brotherhood of Teamsters, Local 25, and to meet the fiscal year 2001 and 2002 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in

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effect which otherwise would cover those positions, and provided further, that said secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2002 such amounts as are necessary to meet those 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 \$96,000

1599-4145 For a reserve to meet the fiscal year 2002 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the University of Massachusetts and the Service Employees' International Union, Local 254, AFL-CIO, CLC, Clerical-Technical Unit, and to meet the fiscal year 2002 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover those positions; and provided further, that said secretary may transfer from the sum appropriated to other items of appropriation and allocations thereof for fiscal year 2002 such amounts as are necessary to meet those 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 \$83,000

1599-4146 For a reserve to meet the fiscal year 2002 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the University of Massachusetts and the Service Employees' International Union, Local 254, AFL-CIO, CLC, Professional/Mid-Management Unit, and to meet the fiscal year 2002 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be

covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover those positions; and provided further, that said secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2002 such amounts as are necessary to meet those 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 \$730,000

1599-4147 For a reserve to meet the commonwealth's obligations for fiscal years 2002, 2003 and 2004 pursuant to article XII of the collective bargaining agreement between the University of Massachusetts and the Service Employees' International Union, Local 254, AFL-CIO, CLC, Professional/Mid-Management Unit, regarding professional growth and development; provided, that the secretary of administration and finance may allocate during said fiscal years from the sum appropriated in this item such amounts as are necessary to meet the costs of those obligations; and provided further, that this appropriation shall expire on June 30, 2004 \$298,000

1599-4149 For a reserve to meet the fiscal year 2002 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the University of Massachusetts and the National Association of Government Employees, and to meet the fiscal year 2002 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover those positions; and provided further, that said secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2002 such amounts as are necessary to meet those costs where

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- 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 \$142,000
- 1599-4150 For a reserve to meet the fiscal year 2002 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the University of Massachusetts and the Graduate Employee Organization, Local 1596, UAW, and to meet the fiscal year 2002 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover those positions; and provided further, that said secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2002 such amounts as are necessary to meet those 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 \$93,000
- 1599-4151 For a reserve to meet the fiscal year 2002 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the University of Massachusetts and the Graduate Employee Organization Boston, Local 1596, UAW, and to meet the fiscal year 2002 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover those positions; and provided further, that said secretary may transfer from the sum appropriated in this item to other items of appropriation

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	and allocations thereof for fiscal year 2002 such amounts as are necessary to meet those 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	\$192,000
1599-4152	For a reserve to meet the commonwealth's obligations for fiscal years 2002, 2003 and 2004 pursuant to article 13.04 of the collective bargaining agreement between the University of Massachusetts and the Graduate Employee Organization Boston, Local 1596, UAW, regarding professional development and research; provided, that the secretary of administration and finance may allocate during said fiscal years from the sum appropriated in this item such amounts as are necessary to meet the costs of those obligations; and provided further, that this appropriation shall expire on June 30, 2004	\$42,000
1599-4153	For a reserve to meet the fiscal year 2002 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the board of higher education and the American Federation of State, County and Municipal Employees, Council 93, Local 1067, AFL-CIO, and to meet the fiscal year 2002 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover those positions; and provided further, that said secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2002 such amounts as are necessary to meet those costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means	\$3,238,000
1599-6901	For a reserve to adjust the wages, compensation or salary and associated employee-related costs to personnel earning less	

than \$20,000 in annual compensation who are employed by private human service providers that deliver human and social services under contracts with departments within the executive office of health and human services and the executive office of elder affairs; provided, that the secretary of administration and finance is hereby authorized to allocate the funds appropriated herein to the departments in order to implement this initiative; provided further, that the operational services division shall condition the expenditure of such reserve upon assurances that such funds shall be used solely for the purposes of such adjustments to wages, compensation or salary; provided further, that the division shall submit to the house and senate committees on ways and means a report delineating the number of employees, by job title and average salary, receiving such adjustment in fiscal year 2003 and the average percentage adjustment funded by this reserve; provided further, that the report shall also include, for each contract scheduled to receive any allocation from this item in each such department, the total payroll expenditures in each contract for the categories of personnel scheduled to receive such adjustments; provided further, that no funds from this item shall be allocated to special education programs under chapter 71B of the General Laws, contracts for child care services or programs for which payment rates are negotiated and paid as class rates as established by the division of health care finance and policy; provided further, that no funds shall be allocated from this item to contracts funded exclusively by federal grants as delineated in section 2D; provided further, that the total fiscal year 2003 cost of salary adjustments and any other associated employee costs authorized thereunder shall not exceed \$5,000,000; provided further, that \$1,000,000 shall be expended in fiscal year 2003 to adjust the wages, compensation or salary and associated employee-related costs to personnel earning more than \$20,000 and not more than \$22,500 in annual compensation who are employed by private human service providers that deliver human and social services under contracts with departments within the executive office of health and human services and the executive office of elder affairs; and provided further, that the annualized cost of the adjustments in fiscal year 2004 shall not exceed the amount appropriated herein . . . \$6,000,000

1599-6902 For a commission to study the fiscal, economic and social implications of the proposed expansion of legalized gaming in the commonwealth; provided, that it is hereby found and declared that such proposed expansion in various forms and scope warrants particularly careful consideration in order to protect the short and long term interests of all of the citizens of the commonwealth; provided further, that it is also found and declared that the research conducted relative to the effects of casino gaming and other forms of gaming on the economic, social, cultural and fiscal well-being of host states and localities has yielded conflicting results; provided further, that it is in the interest of the commonwealth, its political subdivisions and its citizens to investigate this issue thoroughly in order to ensure that any potential expansion of legalized gaming be effectuated through legislation that first and foremost protects the interests of the citizens of the commonwealth; provided further, that it shall be the mission of the commission established and funded herein to research comprehensively and identify specifically the potential effects, positive and negative, of gaming expansion on the economic, social, cultural and fiscal well-being of the commonwealth, its localities and citizens; provided further, that the commission's evaluation shall include, but not be limited to, consideration of the commonwealth's potential duties and obligations relative the federal Indian Gaming Regulatory Act of 1988, 25 U.S.C. { 29-2701 - { 29-2721; provided further, that said commission shall consist of 21 voting members: three appointed by the Governor; five appointed by the speaker of the house of representatives; one appointed by the minority leader of the house of representatives; five appointed by the president of the senate; one appointed by the minority leader of the senate; three appointed by the attorney general, one of whom shall represent the Massachusetts District Attorneys Association, one of whom shall represent the Massachusetts Municipal Association, and one of whom shall represent the Associated Industries of Massachusetts; three appointed by the treasurer and receiver general, one of whom shall represent the Massachusetts State Lottery; and provided further, that the commission shall submit a report on its findings and recommendations to the clerks of the house and the senate not later than December 1, 2002 \$100,000

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Massachusetts Tourism Fund	100.00%	
1599-7014 For a reserve for the facilities costs associated with the college of visual and performing arts at the university of Massachusetts at Dartmouth; provided, that funds may be expended for Bristol community college		\$2,730,267
1599-7092 For a reserve for the county correctional programs; provided that, not withstanding any general or special laws to the contrary, the sheriffs, in conjuncture with the county government finance review board, shall develop a plan with the comptroller's office to collect and report all revenue collection and all spending on the Massachusetts Management Accounting Reporting System; provided further that the comptroller shall not transfer the funds from this item to item 8910-0000 until 60 days has passed from the implementation of said plan; provided further, that the county government finance review board shall, by January 1, 2003, have developed a plan for the spending of all funds for fiscal year 2003, and developed a sound fiscal spending plan for fiscal year 2004; provided further, that said board shall build the spending plans with the direct input of the seven sheriffs still functioning under the county government system; provided further, that by January 15, 2003 the board shall report all spending plans to the house and senate committees on ways and means; provided further, that the information shall satisfy all fiscal requirements for a maintenance level of funding, including, but not limited to, collective bargaining increases, legal fees, debt services, one time costs, energy costs, equipment leases, medical costs, and workers compensation issues; provided further, that no other spending information or requests shall be submitted to the house and senate committees on ways and means by the individual sheriffs until February 15, 2003; provided further, that the board shall also provide a projection of all county funds to be collected for fiscal year 2003 and 2004; provided further, that the board shall release all funds from fiscal year 2003 quarterly; and provided further, that any sheriff that spends more than his quarterly approved budget shall have the money allocated to him for the following quarter reduced by the excess amount overspent in the previous quarter		\$39,319,632
Local Aid	100.00%	

Division of Human Resources.

1750-0100 For the operation of the human resources division; provided, that the division shall be responsible for the administration of examinations for state and municipal civil service titles, establishment of eligible lists, certification of eligible candidates to state and municipal appointing authorities, technical assistance in selection and appointment to state and municipal appointing authorities; provided further, that notwithstanding clause(n) of section 5 of chapter 31 of the General Laws or any other general or special law to the contrary, the commissioner of administration shall charge a fee of \$50 to be collected from each applicant for a civil service examination; provided further, that no funds shall be obligated for purposes of executive search programs except any executive search program which may be conducted pursuant to Executive Order 227 adopted on February 25, 1983; provided further, that the division shall administer a program of state employee unemployment management, including, but not limited to, agency training and assistance; provided further, that the division shall administer the statewide classification system, including, but not limited to, maintaining a classification pay plan for civil service titles within the commonwealth in accordance with generally accepted compensation standards and reviewing appeals for reclassification; provided further, that upon certification of any open competitive list for a public safety position in a city or town, the personnel administrator shall cause to be published in a newspaper of general circulation in a city or town, public notice that such eligible list has been certified along with the notice of the last date to respond to the notice of circulation; provided further, that the secretary of administration and finance shall file with the house and senate committees on ways and means the amounts of any and all economic benefits necessary to fund any incremental cost items contained in any collective bargaining agreements with the various classified public employees' unions; and provided further, that the nature and scope of economic proposals contained in such agreements shall include all fixed percentage or dollar based salary adjustments, non-base payments or other forms of compensation and all supplemental fringe benefits resulting in any incremental costs; and

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provided further, that any employee of the commonwealth who chooses to participate in a bone marrow donor program or an organ donor transplant program shall be granted a leave of absence with pay to undergo the medical procedure and for associated physical recovery time, but this leave shall not exceed 5 days \$3,726,865

1750-0102 The human resources division may expend revenues up to a maximum of \$1,150,000 from fees charged to applicants for civil service and non-civil service examinations and fees charged for the costs of goods and services rendered in administering training programs; provided, that the division shall collect from participating non-state agencies, political subdivisions, and the general public fees sufficient to cover all costs of the programs, including, but not limited, a fee to be collected from each applicant for a civil service examination or non-civil examination, notwithstanding paragraph(n) of section 5 of chapter 31 of the General Laws or any other general or special law to the contrary; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the division may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate therefor as reported in the state accounting system . . . \$1,150,000

1750-0111 For the planning and implementation of a civil service continuous testing program; provided, that the division shall file quarterly reports with the house and senate committees on ways and means detailing the number of tests administered and the amount of revenue collected through said program . . . \$204,059

 Local Aid Fund 65.00%

 General Fund 35.00%

1750-0115 For the operation of the bypass appeals process program; provided, that the division shall report annually to the house and senate committees on ways and means on the number of appeals requested through said program, the number of appeals granted through said program and the number of appeals resulting in the hiring of the appellant \$118,382

1750-0116 The division may expend an amount not to exceed \$150,000 for the operation of the continuous testing program, from fees charged to participants in said program; provided, that for the

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	purpose of accommodating discrepancies between the receipts 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	\$150,000
1750-0119	For payment of workers' compensation benefits to certain former employees of Middlesex and Worcester counties; provided, that the division shall routinely re-certify said former employees pursuant to current workers' compensation procedures	\$188,540
1750-0120	For the costs of administration, training, and customer support related to the commonwealth's human resources and compensation management system	\$677,275
1750-0200	For implementation of the medical and physical fitness standards program established pursuant to sections 61A and 61B of chapter 31 and chapter 32 of the General Laws; provided, that the personnel administrator shall charge a fee of not less than \$50 to be collected from each applicant who participates in the physical ability test; provided further, that the human resources division shall submit a semi-annual report to the house and senate committees on ways and means detailing all expenditures on said program including, but not limited to, the costs of personnel, consultants, administration of the wellness program, establishment of standards and any other related costs of said program; and provided further, that said division shall report to the house and senate committees on ways and means by February 1, 2003 on the projected costs of said program for fiscal year 2003	\$684,166
1750-0300	For the commonwealth's contributions in fiscal year 2003 to health and welfare funds established pursuant to certain collective bargaining agreements; provided, that such contributions shall be calculated as provided in the applicable collective bargaining agreement and shall be paid to such health and welfare trust funds on a monthly basis or on such other basis as the applicable collective bargaining agreement provides	\$20,000,000

Division of Operational Services.

1775-0100	For the operation of the operational services division	\$2,018,569
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- 1775-0110 The operational services division may expend for the costs associated with the Comm-PASS computer system an amount not to exceed \$20,000 from revenues collected from the use of Comm-PASS by government entities other than state agencies and the sale of advertising space on Comm-PASS \$20,000
- 1775-0600 The operational services division may expend revenues collected up to a maximum of \$53,238 from the sale of state surplus personal property, including the payment, expenses and liabilities for the acquisition, warehousing, allocation and distribution of surplus property; provided, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the operational services division may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system, including the costs of personnel \$53,238
- 1775-0700 The operational services division may expend revenues collected up to a maximum of \$53,000 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
- 1775-0900 The operational services division may expend revenues in an amount not to exceed, \$55,000 collected pursuant to chapter 449 of the acts of 1984 and section 4L of chapter 7 of the General Laws, including the costs of personnel, from the sale of federal surplus property, including the payment, expenses and liabilities for the acquisition, warehousing, allocation and distribution of federal surplus property; provided, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the operational services division may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system \$55,000
- 1775-1100 The operational services division may expend revenues in an amount not to exceed \$1,163,538 collected from the disposal of surplus motor vehicles, including, but not limited to, state police vehicles from vehicle accident and damage claims and from manufacturer warranties, rebates and settlements, for the purchase of motor vehicles; provided, that for the purpose of accommodating discrepancies between the receipt of retained

revenues and related expenditures, the operational services division may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system, including the costs of personnel \$1,163,538

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 worldwide web site, 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 an annual status report with the house and senate committees on ways and means by May 15, 2003 with actual and projected savings and expenditures for the audits in the fiscal year ending June 30, 2003; provided further, that the state comptroller shall establish accounts and procedures as he deems appropriate and necessary to assist in accomplishing the purposes of this item; provided further, that any planned information technology development project or purchase by any agency under the authority of the governor for which the total projected cost exceeds \$200,000 including the cost of any related hardware, software, or consulting fees, and regardless of fiscal year or source of funds, shall be reviewed and approved by the chief information officer before such agency may obligate funds for such project or purchase;

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	and provided further, that the chief information officer may establish such rules and procedures as he deems necessary to implement the provisions of this paragraph	\$7,127,476
1790-0300	The information technology division may expend up to a maximum of \$601,337 in revenues collected from the provision of computer resources and services to the general public for the costs of the bureau of computer services, including the purchase, lease or rental of telecommunications lines, services and equipment	\$601,337
1790-0600	For the operation of the commonwealth's data warehouse	\$714,414

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Office of the Secretary.

2000-0100 For the office of the secretary, including the water resources commission, the hazardous waste facility site safety council, the coastal zone management program, environmental impact reviews conducted pursuant to chapter 30 of the General Laws, the mosquito-borne disease vector control program, and a central data processing center for the secretariat; provided, that the secretary of environmental affairs may enter into interagency agreements with any line agency within the secretariat whereby the line agency may render data processing services to said secretary; provided further, that not less than \$45,000 shall be extended as a matching grant to the Mattapoisett River Valley Authority; provided further, that not more than \$250,000 shall be expended for volunteer monitoring grants; provided further, that the secretary of environmental affairs and the commissioners of the department of environmental management and of the department of capital asset management and maintenance shall collaborate on a study to determine amounts of compensation due to the Commonwealth, if any, resulting from conveyances of state lands subject to Article XLVII of the Amendments to the Constitution or interests in such lands, authorized by prior special acts, from 1981 through 2001; provided further, that said commissioners, no later than November 30, 2002, shall file a report with the house and senate committees on ways and means, the joint committee on natural resources and agriculture, and the joint committee on state administration identifying any such compensation owed the Commonwealth and recommending, in each case, an appropriate amount and

form of compensation and proposed method for recovery; provided further, that the department shall conduct a study to determine the costs of repairing and maintaining the seawalls of the commonwealth; provided further, that said study shall be submitted to the house and senate committees on ways and means not later than April 2, 2003; provided further, that not more than \$1,250,000 shall be expended for the Watershed initiative; provided further, that not less than \$50,000 shall be expended for a coastal shore water testing program administered by the coalition for Buzzard's Bay; provided further, that said secretary of environmental affairs in conjunction with the state comptroller shall file a report with the house and senate committees on ways and means not later than January 14, 2003; provided further, that the purpose of said report shall be to examine the structural balances of the budgeted environmental minor funds, so-called; provided further, that said report shall include, but not be limited to, the following funds: the Natural Heritage and Endangered Species fund, the Inland Fisheries and Game fund, the Environmental Challenge fund, the Toxics Use Reduction fund, the Clean Environment fund, the Environmental Permitting and Compliance fund, Underground Storage and Petroleum Products Cleanup fund, the Environmental Law Enforcement fund, the Public Access fund, the Harbor and Inland Water Maintenance fund, the Marine Fisheries fund, the Watershed Management fund, the Clean Air Act Compliance fund, the Second Century fund, the Ponkapoag Recreational fund, the Leo J. Martin Recreation fund, the Brownfields Revitalization fund, and the Safe Drinking Water Act fund; provided further, that said report shall include, but not be limited to, the following: (a) the current fund balances of each said fund, (b) the enabling statutes for each said fund, including amendments thereto, (c) a five year history of spending charged to and revenue credited to each said fund, (d) fiscal years 2002 and 2003 expenditures charged to each said fund by line item and amount, (e) fiscal years 2002 and 2003 revenues credited to each said fund by revenue source and amount, (f) projected revenue for each said fund for fiscal years 2003, 2004, 2005, (g) the structure or formula for each fee that supports each revenue source of each said fund, including the current fee, how long the current fee has been in

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place, the date on which the fee was last changed and by what amount, (h) a comparison of fees charged in other states for similar services or purposes, (i) the current amount of outstanding uncollected fees or fines by each fund, (j) recommendations for changes in fee structures or formulas to correct structural fund deficits, (k) recommendations for consolidation of the environmental minor funds, (l) recommendations for reductions in expenditures to correct structural fund deficits, (m) recommendations to reduce all fund deficits to zero by the end of fiscal year 2005; provided further, that said recommendations shall not include any proposal to deplete amounts from or divert revenues from the General Fund, Local Aid or Highway fund and shall include any legislation necessary to effectuate the orderly and cost-effective implementation of the elimination of said structural minor fund deficits; and provided further, that the comptroller may allocate the costs for such data processing services to the several state and other funds to which items of appropriation of such agencies are charged \$6,703,905

General Fund	75.34%
Local Aid Fund	17.60%
Clean Environment Fund	2.73%
Toxics Use Reduction Fund	1.93%
Harbors and Inland Waterways Fund	1.12%
Environmental Law Enforcement Fund	0.32%
Public Access Fund	0.32%
Marine Fisheries Fund	0.32%
Inland Fisheries and Game Fund	0.32%

2000-9004 For certain payments for the maintenance and use of the trail-side museum and the Chickatawbut Hill center \$439,500

2000-9900 For the office of geographic and environmental information established pursuant to section 4B of chapter 21A of the General Laws \$385,378

2001-1001 The secretary of environmental affairs may expend an amount not to exceed \$50,000 accrued from fees charged to authorities and units of government within the commonwealth, other than state agencies, for the distribution of digital cartographic and other data, and the review of environmental notification forms pursuant to the Massachusetts environmental policy act, for the purposes of providing said services \$50,000

2010-0100 For recycling and related purposes consistent with the recycling plan of the solid waste master plan which includes municipal equipment, a municipal recycling incentive program, recycled product procurement, guaranteed annual tonnage assistance, recycling transfer stations, source reduction and technical assistance, consumer education and participation campaign, municipal household hazardous waste program, the recycling loan program, research and development, recycling market development and recycling business development, and the operation of the Springfield materials recycling facility; provided, that the department shall be prohibited from increasing the number of full time employees paid from this line item above the number assigned to this item on March 1, 2002; provided further, that not less than \$125,000 shall be expended for a public education campaign to encourage participation in existing curbside pick-up recycling programs for the city of Boston; provided further that, not less than \$1,250,000 shall be expended on municipal equipment grants; provided further, that not less than \$2,525,000 shall be expended on municipal recycling incentives; provided further, that funds may be expended for a recycling industry reimbursement program pursuant to section 24I of chapter 43 of the acts of 1997; provided further, that the department of environmental protection shall expend not less than \$1,375,000 for a program to preserve the continuing ability of redemption centers to maintain operations in pursuit of the commonwealth's recycling goals consistent with section 323 of chapter 94 of the General Laws; provided further, that said redemption centers shall be eligible for such funds if they were registered with the commonwealth as of April 1, 2002; provided further, that for the purposes of this item and said chapter 94, a redemption center shall be any business registered with the commonwealth whose primary purpose is the redemption of reusable beverage containers; provided further, that such program shall take into consideration the volume of redeemables per redemption center, the length of time such center has been in operation, the number of returnables redeemed quarterly by such centers, the submission by such centers of documentation of their redeemed returnables to the department, and the costs of transportation, packing, storage and labor; and provided further, that the department

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shall make recommendations to the general court concerning such costs by January 3, 2003 \$8,781,693

Clean Environment Fund 100.00%

2020-0100 For toxics use reduction technical assistance and technology, in accordance with the provisions of chapter 21I of the General Laws \$1,596,731

Toxics Use Reduction Fund 100.00%

Department of Environmental Management.

2100-0005 For the department of environmental management pursuant to the provisions of section 10A½ of chapter 91 of the General Laws; provided, that expenditures from this item shall be solely from the AA subsidiary, so-called \$800,000

Harbors and Inland Waters

Maintenance Fund 100.00%

2100-1000 For the operation of the department of environmental management \$2,236,276

Local Aid Fund 100.00%

2100-2002 The department may expend \$80,000 from revenues received from interstate fire-fighting services authorized under section 44 of chapter 138 of the acts of 1991; provided, that the department may expend from this item an amount equal to out of pocket expenses and the costs of overtime and shift hours worked by employees of the department and the metropolitan district commission from reimbursements collected from the federal government for the costs of interstate fire-fighting; provided further, that the department shall allocate such amounts to the metropolitan district commission for such purposes; and provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department and commission may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system \$80,000

2100-2030 For the recreational and resource conservation operations of the department; provided, that funds appropriated herein shall be used to operate all of the department's parks, heritage state parks, reservations, campgrounds, beaches, and pools, and for the oversight of rinks; provided further, that funds appropriated herein shall be used to protect and manage the

department's lands and natural resources, including the forest and parks conservation services and the bureau of forestry development; provided that the commissioner of environmental management and the commissioner of the division of capital asset management and maintenance shall collaborate with the secretary of environmental affairs on a study, as detailed in item 2000-0100, to be submitted to the house and senate committees on ways and means, the joint committee on natural resources and agriculture, and the joint committee on state administration no later than November 30, 2002; provided further, that not less than \$75,000 shall be expended for the town of Braintree for a conservation and education program; provided further, that no funds from this item shall be made available for payment to true seasonal employees; provided further, that the department is authorized to issue grants to public and non-public entities from this item; provided further, that not less than \$250,000 shall be obligated for the Schooner Ernestina Commission; and provided further, that not less than \$50,000 shall be expended for the promotion of tourism in the city of Fall River \$20,542,416

2100-2032 The department may expend up to \$1,403,394 from new revenues related to the department of environmental management including, but not limited to, 1-time payments received as compensation due to the commonwealth associated with prior conveyances of department of environmental management properties, or easements or other interests in such properties, as identified through the study provided for in item 2000-0100 of section 2, provided further, that funds shall be allocated for expenditure only upon the deposit to the General Fund, in a ratio of 2-to-1, of a corresponding amount of new revenues \$1,403,394

2100-2041 The department may expend revenues collected up to a maximum of \$2,875,000 from fees charged by the department credited to the Second Century Fund for additional expenses, upkeep and improvements to the parks and recreation system of the department; provided, that no funds from this item shall be expended for the costs of personnel, including seasonal employees; and provided further, that the department shall enter into a memorandum of understanding with the town of Natick for access through John J. Lane park to Cochituate state park; provided further, that for the purpose of accommo-

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dating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate therefor as reported in the state accounting system; provided further, that no expenditures made in advance of the receipts shall be permitted to exceed 75 per cent of the amount of revenues projected to be credited to the Second Century fund by the first quarterly statement required by section 1B; provided further, that the comptroller shall notify the budget director and the chairmen of the house and senate committees on ways and means at the time subsequent quarterly statements are published of the variance between actual and projected receipts credited to the Second Century fund in each such quarter and the implications of said variance for expenditures made from the Second Century fund; and provided further, that the department is authorized to issue grants to public and non-public entities from this item \$2,875,000

Second Century Fund 100.00%

2100-2050 The department of environmental management may expend revenues collected up to a maximum of \$395,218 from campsite reservation transactions from the automated campground reservation and registration program; provided, that these funds shall be expended for the operation of this program; provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payments amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system \$395,218

2100-3010 For the seasonal hires of the department, including hires for the fire control unit; provided, that no funds from this item shall be expended for year-round seasonal employees; provided further, that seasonal employees who are hired prior to the second Sunday before Memorial Day and whose employment continues beyond the Saturday following Labor Day and who received health insurance benefits in fiscal year 2002 shall continue to receive such benefits in fiscal year 2003 during the period of their seasonal employment; and provided further, notwithstanding the provisions of section 1 of chapter 31

of the General Laws, seasonal positions funded by this account are positions requiring the services of an incumbent, on either a full-time or less than full-time basis beginning no earlier than April 1 and ending no later than October 31 \$6,274,067

Local Aid Fund 90.00%
Highway Fund 10.00%

Department of Environmental Protection.

2200-0100 For the operation of the department of environmental protection, including the environmental strike force, the office of environmental results and strategic planning, the bureau of resource protection, the Senator William X. Wall experimental station, and a contract with the University of Massachusetts for environmental research, notwithstanding the provisions of section 323F of chapter 94 of the General Laws; provided, that the provisions of section 3B of chapter 7 of the General Laws shall not apply to fees established pursuant to section 18 of chapter 21A of the General Laws; provided further, that enactment of the appropriations made available by this act to the department shall be deemed a determination, pursuant to subsection (m) of section 19 of chapter 21A of the General Laws; provided further, that notwithstanding any general or special law or regulation to the contrary, the said department shall promulgate emergency regulations to increase any existing permit or compliance fee created under section 18 of chapter 21A of the General Laws, that has not been modified more recently than fiscal year 1997 to reflect the increase in the consumer price index since the date the existing fee was established; provided further, that the increase shall take effect during fiscal year 2003 as soon as the emergency regulations are promulgated; provided further, that \$100,000 be expended to the Water Resources Research Center of the University of Massachusetts at Amherst to conduct a study and prepare a report on the laws, regulations, and policies of the commonwealth dealing with water conservation, water resource protection, drought preparedness, and instream flow; provided further, that the report shall identify any inconsistencies or potential inconsistencies of these laws with the federal Clean Water Act; provided further, that the report shall include recommendations for legislative, regulatory, and

policy changes necessary to ensure the preservation of adequate instream flows to protect the native biological communities of the rivers and streams of the commonwealth and to ensure an adequate supply of water to meet the health, safety and economic needs of the public; provided further, that the report shall also make recommendations regarding additional water conservation measures needed to improve the efficiency of residential, commercial, industrial, institutional and agricultural water use in the commonwealth, including, but not limited to, more aggressive leak detection and repair programs, and programs and policies to reduce the amount of water that is unaccounted for, including water meter responsibility and the need for tax credits or other financial incentives to encourage water conservation; provided further, that \$200,000 shall be expended to provide for and test the public water supply in the town of Avon; provided further, that not less than \$100,000 shall be expended for grants to the town of Mendon for testing wells, blood, and remediation of illegal dumping; and provided further, that the Commonwealth make every effort to seek reimbursement from those parties found responsible for said pollution \$30,730,810

- General Fund 37.05%
- Environmental Permitting and Compliance Fund 36.95%
- Clean Environment Fund 26.00%

2210-0100 For the implementation and administration of chapter 21I of the General Laws; provided, that the department shall submit a report to the house and senate committees on ways and means on or before February 1, 2003 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 \$988,526

- Toxics Use Reduction Fund 100.00%

2210-0110 For the second and final year appropriation for the solid waste master plan \$7,000,000

- Clean Environment Fund 100.00%

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,

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the non-auto related state implementation program, and the commonwealth's commitments under the New England Governor's/Eastern Canadian Premier's Action Plans for reducing acid rain deposition and mercury emissions \$1,220,445
Clean Air Act Compliance Fund 100.00%

2220-2221 For the administration and implementation of the operating permit and compliance program required under the federal Clean Air Act \$2,333,394
Clean Air Act Compliance Fund 100.00%

2250-2000 For the purposes of state implementation of the federal Safe Drinking Water Act under section 18A of chapter 21A of the General Laws \$1,798,683
Safe Drinking Water Act Fund 100.00%

2250-2001 For the administration of the state revolving fund \$1,424,834

2260-8870 For the expenses of the hazardous waste cleanup and underground storage tank programs, notwithstanding section 323F of chapter 94 of the General Laws and section 2K of chapter 29 of the General Laws and section 4 of chapter 21J of the General Laws; provided, that the department shall submit a report to the house and senate committees on ways and means on or before October 1, 2002 detailing the number of full-time equivalent positions assigned to tier IA, tier IB, tier IC and tier II projects \$16,002,124
Clean Environment Fund 55.47%
Environmental Challenge Fund 40.33%
Underground Storage Tank Petroleum Product Cleanup Fund 4.20%

2260-8881 For the operations of the board of registration of hazardous waste site cleanup professionals, notwithstanding section 19A of chapter 21A of the General Laws \$334,308
Environmental Challenge Fund 100.00%

Department of Fisheries, Wildlife and Environmental Law Enforcement.

Any federal funds received as reimbursements for expenditures from any of the following items shall be credited to the Inland Fisheries and Game Fund.

2300-0100 For the office of the commissioner of fisheries and wildlife \$550,004
General Fund 62.50%
Environmental Law Enforcement Fund 12.50%
Marine Fisheries Fund 12.50%
Public Access Fund 12.50%

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2300-0101	For a program of riverways protection, restoration and promotion of public access to rivers, including grants to public and non-public entities; provided, that the positions funded in this item shall not be subject to chapter 31 of the General Laws	\$399,880
	Public Access Fund	47.79%
	General Fund	52.21%
2310-0200	For the administration of the division of fisheries and wildlife, including expenses of the fisheries and wildlife board, the administration of game farms and wildlife restoration projects, for wildlife research and management, the administration of fish hatcheries, the improvement and management of lakes, ponds and rivers, for fish and wildlife restoration projects, the commonwealth's share of certain cooperative fishery and wildlife programs, and for certain programs reimbursable under the federal Aid to Fish and Wildlife Restoration Act; provided, that funds from this item shall be made available to the University of Massachusetts at Amherst for the purposes of wildlife and fisheries research in an amount not to exceed the amount received in fiscal year 2002 for such research; provided further, that the department shall expend the amount necessary to restore anadromous fish in the Connecticut and Merrimack river systems; and provided further, that expenditures for such programs shall be contingent upon prior approval of the proper federal authorities for reimbursement of at least 75 per cent of the amount so expended	\$7,239,786
	Inland Fisheries and Game Fund	100.00%
2310-0301	For the operation of a natural heritage and endangered species program	\$652,130
	General Fund	42.00%
	Natural Heritage and Endangered Species Fund	35.70%
	Inland Fisheries and Game Fund	22.30%
2310-0316	For the purchase of land containing wildlife habitat and for the costs of the division of fisheries and wildlife directly related to the administration of the wildlands stamp program pursuant to sections 2 and 2A of chapter 131 of the General Laws; provided, that no funds shall be expended from this item in the AA subsidiary, so-called, for the compensation of state employees assigned to any item of appropriation	\$1,419,000
	Inland Fisheries and Game Fund	100.00%

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2310-0317	For the waterfowl management program pursuant to section 11 of chapter 131 of the General Laws	\$85,000
	Inland Fisheries and Game Fund	100.00%
2320-0100	For the administration of the public access board, including the maintenance, operation, and improvements of public access land and water areas as authorized by section 17A of chapter 21 of the General Laws; provided, that trash dumpsters shall be prohibited in all public landings situated in residential areas; provided further, that the division of fisheries and wildlife shall post signs in said areas prohibiting littering; provided further, that said signs shall require users of said public landings to carry off all personal belongings and trash; and provided further, that positions funded herein shall not be subject to the provisions of chapter 31 of the General Laws	\$385,521
	Public Access Fund	100.00%
2330-0100	For the operation of the division of marine fisheries, including expenses of the Annisquam river marine research laboratory, marine research programs, a commercial fisheries program, a shellfish management program including coastal area classification, mapping and technical assistance, and for the operation of the Newburyport shellfish purification plant and shellfish classification program; provided, that \$300,000 shall be expended on a recreational fisheries program to be reimbursed by federal funds; provided further, that the Newburyport shellfish purification plant shall generate not less than \$115,000 from purification fees; provided further, that not less than \$45,000 shall be expended for shellfish propagation on the islands of Martha's Vineyard and Nantucket to be administered by the state aquaculture coordinator and Dukes and Nantucket counties; provided further, that not less than \$180,000 shall be made available to the School for Marine Science and Technology to help mitigate the negative economic impact to the Massachusetts ports which has resulted from the change in federal fisheries regulations; and provided further, that not less than \$90,000 shall be expended for the joint operation of a shellfish propagation program on Cape Cod between the division and Barnstable County Department of Health and Environment . . .	\$4,016,972
	Marine Fisheries Fund	100.00%
2330-0120	For the division of marine fisheries for a program of enhancement and development of marine recreational fishing	

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	and related programs and activities, including the cost of equipment maintenance, staff and the maintenance and updating of data	\$638,974
	Marine Fisheries Fund	100.00%
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 \$292,898 collected from federal sportfish restoration funds and from the sale of materials which promote marine recreational fishing; and provided further, that this expenditure shall generate an additional \$285,000 reimbursement from the federal sportfish restoration program to the marine fisheries fund	\$292,898
	Marine Fisheries Fund	100.00%
2350-0100	For the operation of the division of environmental law enforcement; provided, that each county shall be assigned at least 1 full-time environmental officer; provided further, that officers shall be assigned to vacant patrol districts; provided further, that officers shall provide monitoring pursuant to the National Shellfish Sanitation Program; and provided further, that no funds from this item shall be expended for the purposes of item 2350-0104	\$9,813,795
	Environmental Law Enforcement Fund	50.66%
	General Fund	34.20%
	Highway Fund	15.14%
2350-0101	For the hunter safety training program	\$473,324
	Inland Fisheries and Game Fund	100.00%
2350-0104	For environmental police private details; provided, that the division may expend revenues of up to \$250,000 collected from fees charged for private details	\$250,000
	Environmental Law Enforcement Fund	100.00%
	<i>Metropolitan District Commission.</i>	
2410-0900	For the personnel costs of the commissioner, associate commissioners and deputy commissioners of the metropolitan district commission; provided, that the commissioner report to the house and senate committees on ways and means not later	

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than December 1, 2002 detailing a plan to fully implement all legislative mandates funded in prior general and supplemental appropriation acts and bond authorizations, including status of all mandates and time-line for completion \$353,323
Local Aid Fund 75.00%
Highway Fund 25.00%

2410-1000 For the administration of the metropolitan district commission and the operation of the construction division; provided, that said commission shall enter into an interagency agreement with the department of state police to provide police coverage on commission properties and parkways; provided further, that said department shall reimburse the commission for costs incurred by the commission including, but not limited to, vehicle maintenance and repairs, the operation of department buildings and other related costs; provided further, that notwithstanding the provisions of any general or special law to the contrary, all offices and positions of the construction division shall be subject to classification under sections 45 to 50, inclusive, of chapter 30 of the General Laws; provided further, that notwithstanding the provisions of section 3B of chapter 7 of the General Laws, the commission is hereby authorized and directed to establish or renegotiate fees, licenses, permits, rents and leases, and to adjust or develop other revenue sources to fund the maintenance, operation, and administration of the commission; provided further, that an annual report shall be submitted to the house and senate committees on ways and means regarding fee adjustments not later than February 14, 2003; provided further, that notwithstanding the provisions of any general or special law or administrative bulletin to the contrary, the department shall not pay any fees charged for the leasing or maintenance of vehicles to the operational services division; provided further, that no funds shall be expended from this item for personnel overtime costs and provided further, that no expenditures shall be made from the amount appropriated other than for those purposes identified herein \$3,225,410
Local Aid Fund 75.00%
Highway Fund 25.00%

2410-1001 The commission may expend \$100,000 for the operation and maintenance of the commission's telecommunications system

from revenues received from the Massachusetts Water Resources Authority, the Massachusetts Convention Center Authority, the department of highways Central Artery/Ted Williams Tunnel Project, the department of state police and quasi-public and private entities through a system of user fees and other charges established by the commissioner; provided, that this item shall not impair or diminish the rights of access and utilization of all current users of the system under agreements previously entered into with the commission; and provided further, that this item may be reimbursed by political subdivisions of the commonwealth and private entities for direct and indirect costs expended by the commission to maintain the telecommunications system; and provided further, that no expenses other than those identified herein shall be expended from this item \$100,000

2420-1400 For the watershed management program to operate and maintain reservoirs, watershed lands and related infrastructure of the commission; provided, that expenses incurred in other commission programs to assist the watershed management program may be charged to this item; provided further, that no water shall be diverted from the Connecticut river by the metropolitan district commission or the Massachusetts water resources authority; provided further, that \$500,000 shall be paid to the town of Clinton, under section 8 of chapter 307 of the acts of 1987, to compensate for the use of certain land; provided further, that the amount of the payment shall be charged to the local aid fund and not be included in the amount of the annual determination of fiscal year charges to the Massachusetts water resources authority assessed to the authority under section 113 of chapter 92 of the General Laws; provided further, that not less than 13 rangers shall be assigned to patrol watershed areas; provided further, that the commission shall submit quarterly reports to the house and senate committees on ways and means not more than 10 days after the end of the quarter detailing expenditures charged to the Watershed Management Fund in the most recent quarter including the amount and a description of what was charged; provided further, that the metropolitan district commission shall provide the Massachusetts water resources authority advisory board with an annual presentation of the expenses of

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watershed management operations funded by this item for which the authority is charged; provided further that no expenditure shall be made from the amount appropriated other than for those purposes identified herein \$9,489,702
Watershed Management Fund 94.74%
Local Aid Fund 5.26%

2440-0010 For the administration, operation and maintenance of the metropolitan district commission parks and recreation division, for the maintenance, operation and related costs of the parkways, boulevards, roadways, bridges and related appurtenances under the care, custody and control of the commission, for the flood control activities of the commission, for the purchase of all necessary supplies and related equipment, and for the civilianization of crossing guards located at metropolitan district commission intersections where state police previously performed such duties; provided, that not less than \$3,902 shall be expended on additional school crossing guards on the corner of Mystic avenue and Shore drive in the city of Somerville; provided further, that \$75,000 shall be expended for irrigation of the Houghton's pond ball fields; provided further, that not less than \$293,116 shall be expended for the maintenance and operation of the James Michael Curley recreation center in Boston; provided further, that not less than \$105,000 shall be expended for maintenance of the southwest corridor park and Pope John Paul Park in the city of Boston and the commission shall enter into contracts for personnel and other resources necessary for such maintenance, including the costs of three horticulturists; provided further, that the commission shall conduct a hydrology survey to assess the sediment buildup and determine the amount of dredging necessary at Pine Tree Brook in Milton; and provided further, that no expenses other than those identified herein shall be expended from this item \$23,317,239
Highway Fund 60.00%
Local Aid Fund 40.00%

2440-1000 The metropolitan district commission is hereby authorized to expend an amount not to exceed \$200,000 from revenue generated pursuant to section 34B of chapter 92 of the General Laws; provided, that no expenditures shall be made from the amount appropriated other than for those purposes identified herein \$200,000

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- 2440-3000 For the extended rink season, including the costs of personnel; provided, that the metropolitan district commission is hereby authorized and directed to allocate skating rink rental time so as to promote the expansion of all youth hockey programs without discrimination by gender; and provided further, that no expenditures shall be made from the amount appropriated other than for those purposes identified herein \$307,775
Local Aid Fund 100.00%
- 2440-3001 The metropolitan district commission may expend an amount not to exceed \$692,225 from skating rink fees and rentals for the operation and maintenance, including personnel costs, of four rinks between September 1, 2002 and April 30, 2003 for an expanded and extended rink season; provided, that no expenditures shall be made from the amount appropriated other than for those purposes identified herein \$692,225
- 2440-4420 For the operation and maintenance of the Ponkapoag golf course; provided, that the commission may expend revenues up to \$900,000 collected from fees generated by the golf course; provided further, that for the purposes of accommodating discrepancies between the receipt of retained revenue and related expenditures, the commission may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system; provided further, notwithstanding section 1 of chapter 31 of the General Laws, seasonal positions funded by this account are positions requiring the services of an incumbent, on either a full-time or less than a full-time basis beginning no earlier than April 1 and ending no later than November 30; and provided further, that no expenses shall be made other than for the purposes identified herein \$900,000
Ponkapoag Recreational Fund 100.00%
- 2440-4421 For the operation and maintenance of the Leo J. Martin golf course; provided, that the commission may expend revenues up to \$700,000 collected from fees generated by the golf course; provided further, that for the purposes of accommodating discrepancies between the receipt of retained revenue and related expenditures, the commission may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the

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most recent revenue estimate as reported in the state accounting system; provided further, notwithstanding section 1 of chapter 31 of the General Laws, seasonal positions funded by this account are positions requiring the services of an incumbent, on either a full-time or less than a full-time basis beginning no earlier than April 1 and ending no later than November 30; and provided further, that no expenses shall be made other than for the purposes identified herein \$700,000

Leo J. Martin Recreational Fund 100.00%

2440-5000 For seasonal hires of the commission; provided, that no funds appropriated in this item shall be used for year-round seasonals; provided further, that no expenditures shall be made from the amount appropriated other than for those purposes identified herein; provided further, that notwithstanding section 1 of chapter 31 of the General Laws, seasonal positions funded by this account are positions requiring the services of an incumbent, on either a full-time or less than full-time basis beginning no earlier than April 1 and ending no later than November 30 or beginning no earlier than September 1 and ending no later than April 30; provider further, that notwithstanding section 1 of chapter 31 of the General Laws; seasonal positions funded by this account may not be filled by an incumbent for more than 8 months within a 12 month period; and provided further, that the commission shall assign one park ranger between the hours of 8:30a.m. and 6:00p.m from May 31 through October 1 at Norumbega park in the town of Weston \$3,136,271

Highway Fund 60.00%

Local Aid Fund 40.00%

2443-2000 For the operation of the Commonwealth Zoological Corporation, pursuant to chapter 92B of the General Laws; provided, that funds appropriated herein shall be expended for the purposes of promoting private fund-raising, achieving self-sufficiency and serving as a catalyst for urban economic development and job opportunities for local residents; provided further, that the corporation shall take all steps necessary to increase the amount of private funding available for the operation of the zoos; provided further, that the corporation shall report to the house and senate committees on ways and means no later than February 1, 2003 on the status of, and amounts collected from, the private fundraising and enhanced revenue efforts

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identified in the draft Massachusetts zoos business and operations plan dated December, 1996; provided further, that the corporation shall continue to provide free services and supplies, including, but not limited to, routine animal check-ups, diagnosis and care, emergency veterinary needs, medications and medical supplies, vitamins and diet supplements and Zoo Prem feline diet, to the trailside museum and the Chickatawbut Hill center in the town of Milton; and provided further, that no expenses shall be made from the amount appropriated other than for those purposes identified herein \$3,000,000

Local Aid Fund 100.0%

2444-9001 For the construction, reconstruction and improvement of boulevards, parkways, bridges and related appurtenances under the care, custody and control of the commission, including street lighting and the expenses of snow and ice control, including the costs of personnel; provided, that no expenses shall be made other than for the purposes identified herein \$2,784,799

Highway Fund 100.00%

Department of Food and Agriculture.

2511-0100 For the operation of the department of food and agriculture, including the office of the commissioner, the expenses of the board of agriculture, the division of dairy services, the division of regulatory services and animal health, including a program of laboratory services at the University of Massachusetts at Amherst, the expenses of the pesticides board, the division of agricultural development and fairs; provided further, that allotment funds for 4-H activities may be expended from this item; provided further, that funds may be expended for the Southeastern Massachusetts Agricultural Partnership; provided further, that funds may be expended for agricultural fair prizes and rehabilitation including the expenses of the agricultural lands board; and provided further, that funds may be expended for implementation of the agricultural marketing strategic plan, including, but not limited to, a "Buy Local" campaign, and funding for agricultural business training and technical assistance \$4,494,165

2511-0105 For the purchase of supplemental foods for the emergency food assistance program within the second harvest nationally-cert-

ified food bank system of Massachusetts; provided, that the funds appropriated herein shall be expended for food to be distributed by the greater Boston food bank as follows: 73.5 per cent to the greater Boston food bank, including a portion to be distributed to the Merrimack valley food bank under a contractual agreement between the food bank and the greater Boston food bank, 15.2 per cent to the food bank of western Massachusetts, and 11.3 per cent to the Worcester county food bank; and provided further, that not more than \$150,000 shall be made available for a statewide nutrition education program \$6,430,000

2511-3002 For the integrated pest management program; provided that notwithstanding the provisions of any general law or special law to the contrary, 100 per cent of the amount appropriated herein shall be assessed upon certified commercial applicators, certified private applicator, licensed applicator, or contractors that spray, release, deposit, or apply pesticides at a school, day care center, or school age child care program; and provided further, that said companies or individuals shall pay assessments within 30 days after receiving notice from the commissioner of Food and Agriculture of the amounts due within, as established in Chapter 132B of the General Laws . . . \$114,193

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

Office of the Secretary.

4000-0100 For the operation of the executive office, 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 shall monitor the expenditures and completion timetables for systems development projects and enhancements undertaken by the department of social services, the division of medical assistance and the department of transitional assistance, and shall ensure that all measures are taken to make such systems compatible with 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 the executive office of health and human services and its agencies, when contracting for services on the islands of Martha's Vineyard and Nantucket, shall take into consideration the increased costs associated with the provision of goods, services, and housing on the islands; provided further, that notwithstanding the provisions of any general or special law to the contrary, there shall be established a commission to investigate and evaluate the delivery of alcohol and drug abuse services in the commonwealth, including, but not limited to, interagency collaboration in delivery of existing services, including gaps and duplications in said services to populations served by multiple state agencies; provided further, that said populations shall include, but not be limited to, individuals dually diagnosed with mental health and substance abuse problems, substance abusing individuals in or leaving the correctional system, and youths under or leaving the custody of the departments of social services or youth services; provided further, that said commission shall develop recommendations on an administrative structure which would most efficiently provide substance abuse services in the commonwealth, including the most appropriate methods and departments through which said services would be most effectively and efficiently delivered; provided further, that said commission shall consist of three members of the House of Representatives appointed by the Speaker, three members of the Senate, appointed by the Senate President, the commissioners, or their designees, of the departments of public health, mental health, corrections, social services and youth services and the commissioner, or their designee, of the division of medical assistance; and provided further, that said commission shall report its findings and recommendations to the joint committees on health care and human services and elderly affairs and to the house and senate committees on ways and means by February 15, 2003 \$1,883,812

4000-0112 For matching grants to municipalities, boys' and girls' clubs, YMCA and YWCA organizations, Girls' inc., and non-profit community centers for a program to prevent high rates of juvenile delinquency, teen pregnancy and high school dropout rates for youths-at-risk, so-called; provided, that the program

shall be structured to require collaboration in each such neighborhood between agencies of the executive office of health and human services and the departments of human services and education, the county sheriffs' offices, public safety departments, boys' and girls' clubs, YMCA and YWCA organizations and non-profit community centers of each participating municipality; provided further, that youths-at-risk shall include, but not be limited to, those teenagers and pre-teenagers identified with histories of court involvement, significant or continuous exposure to criminal behavior in their households, truancy, homelessness, children-in-need-of-services status, so-called, or involvement with the departments of social services or youth services; provided further, that funds from this item may be expended to provide after school programs that include parental accountability and training, court-based assessments, mentoring, substance abuse prevention and recreational programs; provided further, that the executive office shall work in conjunction with public and private organizations for the purposes of securing new matching funds for expenditures made from this item; provided further, that the secretary of health and human services shall award the full amount of each grant to each organization upon commitment of matching funds from the organization; provided further, that the secretary shall report to the house and senate committees on ways and means on the types of services, the cost of each such service, the exact amounts matched by each program, the names of vendors contracted by each program, the number of children to be served by each program, the goals of each program, expected outcomes for fiscal year 2003 and actual outcomes for fiscal year 2003; provided further, that \$60,000 shall be expended for the Billerica Boys and Girls Club; provided further, that \$25,000 shall be expended for the Brockton Boys and Girls Club; provided further, that \$100,000 shall be expended for the Taunton Boys and Girls Club; provided further, that \$40,000 shall be expended for the Boys and Girls Club of Greater Westfield; provided further, that \$40,000 shall be expended for the YMCA of Greater Westfield; provided further, that \$40,000 shall be expended for the public partnership program between the greater Lynn YMCA and YWCA and the town

of Saugus and the public partnership program between the Saugus YMCA and YWCA and the town of Saugus; and provided further, that not less than \$150,000 shall be expended for the Massachusetts alliance of boys and girls clubs \$455,000

4000-0122 For a citizenship assistance program to assist legal non-citizens in becoming citizens of the United States; provided, that the executive office of health and human services shall enter into an interagency service agreement with the office for refugees and immigrants for the administration of the program; provided further, that the program shall be administered in consultation with the executive office, the department of transitional assistance and the division of medical assistance; provided further, that the program shall be provided through community-based organizations to the maximum extent determined appropriate by the office for refugees and immigrants; provided further, that the program funded by this item: (1) shall provide assistance to persons who are eligible to become citizens of the United States within 3 years; and (2) may be funded not only through state appropriations but also through matching financial or in-kind contributions by private organizations or local government agencies; provided further, that persons who would qualify for benefits provided under chapter 118A of the General Laws, but for their status as legal non-citizens shall be accorded the highest priority for provision of services; provided further, that the program shall neither be an entitlement, nor be construed to create an entitlement, and shall be subject to state appropriation; provided further, that the office for refugees and immigrants shall issue quarterly reports to the house and senate committees on ways and means and to the executive office of administration and finance on the number of persons participating in the program and the number of persons attaining citizenship in each quarter; provided further, that the report shall also detail the number of participants in the program receiving state-funded benefits by category of benefits and the federal benefits each participant would have been eligible for, but for the participant's status as a legal non-citizen; provided further, that the office for refugees and immigrants shall report quarterly to the house and senate committees on ways and means and the executive office of administration and finance

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	on the amounts of matching or in-kind contributions by private organizations or local government agencies; provided further, that no funds shall be expended from this item to replace expiring federal funds; and provided further, that no funds shall be expended from this item for AA subsidiary payroll costs	\$500,000
4000-0140	For the Operation of the Betsy Lehman Center for Patient Safety and Medical Error Reduction, under section 16E of chapter 6A of the General Laws	\$200,000

Division of Medical Assistance.

4000-0300 For the operation of the division, including the administrative, contracted services and non-personnel systems costs related to the implementation and operation of programs authorized by sections 9A to 9C, inclusive, and sections 16B and 16C of chapter 118E of the General Laws; provided, that such costs shall include, but not be limited to, pre-admission screening, utilization review, medical consultants, disability determination reviews, health benefit managers, interagency service agreements, the management and operation of the central automated vendor payment system, including the recipient eligibility verification system, vendor contracts to upgrade and enhance the division's central automated vendor payment system, the medicaid management information system, so-called, and the recipient eligibility verification system MA21, so-called, costs related to the information technology chargebacks, contractors responsible for system maintenance and development, personal computers and other information technology equipment used by the division; provided further, that 50 per cent of the cost of provider point of service eligibility verification devices purchased by the division shall be assumed by the providers utilizing the devices; provided further, that the division shall assume the full cost of provider point of service eligibility verification devices utilized by any and all participating dental care providers; provided further, that the same standards and regulations for personal care attendants in effect on February 1, 2001 shall be retained in fiscal year 2003 unless an agreement to any changes is reached between the division of medical assistance, designees of the governor's advisory commission on disability policy, the Massachusetts office on disability and the statewide inde-

pendent living council; provided further, that the same standards and regulations in place for score III in fiscal year 1998 shall be retained in fiscal year 2003; provided further, that in consultation with the division of health care finance and policy, the division shall not approve any increase in existing medicaid provider rates without taking all measures possible under Title XIX of the Social Security Act to ensure that rates of payment to providers do not exceed such rates as are necessary to meet only those costs which must be incurred by efficiently and economically operated providers in order to provide services of adequate quality; provided further, that expenditures for the purposes of each item appropriated to the division by this act shall be accounted for according to such purpose on the Massachusetts management accounting and reporting system not more than 10 days after such expenditures have been made by the medicaid management information system; provided further, that the division shall not make expenditures that are not federally reimbursable, except as specifically authorized herein, or unless made for cost containment efforts the purposes and amounts of which have been submitted to the house and senate committees on ways and means 30 days prior to making such expenditures; provided further, that the division may continue to recover provider overpayments made in the current and prior fiscal years through the medicaid management information system, and that such recoveries shall be deemed current fiscal year expenditure refunds, so-called; provided further, that the division shall report quarterly to the house and senate committees on ways and means the amounts of said expenditure refunds credited to each item of appropriation; provided further, that the division shall report quarterly to the house and senate committees on ways and means the amount of hand generated payments, so-called, to providers by item of appropriation from which said payments were made; provided further, that the division shall submit a report to the house and senate committees on ways and means detailing projected expenditures for fiscal years 2003 and 2004 for this item and items 4000-0320, 4000-0430, 4000-0500, 4000-0600, 4000-0860, 4000-0870, 4000-0875, 4000-0880, 4000-0890, 4000-0891 and 4000-1400; provided further, that in identifying the projected expenditures, the report shall account for any and all

assumptions used to project promulgated or projected changes in provider payment rates, average per-member-per-month expenditure amounts, and the methods utilized to estimate current and prospective beneficiary enrollment and benefit utilization trend; provided further, that the report shall include monthly member-month caseload, date-of-service and date-of-payment expenditure data by provider type and health benefit plan; provided further, that the report shall detail by item of appropriation any updates or budgetary revisions made subsequent to the governor's budget submission for fiscal year 2004 recommendations, including, but not limited to, any assumptions used to develop the recommendations; provided further, that the report shall be submitted not later than February 15, 2003; provided further, that no funds shall be expended by the division for the purpose of funding interpretive services directly or indirectly related to a settlement or resolution agreement, so-called, with the office of civil rights or any other office, group or entity; provided further, that interpretive services currently provided by the division shall not give rise to enforceable legal rights for any party or to an enforceable entitlement to interpretive services; provided further, that the federal financial participation received from claims filed by the division for the costs of outreach and eligibility activities performed at certain hospitals or by community health centers which are funded in whole or in part by federally permissible in-kind services or provider donations from the hospitals or health centers, shall be credited to this item and may be expended without further appropriation in an amount specified in the agreement between the division and each donating provider hospital or health center; provided further, that the federal financial participation received from claims filed by the division based on in-kind administrative services related to outreach and eligibility activities performed by certain community organizations, under the so-called "covering kids initiative" and in accordance with the federal revenue criteria in 45 CFR 74.23 or any other federal regulation which provides a basis for federal financial participation, shall be credited to this item and may be expended, without further appropriation, on administrative services including those covered under an a-

greement between the division and the organizations participating in the initiative; provided further, that expenditures for the purpose of a dispensing fee to retail pharmacies shall be paid for out of the Health Care Quality Improvement Trust Fund, established in section 2DDD of chapter 29 of the General Laws; provided further, that no funds from items 4000-0430, 4000-0500, 4000-0600, 4000-0860, 4000-0870 or 4000-0880 shall be expended for the purpose of such dispensing fees, except that funds may be expended from any such item if amounts from the Health Care Quality Improvement Trust Fund are insufficient to pay for such fees; provided further, that notwithstanding the provisions of any general or special law to the contrary, there shall not be any expansion in the MassHealth program, so called, in terms of either covered populations or covered services or benefits until at least July 1, 2005; provided further, that notwithstanding the provisions of any general or special law to the contrary, the division of medical assistance shall seek federal approval under section 1115(a) of the Social Security Act to implement a demonstration waiver that would allow the state more flexibility to administer its medicaid program; provided further, that said division shall request a waiver that would help the state sustain its existing coverage for low-income children and other vulnerable populations covered under its Medicaid optional programs by allowing the state programmatic flexibility to adopt cost-sharing, benefit design flexibility, and enrollment cap options for its categorically needy and medically needy optional populations; provided further, that said division shall report to the house and senate committees on ways and means within ten days of receiving federal approval for such a waiver and shall include in said report an outline of the appropriate steps said division will take to implement cost-sharing initiatives such as co-payments and premiums for said optional populations and optional services; provided further, that said report shall include a detailed analysis by line item of anticipated savings in spending expected from such changes to the structure of the state medicaid program; provided further, that federal reimbursements received for administrative expenditures made pursuant to this item shall be credited proportionally to the General Fund and the Children's and Seniors' Health Care

Assistance Fund, established under section 2FF of chapter 29D of the General Laws, in the same percentages as expenditures are made from this item and the funds \$117,060,684

General Fund 85.84%

Children's and Seniors' Health

Care Assistance Fund 14.16%

4000-0320 The division of medical assistance may expend an amount not to exceed \$70,000,000 from the monies received from recoveries of any prior year expenditures and collections from liens, estate recoveries, third party recoveries, drug rebates, accident and trauma recoveries, case mix recoveries, computer audits, insurance recoveries, provider overpayment recoveries, bankruptcy settlements, masspro and healthpro refunds, medicaid fraud returns, data match returns, medicare appeals and program and utilization review audits; provided, that any revenues collected by the division that are not attributable to the aforementioned categories shall be deposited in the General Fund and shall be tracked separately; provided further, that additional categories of recoveries and collections may be credited to this item after providing written notice to the house and senate committees on ways and means; provided further, that no funds from this item shall be used for the purposes of item 4000-0300; provided further, that expenditures from this item shall be limited solely to payments for the provision of medical care and assistance rendered in the current fiscal year; and provided further, that the division shall file quarterly with the house and senate committees on ways and means, a report delineating the amount of current year rebates from pharmaceutical companies or other current year collections which are being used to supplement current year expenditures; and provided further, that additional categories of recoveries and collections, including the balance of any personal needs accounts collected from nursing and other medical institutions and a recipients death and held by the division for more than three years, may, notwithstanding the provisions of any general or special law to the contrary, be credited to this item after providing written notice to the house and senate committees on ways and means, and the secretary of administration and finance \$70,000,000

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- 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 division shall maximize federal reimbursement for state expenditures made on behalf of said adults and children; provided further, that the division shall adhere to the same time standards for processing of a commonhealth application as govern applications under Title XIX of the Federal Social Security Act namely within 45 days of receipt of a completed application or within 90 days if a determination of disability is required; provided further, that children shall be determined eligible for the medical care and assistance if the children meet the disability standards as defined by the division of medical assistance and that the disability standards shall be no more restrictive than the standards in effect on July 1, 1996 . . \$54,745,000
- 4000-0500 For health care services provided to medical assistance recipients under the division's primary care clinician/mental health and substance abuse plan or through a health maintenance organization under contract with the division, provided, that funds may be expended from this item for health care services provided to said recipients in prior fiscal years; provided further, that no payment for special provider costs shall be made from this item without the prior written approval of the secretary of administration and finance; provided further, that expenditures from this item shall be made only for the purposes expressly stated herein; provided further, that the commissioners of medical assistance and mental health shall report quarterly to the house and senate committees on ways and means relative to the performance of the managed care organization under contract with the division to administer the mental health and substance abuse benefit; provided further, that such quarterly reports shall include, but not be limited to, analyses of utilization trends, quality of care and costs across all service categories and modalities of care purchased from providers through the mental health and substance abuse program, including those services provided to clients of the department of mental health; provided further, that payment

of any additional amounts for administration to its mental health and substance abuse benefits contractor, including any financial or performance incentives, shall be contingent on the contractor first providing to the house and senate committees on ways and means an analysis of the difference between inpatient and outpatient provider costs and the rates of payment by said contractor; provided further, that such analysis shall include a plan to address such difference, if any, between said costs and payments; provided further, that not less than \$5,000,000 shall be expended for disproportionate share payments for inpatient services provided at pediatric specialty hospitals and units; provided further, that \$1,100,000 shall be available for the provision of medical interpreter services to MassHealth members in emergency rooms or acute psychiatric units within acute care or psychiatric hospitals; provided further that not less than twenty percent of said amount shall be expended for grants awarded through a competitive bidding process intended for demonstrate innovative methods to improve interpreter services and contain costs; provided further, that the department shall reimburse acute care hospitals in the department of mental health's designated northeast area, so called, for short-term inpatient psychiatric services at the same per diem rate as is paid to hospitals located in the department of mental health's currently designated metro suburban area, so called \$1,896,910,000

4000-0600 For health care services provided to medical assistance recipients under the division's senior care plan; provided, that funds may be expended from this item for health care services provided to these recipients in prior fiscal years; provided further, that no payment for special provider costs shall be made from this item without the prior written approval of the secretary of administration and finance; provided further, that expenditures from this item shall include a demonstration project known as the "community choices" initiative, so-called; provided further, that under said demonstration, eligible MassHealth enrollees in the section 2176 elder care waiver, so-called, shall be covered for any needed community services, from among those services available under said waiver or under the Commonwealth's Title XIX state plan, for

the purpose of delaying or preventing an imminent nursing home admission; provided further, that elders enrolled in said waiver at risk of imminent nursing home admission shall be provided information about the availability of such services; provided further, that the criteria for determining whether an elder is at imminent risk of nursing home admission shall be defined in an interagency agreement between the division and the executive office of elder affairs and such determination may be delegated to a third party pursuant to the terms of such agreement; provided further, that for elders who, pursuant to the aforementioned interagency agreement, have been determined to be at such imminent risk, have chosen to remain in the community, and for whom community care is medically appropriate, the division shall establish a funding level that, on a monthly average basis, is equal to fifty percent of the median monthly per capita expenditure made by the division for nursing facility services provided to elders; provided further, that such funding level may include the costs of needed waiver services or other needed community services available to said elders under said state plan, provided further, that said interagency agreement shall be amended to implement said demonstration project and shall describe how said funding level will be made available to meet the costs of needed waiver services or other needed community services available to said elders under said state plan; provided further, that the division shall enter into an agreement with each aging service access point participating in said demonstration, which shall describe a system to be followed by each aging service access point, in accordance with state law and requirements under Title XIX of the Social Security Act, for coordination of both waiver and non-waiver community services needed by such eligible elders; provided further, that each aging services access point receiving funds under said demonstration project shall submit monthly reports to the division of medical assistance and to the executive office of elder affairs on the care provided and the service expenditures made under said 2176 elder care waiver and such other information as specified by the division and said executive office; provided further, that the division and the executive office of elder affairs shall each prepare a report on all relevant costs and savings associated with said demonstration

project; and provided further, that said report shall be submitted to the house and senate committees on ways and means by April 1, 2003; provided further, that the division shall expend \$40,000,000 for the purpose of funding base hourly wage increases and related payroll taxes for certified nurses' aides at nursing facilities, in accordance with 114.2 CMR 6.00 et seq.; provided further, that effective January 1, 2002, such wage increases shall be over and above any previously collectively bargained for wage increases; provided further, that the division shall report to the house and senate committees on ways and means on the increases given at each facility by February, 1, 2003; provided further, that said division shall in correlation with the senior care options program explore options for enrolling the senior care population into managed care programs through federal waivers or other necessary means; provided further, that the division shall expend all necessary amounts to maintain the number of nursing facility bed hold days at 20 for patients of the facility on medical leaves of absence under section 403 of chapter 159 of the acts of 2000; and provided further, that expenditures from this item shall be made only for the purposes expressly stated herein \$1,717,620,000

4000-0700 For health care services provided to medical assistance recipients under the division's health care indemnity/third party liability plan and medical assistance recipients not otherwise covered under the division's managed care or senior care plans; provided, that funds may be expended from this item for health care services provided to said recipients in prior fiscal years; provided further, that no payment for special provider costs shall be made from this item without the prior written approval of the secretary of administration and finance; provided further, that expenditures from this item shall be made only for the purposes expressly stated herein \$1,103,497,000

4000-0860 For MassHealth benefits provided to children and adults under clauses(a), (b), (c), (d) and (h) of subsection 2 of section 9A of chapter 118E of the General Laws; provided, that no funds shall be expended from this item for children and adolescents under said clause(c) of said subsection 2 whose family incomes, as determined by the division, exceed 150 per cent of the federal poverty level; provided further, that funds may be expended from this item for health care services provided

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to the recipients in prior fiscal years; and provided further, that all federal reimbursements received for expenditures from this item under the provisions of Title XIX and Title XXI of the Federal Social Security Act shall be credited to the Children's and Seniors' Health Care Assistance Fund \$332,786,452
Children's and Seniors' Health Care

Assistance Fund 100.00%

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 as amended by this act; provided, that funds may be expended from this item for health care services provided to said recipients in prior fiscal years; provided further, that all revenues received as a result of expenditures authorized herein shall be credited proportionally to the General Fund and the Children's and Seniors' Health Care Assistance Fund in fiscal year 2003; provided further, that notwithstanding the provisions of any general or special law to the contrary, the division of medical assistance shall seek to amend their demonstration waiver, as approved under section 1115(a) of the Social Security Act and authorized by Chapter 203 of the Acts of 1996, to eliminate medical benefits for those beneficiaries previously qualified under clause(g) of subsection 2 of section 9A of Chapter 118E of the General Laws before amended by this act who are not recipients of emergency assistance to elderly, disabled, and children nor department of mental health clients, as determined by the commissioner of the department of mental health; provided further, that said division shall take such action pursuant to the provisions of subsection 5 of section 9B of Chapter 118E of the General Laws; provided further, that said division shall notify the house and senate committees on ways and means within ten days after receiving federal approval for said waiver; provided further, that said division shall also submit within thirty days after said approval an updated report on the finding of budget neutrality, as changed by the approval of the amended waiver, for fiscal year 2003 and beyond, as directed by section 9B of chapter 118E of the General Laws \$219,823,000
Children's and Seniors' Health
Care Assistance Fund 93.47%
General Fund 6.53%

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- 4000-0875 For the provision of benefits to eligible women who require medical treatment for either breast or cervical cancer in accordance with 1902(a)(10)(A)(ii)(XVIII) of the Breast and Cervical Cancer Prevention and Treatment Act of 2000, Public Law 106-354, and in accordance with section 10D of chapter 118E of the General Laws; provided, that the division shall seek to obtain federal approval to limit the provision of said benefits to women whose income, as determined by the division, does not exceed 250 per cent of the federal poverty level; provided further, that eligibility for such benefits shall be extended solely for the duration of such cancerous condition; provided further, that prior to the provision of any benefits covered by this item, said division shall require screening for either breast or cervical cancer at the comprehensive breast and cervical cancer early detection program operated by the department of public health, in accordance with item 4570-1503 of section 2D; provided further, that the division shall seek to obtain federal approval for the implementation of a cost sharing system, including co-pays and sliding scale premiums for women whose annual income is between 133 per cent and 250 per cent of the federal poverty level; provided further, that funds shall only be expended and such program implemented, subject to federal approval and the availability of federal financial participation; and provided further, that all federal reimbursements received for expenditures from this item pursuant to the provisions of Title XIX of the federal Social Security Act shall be credited to the General Fund \$2,784,551
- 4000-0880 For MassHealth benefits under clause(c) of subsection 2 of section 9A and section 16C of chapter 118E of the General Laws for children and adolescents whose family incomes as determined by the division are above 150 per cent of the federal poverty level; provided, that funds may be expended from this item for health care services provided to the children and adolescents in prior fiscal years; and provided further, that all federal reimbursements received for expenditures from this item under the provisions of Title XXI of the Federal Social Security Act shall be credited to the Children's and Seniors' Health Care Assistance Fund \$61,764,000
- Children's and Seniors' Health
Care Assistance Fund 100.00%

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4000-0890 For the cost of health insurance premium subsidies paid to employees of small businesses participating in the insurance reimbursement program pursuant to the provisions of section 9C of chapter 118E of the General Laws; provided, that all federal reimbursements received for expenditures from this item pursuant to the provisions of Title XIX and Title XXI of the federal Social Security Act shall be credited to the Children's and Seniors' Health Care Assistance Fund; and provided further, that expenditures made for the purposes of this item shall not exceed the amount appropriated herein . . . \$22,711,697

Children's and Seniors' Health
Care Assistance Fund 100.00%

4000-0891 For the cost of health insurance subsidies paid to employers participating in the insurance reimbursement program under section 9C of chapter 118E of the General Laws; provided, that the division shall directly market the program to private human service providers that deliver human and social services under contract with departments within the executive office of health and human services and the executive office of elder affairs for the purpose of mitigating health insurance costs to the employers and their employees; provided further, that the division shall report monthly to the house and senate committees on ways and means and the executive office of administration and finance monthly expenditure data for the program, including the total number of employers participating in the program, the percentage of the employers who purchased health insurance for employees prior to participating in the program and total monthly expenditures delineated by payments to small employers and self-employed persons for individual, two-person family and family subsidies; provided further, that the division shall seek federal reimbursement for the payments to employers; and provided further, that any and all federal reimbursements received for expenditures from this item, under Title XIX and Title XXI of the federal social security act, shall be credited to the Children's and Seniors' Health Care Assistance Fund \$5,796,619

Children's and Seniors' Health
Care Assistance Fund 100.00%

4000-1008 For nonrecurring payments to financially distressed hospitals; provided, that the division shall collaborate with the division of health care finance and policy and the department of public

health to determine the methodology by which to make said payments; provided further, that the division shall make said payments in a manner designed to maximize federal financial participation and to achieve the greatest possible gains in patient care and public health; provided further, that the methodology for making said payments shall take into account such factors as negative operating margins, insufficient cash flow and the likelihood of closure or loss of critical community services in identifying financially distressed hospitals; provided however, that the division shall give priority in the distribution of funds from this item to those hospitals which, as of June 30, 2002, had less than 30 days of cash to support all operating requirements and which had insufficient cash available to remain open throughout hospital fiscal year 2003; provided further, that not less than ten per cent of the funds appropriated herein shall be granted to hospitals in the western region of the commonwealth that provide child psychiatric inpatient services; provided further, that in order to receive said payments, a hospital must comply with the following provisions: (a) submit a business plan that details strategic steps to be taken over a three year period to enhance the long-term viability of the hospital; (b) quantify specific performance measures and provide the division with quarterly reports on said measures; (c) submit quarterly financial statements to the division; (d) document and submit fundraising initiatives and strategies to compliment any nonrecurring payment received pursuant to this item; and (e) report to the division, the department of public health, and the house and senate committees on ways and means regarding strategies to avoid placing its emergency room on diversion status, so-called; provided further, that said payments shall be completely payable within state fiscal year 2003; provided further, that the division shall file a report not later than January 1, 2003 with the house and senate committees on ways and means detailing: (a) the methodology used to determine the payments; (b) the amount projected to be paid to each such acute care hospital in state fiscal year 2003; and (c) the projected impact of the payments on patient care and the promotion of public health at each facility \$15,000,000
Tobacco Settlement Fund 100.00%

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- 4000-1012 For non-recurring payments to financially distressed non-profit health care providers, including nursing facilities and home health care providers; provided, that the division shall collaborate with the division of health care finance and policy and the department of public health to determine the methodology by which to make said payments; provided further, that the division shall make said payments in a manner designed to maximize federal financial participation and to achieve the greatest possible gains in patient care and public health; provided further, that the methodology for making said payments shall take into account such factors as negative operating margins, insufficient cash flow and the likelihood of closure or loss of critical community services in identifying financially distressed providers; provided however, that the division shall give priority in the distribution of funds from this item to those providers which had insufficient cash available as of June 30, 2002 to remain in business throughout state fiscal year 2003; provided further, that in order to receive said payments, a provider must comply with the following provisions: (a) submit a business plan that details strategic steps to be taken over a three-year period to enhance the long-term financial viability of the provider; (b) quantify specific performance measures and provide the division with quarterly reports on said measures; (c) submit quarterly financial statements to the division; and (d) document and submit fundraising initiatives and strategies to compliment any non-recurring payment received pursuant to this item; provided further, that said payments shall be completely payable within state fiscal year 2003; and provided further, that the division shall file a report not later than January 1, 2003 with the house and senate committees on ways and means detailing: (a) the methodology used to determine the payments; (b) the amount projected to be paid to each such provider in state fiscal year 2003; and (c) the projected impact of the payments on the patient care systems supported by each provider \$3,500,000
Tobacco Settlement Fund 100.00%
- 4000-1013 For a one-time rate enhancement for services provided in non-hospital settings by individuals licensed pursuant to section 2 of chapter 112 of the General Laws \$5,000,000
Tobacco Settlement Fund 100.00%

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4000-1400 For the purposes of providing MassHealth benefits to persons with a diagnosis of human immuno-deficiency 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 \$10,380,401
Tobacco Settlement Fund 100.00%

Division of Health Care Finance and Policy.

4100-0060 For the operation of the division and the administration of the uncompensated care pool established pursuant to chapter 118G of the General Laws; provided, that notwithstanding the provisions of any general or special law to the contrary, the assessment to acute hospitals authorized pursuant to section 5 of said chapter 118G for the estimated expenses of the division shall include in fiscal year 2003, 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 2003 from: (1) filing fees; (2) fees and charges generated by the division's publication or dissemination of reports and information; and (3) federal financial participation received as reimbursement for the division's administrative costs; provided further, that said assessed amount shall be not less than 65 per cent of the division's expenses as specified herein; provided further, that the division shall promulgate regulations requiring all hospitals receiving payments from the uncompensated care pool to report to the division the following utilization information: the number of inpatient admissions and out-patient visits by age category, income category, diagnostic category and average charge per admission; provided further, that the division shall submit quarterly to the house and senate committees on ways and means a summary report compiling said data; provided further, that the division, in consultation with the division of medical assistance, shall not promulgate any increase in medicaid provider rates without taking all measures possible under Title XIX of the Social Security Act or any successor federal statute to ensure that rates of payment to providers do not exceed such rates as are necessary to meet only those costs incurred by efficiently and economically op-

erated providers in order to provide services of adequate quality; provided further, that the division shall meet the reporting requirements of section 25 of chapter 203 of the acts of 1996; provided further, that the division shall share financial data and expertise about the Massachusetts health care industry with the Massachusetts institute for social and economic research for the purpose of enhancing, developing and marketing data products for the public; provided further, that the division and the institute shall share any revenue generated through sale, licensure, royalty and usage fees charged for said data products; provided further, that not later than October 24, 2002, the division shall submit to the comptroller and to the house and senate committees on ways and means a report describing the method by which the division shall generate revenues through said sale, licensure, royalty, and usage fees in an amount sufficient to meet 25 per cent of the projected costs of the division in any fiscal year, as required by section 612 of chapter 151 of the acts of 1996; provided further, that funds shall be expended for the purposes of a survey and study of the uninsured and underinsured in the commonwealth, including the health insurance needs of the residents of the commonwealth; provided further, that said study shall examine the overall impact of programs administered by the division and the division of medical assistance on the uninsured, the underinsured, and the role of employers in assisting their employees in affording health insurance pursuant to section 23 of chapter 118G of the General Laws; provided further, that for hospital fiscal year 2003, the private sector liability of purchasers and third party payers to the Uncompensated Care Trust Fund established pursuant to section 18 of chapter 118G of the General Laws shall be \$270,000,000; provided further, that for state fiscal year 2003, notwithstanding the provisions of any general or special law to the contrary, \$45,000,000 generated by federal financial participation made available under Title XIX of the federal Social Security Act to reimburse the costs of said trust fund for disproportionate share hospitals shall be deposited into said trust fund; provided further, that the division shall publish annual reports on the financial condition of hospitals

and other health care providers through the Health Benchmarks project website, in collaboration with the executive office of health and human services, the office of the attorney general, and the University of Massachusetts; provided further, that said division shall submit to the house and senate committees on ways and means not later than December 6, 2002 a report detailing utilization of the uncompensated care pool; provided further, that said report shall include: (1) the number of persons in the commonwealth whose medical expenses were billed to said pool in fiscal year 2002; (2) the total dollar amount billed to said pool in fiscal year 2002; (3) the demographics of the population using said pool, and; (4) the types of services paid for out of said pool funds in fiscal year 2002; provided further, that the division shall include in said report an analysis on hospitals' responsiveness to enrolling eligible individuals into the MassHealth program, so-called, upon the date of service rather than charging said individuals to the uncompensated care pool; provided further, that said division shall include in said report possible disincentives the state could provide to hospitals to discourage such behavior; provided further, that notwithstanding the provisions of any general or special law or rule or regulation to the contrary, said division shall not allow any exceptions to the usual and customary charge defining rule, so called, as defined in 114.3 CMR 31.02, for the purposes of drug cost reimbursement to eligible pharmacy providers for publicly aided and industrial accident patients; provided further, that said division shall notify the house and senate committees on ways and means within ten days of the completion of the required public notification period necessary to implement the provisions of this item; provided further, that notwithstanding the provisions of any general or special law, rule or regulation, the division, for the purposes of drug cost reimbursement to eligible pharmacy providers for publicly aided and industrial accident patients, shall define the estimated acquisition cost for a single source brand name drug, so-called, and for a multiple source generic drug, so-called, as the wholesale acquisition cost minus 2 per cent for both legend and non-legend drugs; provided further, that all terms used in this item are as defined in 114 CMR 31.02 except that for the

purposes of this section only, the term eligible pharmacy providers shall not include those pharmacies that serve publicly aided long-term care patients in facilities licensed by the department of public health pursuant to section 71 of chapter 111 of the General Laws; provided further, that the commissioner shall hold a public hearing in order to hear testimony from members of the public on the changes to the estimated acquisition cost; provided further, that the commissioner shall consider whether the estimated acquisition cost is adequate to provide payment for pharmacy services that is consistent with efficiency, economy, and quality of care; provided further, that the commissioner shall also consider whether the estimated acquisition cost is sufficient to enlist enough pharmacy providers so that pharmacy services are available to program recipients statewide and in each county at least to the same extent, as those services are available to the general population of the commonwealth; provided further, that the commissioner shall also review the estimated wholesale acquisition cost to determine if the wholesale acquisition cost compromises the access to pharmacy services for covered patients; provided further, that not later than 120 days following the public hearing, the division shall publish the results of its findings and the division may establish, as the result of the findings, and pursuant to chapter 118E of the General Laws, a new estimated acquisition cost that is in the best interests of the program recipients; provided further, that the division shall expend no less than \$200,000 for the purposes of conducting audits of wage increases and related employee costs for certified nurses' aides as expended pursuant to 114.CMR 6.00 et seq.; provided, that the division, in coordination with the division of medical assistance, shall recoup 150 per cent of any funds expended for a purpose other than increasing the base hourly wages and related payroll taxes in violation of the regulations; provided further, that monies recouped from a nursing facility that has been determined by the division to have spent funds in violation of the regulations shall be allocated to the certified nurses' aides employed by the nursing facility found to be in violation of this item; provided further, that the division shall require that nursing facilities found to be in violation will be required to

notify and pay out 150 per cent of the underpayments to certified nurses' aides for the calendar year of the underpayment based on total hours worked for the entire calendar year; provided further, that the notice and payment shall be made within one month from notification of the underpayment; provided further that the division shall also require that nursing facilities document to the division that such funds were received by certified nurses' aides; provided further, that such expenditure of funds shall be subject to audit; and provided further that the division shall submit to the house and senate committees on ways and means and the joint committee on health care no later than December 1, 2002, a preliminary analysis of nursing facility spending for the calendar year 2002 based upon a mid-year review of nursing home data and shall report on the certified nurses aides' audits for the calendar year 2002 by August 1, 2003 on the amounts recouped; and provided further, that said division shall notify the house and senate committees on ways and means within ten business days after the completion of the required public notification period necessary to implement the provisions of this item \$10,084,422

4100-0068 For the purpose of awarding one-time grants in fiscal year 2003 to qualifying community health centers located in communities with demonstrated significant barriers to care or serving patients with unusually high acuity, notwithstanding the provisions of any general or special law to the contrary; provided, that criteria established by the division for the award of such grants shall be based on barriers to care in a community including, but not limited to, language, ethnicity, race, insurance status and patient acuity factors; provided further, that such factors shall include multi-system failures, psycho-social needs, endemic incidence of substance abuse and nutritional and dietary deficiencies underlying the disease process; provided further, that such grants shall be awarded consistent with the recommendations of an advisory council consisting of the commissioner of the division of health care finance and policy, the commissioner of medical assistance, the commissioner of public health, the executive director of the Massachusetts League of Community Health Centers, the executive director of Health Care for All, and the secretary of

health and human services, who shall chair the advisory group, or the designees of any such member thereof; provided further, that said advisory group shall recommend to the division not later than September 1, 2002 the most efficacious means of awarding such grants; provided further, that all grants shall be awarded no later than six months after the effective date of this act; provided further, that not more than \$100,000 shall be expended for a program of technical assistance to applicants for and recipients of said grants by a state primary care association qualified under section 330(f)(1) of the United States Public Health Service Act 42 USC 254C(f); provided further that such grants shall be awarded within six months of the effective date of this act; provided further, that the commissioner of health care finance and policy shall submit a report to the secretary of health and human services and the house and senate committees on ways and means at least 30 days prior to any grants being awarded, including, a listing of facilities that applied for grants, the methodology used to determine the disbursement of grants, the amount projected to be paid to each community health center, and the projected impact of said grants on patient care and the promotion of public health at each facility; and provided further, that all grants shall be distributed no later than 6 months after the effective date of this act \$5,000,000
Tobacco Settlement Fund 100.00%

Massachusetts Commission for the Blind.

- 4110-0001 For the office of the commissioner and the bureau of research; provided, that amounts appropriated to the commission in fiscal year 2003 that extend or expand services beyond the level of services provided in fiscal year 2002 shall not annualize above the amounts in fiscal year 2004 \$976,000
- 4110-1000 For the community services program; provided, that not less than \$350,000 shall be expended from this item for the deaf-blind community access network; provided further, that not less than \$500,000 shall be expended for the talking information center; provided further, that not less than \$10,000 shall be expended for the Audible Local Ledger of Falmouth; provided further, that the Massachusetts commission for the blind shall work in collaboration with the Massachusetts commission for the deaf and hard of hearing to provide assistance

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	and services to the deaf-blind community through the deaf-blind community access network; provided further, that the commissioner may transfer an amount not to exceed \$400,000 from this item to item 4110-2000; and provided further, that 30 days prior to any such transfer, the commissioner shall submit an allocation plan, which shall detail by subsidiary the distribution of the funds, to the house and senate committees on ways and means	\$3,768,186
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	\$8,351,643
4110-1020	For eligibility determination for the medical assistance program for the blind; provided, that the commission shall work with the division of medical assistance, the department of mental retardation and other state agencies to maximize federal reimbursement for clients so determined through this item including, but not limited to, reimbursement for home and community-based waiver clients	\$313,979
4110-2000	For the turning 22 program of the commission; provided, that nothing stated herein shall give rise to or shall be construed as giving rise to enforceable legal rights in any party or an enforceable entitlement to the services funded herein; provided further, that the commission shall work in conjunction with the department of mental retardation to secure the maximum amount of federal reimbursements available for the care of turning 22 clients; and provided further, that the commission shall work in conjunction with the department of mental retardation to secure similar rates for contracted residential services	\$7,744,790
4110-2001	For services to clients of the department who turn 22 years of age during state fiscal year 2003; provided, that the amount appropriated herein shall not annualize to more than \$280,000 in fiscal year 2004; provided further, that nothing stated herein shall give rise to or shall be construed as giving rise to enforceable legal rights in any party or an enforceable entitlement to the services funded herein; provided further, that the commission shall work in conjunction with the department of mental retardation to secure the maximum amount of federal reimbursements available for the care of turning 22 clients; and provided further, that the commission	

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	shall work in conjunction with the department of mental retardation to secure similar rates for contracted residential services	\$165,000
4110-3010 For	a program of vocational rehabilitation for the blind in cooperation with the federal government; provided, that no funds from the federal vocational rehabilitation grants or state appropriation shall be deducted for pensions, group health and life insurance, or any other such indirect cost of federally reimbursed state employees	\$2,622,740
4110-4000 For	the administration of the Ferguson Industries for the blind; provided, that retired workshop employees shall receive grants equal to three-fourths of the salaries of current workshop employees; and provided further, that any funds received for goods and services purchased by private and public sector entities at Ferguson Industries shall be remitted to the General Fund	\$1,873,740
	<i>Massachusetts Rehabilitation Commission.</i>	
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 the department of revenue, the commission shall provide lists of individual clients to whom or on behalf of whom payments have been made for the purpose of verifying eligibility and detecting and preventing fraud, error and abuse in the programs administered by the commission; provided further, that the lists shall include client names and social security numbers and payee names and other identification, if different from a client's; and provided further, that amounts appropriated in items of the department that extend or expand services beyond the level of services provided in fiscal year 2002 shall not annualize above the amounts in fiscal year 2004	\$421,311
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	\$8,179,277

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4120-3000	For employment assistance services; provided, that vocational evaluation and employment services for severely physically disabled adults may, subject to appropriation, be provided; and provided further, that not less than \$305,000 shall be expended for the Charlestown Navy Yard Special Project for physically disabled adults	\$8,515,954
4120-4000	For independent living assistance services; provided, that \$20,000 shall be expended for Living Independently for Equality, Inc. of Brockton; provided further, that not more than \$858,000 shall be expended for assistive technology devices and training for individuals with severe disabilities; and provided further, that \$200,000 shall be obligated for the SHARE Foundation at the University of Massachusetts	\$7,795,212
4120-4001	For the housing registry for the disabled	\$93,060
4120-4010	For services to clients of the department who turn 22 years of age during fiscal year 2003; provided, that the amount appropriated herein shall not annualize to more than \$950,000 in fiscal year 2004; and provided further, that nothing stated herein shall give rise to or shall be construed as giving rise to enforceable legal rights in any party or an enforceable entitlement to the services funded herein	\$513,760
4120-5000	For homemaking services	\$4,744,767
4120-5050	Notwithstanding any general or special law to the contrary, the Massachusetts rehabilitation commission may expend an amount not to exceed \$2,000,000 for expanded independent living and employment services from federal reimbursements received for services provided by the commission; provided, that for the purpose of accommodating discrepancies between the receipt of retained revenue and related expenditures, the department may incur expenses and the comptroller may certify for payments amounts not to exceed the lower of this authorization or the most recent revenue estimate reported in the state accounting system; and provided further, that the commission shall submit a report to the house and senate committees on ways and means not later than February 3, 2003, detailing the use of any funds encumbered or expended from this item, including, but not limited to, the number of clients served, the types of services purchased and the annualized impact of the expenditures in the subsequent fiscal year	\$2,000,000

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- 4120-6000 For head injured services; provided, that the commission shall work with the division of medical assistance to maximize federal reimbursement for clients receiving head injured services; and provided further, that not less than \$50,000 shall be expended for the Cape Cod head injury program \$6,704,692
 General Fund 84.97%
 Head Injury Treatment Services Fund 15.03%
- 4120-6001 For the additional expenses of providing head injured services; provided, that the commission may expend funds to provide recurring residential services on a 24-hour basis to persons with severe head injuries in western Massachusetts; provided further, that the remaining funds shall not be used to supplant existing services provided under item 4120-6000; provided further, that all unexpended funds from this item shall revert to the Head Injury Treatment Services Trust Fund; provided further, that the commission shall perform outreach and provide information to the courts of the commonwealth regarding services provided through this item and the various revenue sources which fund the Head Injury Treatment Services Trust Fund; and provided further, that the commission shall report quarterly to the house and senate committees on ways and means and the secretary of administration and finance on the balance of the Head Injury Treatment Services Trust Fund and on the balance of the fund from the corresponding quarter of the prior fiscal year \$1,800,000
 Head Injury Treatment Services Fund 100.00%
- 4120-6002 The commission may expend an amount not to exceed \$5,000,000 from fees collected under section 20 of chapter 90 of the General Laws for rehabilitation services for head injured persons; provided, that the commission shall report to the house and senate committees on ways and means not later than January 31, 2003, detailing the use of any funds encumbered or expended from this item, including, but not limited to, the number of clients served, the types of services purchased and the annualized impact of the expenditures in the subsequent fiscal years; provided further, that all unexpended funds from this item shall revert to the Head Injury Treatment Services Trust Fund; and provided further, that funds appropriated herein shall not be used to supplant existing services provided under item 4120-6000 \$5,000,000

Head Injury Treatment Services Fund 100.00%

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 \$5,177,437

4125-0101 Notwithstanding any general or special law to the contrary, the Massachusetts commission for the deaf and hard of hearing may expend revenues in an amount not to exceed \$175,000 from charges received on behalf of interpreter services and monies received from private grants, bequests, gifts or contributions; provided, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the commission may incur expenses and the comptroller may certify for payments amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system \$175,000

Office of Child Care Services.

4130-0001 For the administration of the office of child care services; provided, that the office shall issue monthly reports detailing the number and average cost of voucher and contracted child care slots funded from items 4130-3050, 4130-3500 and 4130-3600 by category of eligibility; provided further, that the report shall include the number of recipients subject to subsection (f) of section 110 of chapter 5 of the acts of 1995 funded under item 4130-3050 that qualify for federal funding through the transitional aid to needy families fund; provided further, that the office shall report quarterly to the house and senate committees on ways and means and the secretary of administration and finance on the unduplicated number of children on waiting lists for state-subsidized child care; provided further, that the office shall administer the child care resource and referral system; provided further, that nothing contained herein shall be construed as limiting the office's authority to issue variances or grant licenses or certificates on a probationary basis as provided in 102 CMR 8.00 as in effect on May 28, 1993; provided further, that notwithstanding any general or special law to the contrary, the office shall perform post-audit reviews on a representative sample of the income eligibility determinations performed by vendors receiving funds from item 4130-3050; provided further, that the office shall report quarterly to the house and senate committees on

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	ways and means and secretary of administration and finance on the error rate, if any, in income-eligibility determinations calculated by the post audit reviews; and provided further, that no funds from this item shall be expended for the DD subsidiary costs of the Children's Trust Fund	\$1,923,050
4130-0002	For the administration of the Children's Trust Fund	\$922,371
4130-0005	For field operations licensing; provided, that no funds from this item shall be expended for family support services; and provided further, that no funds from this item shall be expended for the DD subsidiary costs, so-called, of the Children's Trust Fund	\$7,037,387
4130-1000	For statewide neonatal and postnatal home parenting education and home visiting programs for at-risk newborns to be administered by the Children's Trust Fund; provided, that such services shall be made available statewide to all parents under the age of 21 years within the amount appropriated herein	\$19,121,630
4130-2998	For one-time child care quality expenditures; provided, that not less than \$1,402,109 shall be expended for activities to increase the supply of quality child care for infants and toddlers; provided further, that not less than \$248,603 shall be expended for resource and referral and school-age child care activities; provided further, that no funds from this item shall be used to fund capital assets or equipment for for-profit providers or agencies; provided further, that the office of child care services jointly with the department of education, the advisory committee to the office of child care services, the state advisory council in early care and education to the department of education, the Early Intervention Interagency Coordinating Council, the advisory council to the state Head Start coordinator, the state board of higher education, and other relevant parties identified by the named participants shall jointly prepare a proposal for the establishment of a career ladder program consisting of a comprehensive professional career path linking education, training and experience toward the achievement of early care and education or school age child care certifications, associate's, bachelor's or postgraduate degrees, directly correlated with compensation guidelines; provided further, that the proposal shall include an evaluation of the costs to the commonwealth	

and child care providers of implementing the career ladder program; provided further, that the proposal shall include an evaluation and assessment of potential incentives, including the feasibility and desirability of implementing the potential incentives, for child care providers to seek and receive national accreditation appropriate to individual programs within five years; provided further, that the report shall be submitted to the house and senate committees on ways and means within 90 days of the passage of this act; provided further, that the commissioner of child care services shall submit written certification to the secretary of administration and finance and the house and senate committees on ways and means that all planned expenditures and allocations from this item shall have no fiscal impact beyond fiscal year 2003; and provided further, that no funds may be expended, obligated or transferred from this item prior to the submission of this certification \$4,178,312

Child Care Fund 100.00%

4130-3050 For child care vouchers and contracted child care programs for low-income families; provided further, that the employment services child care program for recipients of transitional and supplemental transitional aid to families with dependent children and the absent parents of the recipients, former recipients of the program who are working for up to 1 year after termination of benefits, former recipients of the program participating in education or training programs authorized by department of transitional assistance regulations, and parents under the age of eighteen currently enrolled in a job training program who would qualify for benefits under provisions of chapter 118 of the General Laws but for the deeming of grandparents' income shall be funded from this item; provided further, that post-transitional child care vouchers for former recipients of transitional aid to families with dependent children who have been working for more than 1 year after termination of program benefits shall be funded from this item; provided further, that income-eligible child care programs shall be funded from this item; provided further, that not fewer than 500 child care slots shall be reserved for children in the foster care program at the department of social services; provided further, that child care for the children of

teen parents receiving transitional aid to families with dependent children benefits, teen parents receiving supplemental security income payments and whose dependent children receive the aid, and teen parents at risk of becoming eligible for transitional aid to families with dependent children benefits shall be paid from this item; provided further, that all teens eligible for year-round full-time child care services shall be participating in school, education, work and training-related activities or a combination thereof for at least the minimum number of hours required by regulations promulgated for the program of transitional aid, whether or not such teens are recipients of benefits from the program; provided further, that informal child care benefits shall be funded from this item; provided further, that not more than \$2.00 per child per hour shall be paid for such services; provided further, that child care slots funded from this item shall be distributed geographically in a manner that provides fair and adequate access to child care for all eligible individuals; and provided further, that all child care providers that are part of a public school system shall be required to accept child care vouchers from recipients funded through this appropriation \$285,903,524

Child Care Fund	48.72%
Transitional Aid to Needy Families	32.31%
General Fund	18.97%

4130-3100 For the regional administration of child care programs and related child care activities; provided, that the activities shall include, but not be limited to, voucher management, child care provider training, resource and referral for children with disabilities in child care programs, community-based programs that provide direct services to parents, and coordination of waiting lists for state-subsidized child care; and provided further, that no funds shall be expended from this item for AA subsidiary payroll expenses, so-called \$12,243,732

Child Care Fund	100.00%
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4130-3500 For the provision of trial court child care services; provided, that \$106,902 shall be expended for child care services in the Roxbury trial court; provided further, that \$128,166 shall be expended for child care services in the Springfield trial court; provided further, that \$81,861 shall be expended for child care services in the West Roxbury trial court; provided fur-

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ther, that \$214,502 shall be expended for child care services in the Middlesex trial court; provided further, that \$146,688 shall be expended for child care at the Dorchester district court; provided further, that \$146,688 shall be expended for trial court child care in Lawrence; provided further, that \$209,525 shall be expended for child care at the Suffolk county court complex; provided further, that not less than \$146,688 shall be expended for child care services in the Fall River trial court; provided further, that \$167,550 shall be expended for child care services in the Chelsea trial court; and provided further, that \$251,430 shall be expended for child care services in the Brockton trial court \$1,600,000

Child Care Fund 100.00%

4130-3600 For supportive child care associated with the family stabilization program; provided, that funds from this item shall only be expended for child care costs of children with active cases at the department of social services \$50,344,206

Child Care Fund 80.18%

General Fund 18.84%

Social Services Fund 0.98%

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 not less than \$31,000 shall be expended for the purposes of providing psychiatric services to the residents and patients at the soldiers' home; and provided further, that graduates from the LPN school of nursing shall be required to work in state operated facilities for a minimum duration of one year \$22,442,947

4180-1100 The Soldiers' Home in Massachusetts located in the city of Chelsea may expend revenues up to a maximum of \$207,000 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 said license plates, shall be deposited into and

for the purposes of this retained revenue account of the Soldiers' Home in Massachusetts located in the city of Chelsea; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the Soldiers' Home in Massachusetts located in the city of Chelsea may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system, prior appropriation continued \$207,000

Soldiers' Home in Holyoke.

- 4190-0100 For the maintenance and operation of the Soldiers' Home in Holyoke including the adult day care program; provided, that in the operation of the outpatient pharmacy, the Soldiers' Home shall cover the cost of drugs prescribed at said Soldiers' Home, excluding the required co-payment, only when the veteran has no access to other drug insurance coverage, including coverage through the program authorized by section 39 of chapter 19A of the General Laws; provided further, that not less than \$111,280 shall be expended to maintain dental clinic hours at 40 hours per week; and provided further, upon receipt of federal reimbursement funds for state-funded capital projects, said Soldiers' Home may expend not more than \$3,600,000 for the costs of asbestos removal and air conditioning installation \$16,470,087
- 4190-0102 The Soldiers' Home in Holyoke may expend for the outpatient pharmacy program an amount not to exceed \$225,000 from co-payments which it is hereby authorized to charge to users of said program; provided, that the rates of said co-payments and the procedures for the administration thereof shall annually be determined by the superintendent of said soldiers' home and approved by the secretary of health and human services; provided further, that no funds appropriated herein shall be expended until said superintendent has submitted a report to said secretary and the house and senate committees on ways and means detailing projected expenditures for fiscal years 2003 and 2004 and any and all assumptions used to project outpatient pharmacy spending for the outpatient pharmacy program from this item and item 4190-0100 by

September 1, 2002; provided further, that said superintendent shall submit a report to said secretary and the house and senate committees on ways and means that shall include demographic information on said outpatient pharmacy users, including age and insurance status; provided further, that said report shall include utilization information for the outpatient pharmacy including the number of generic prescriptions filled, the number of brand name prescriptions filled, the number of 30-day supplies of generic drugs dispensed, the number of 30-day supplies of brand name drugs dispensed, and a description of said solders' home's drug utilization review program for the first two quarters of fiscal year 2003; provided further, that said report shall be submitted not later than January 15, 2003; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, said soldiers' home may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system \$225,000

4190-1100 The Soldiers' Home in Holyoke may expend revenues up to a maximum of \$163,000 for facility maintenance and patient care, including personnel costs; provided, that 40 per cent of all revenues generated pursuant to section 2 of chapter 90 of the General Laws, through the purchase of license plates with the designation VETERAN by eligible veterans of the commonwealth, upon compensating the registry of motor vehicles for the cost associated with the license plates, shall be deposited into and for the purposes of this retained revenue account of the Soldiers' Home in Holyoke; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, said Soldiers' Home in Holyoke may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system, prior appropriation continued \$163,000

4190-1101 The Soldiers' Home in Holyoke may expend revenues up to a

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maximum of \$447,125 from resident fees for long-term care beds and domiciliary beds; provided that the only revenue available for expenditure in this item shall be amounts collected for fiscal year 2003 from said resident fees \$447,125

Department of Youth Services.

- 4200-0010 For the administration of the department of youth services; provided, that the department shall submit a report to the house and senate committees on ways and means not later than February 1, 2003, detailing the caseload for all department programs funded in items 4200-0100, 4200-0200 and 4200-0300; provided further, that the commissioner of youth services, in conjunction with the department of education, shall submit a report to the house and senate committees on ways and means not later than February 1, 2003 on the status of educational resources at the department of youth services; provided further, that the report shall review teacher retention, salary comparisons within the department and to statewide averages and related impact on the quality of educational services provided to youths in the custody of the department; and provided further, that the report shall include recommendations for the improvement of educational resources and costs associated with the improvements \$4,851,260
- 4200-0100 For supervision, counseling and other community-based services provided to committed youths in non-residential care programs of the department; provided, that the commissioner may transfer up to 7 per cent of the amount appropriated herein to items 4200-0200 and 4200-0300; and provided further, that 30 days before any such transfer is made, the commissioner shall file with the secretary of administration and finance and the house and senate committees on ways and means a plan showing the amounts to be transferred and the reason for the proposed transfer \$19,118,628
- 4200-0200 For pre-trial detention programs, including purchase-of-service and state-operated programs; provided, that the commissioner may transfer up to 7 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

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means a plan showing the amounts to be transferred and the reason for the proposed transfer \$16,998,617

4200-0300 For secure facilities, including purchase-of-service and state-operated programs incidental to the operations of the facilities; provided, that not less than \$250,000 be expended for "non-contracted services" located within the commonwealth; provided, that the commissioner may transfer up to 5 per cent of the amount appropriated herein to items 4200-0100 and 4200-0200; and provided further, that 30 days before any such transfer is made, 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 \$77,301,413

Department of Transitional Assistance.

4400-1000 For the central administration of the department, including the development and maintenance of automated data processing systems and services in support of department operations, and for the administration of department programs in local transitional assistance offices, including the expenses of operating a food stamp program; provided, that during fiscal year 2003 the department shall maintain 2 transitional assistance offices in the city of Springfield; provided further, that all costs associated with verifying disability for all programs of the department shall be paid from this item; provided further, that the department shall submit on a monthly basis to the house and senate committees on ways and means and the secretary of administration and finance a status report on program expenditures, savings and revenues, error rate measurements, public assistance caseloads and benefits; provided further, that the report shall comprehensively track statewide use of the emergency assistance program by eligibility category including, but not limited to, caseload, average length of use or stay and monthly expenditures; provided further, that the department shall collect all out-of-court settlement restitution payments; provided further, that the restitution payments shall include, but not be limited to, installment and lump sum payments; provided further, that the department shall file quarterly reports with the house and senate committees on ways and

means detailing the total amount of fraudulently obtained benefits identified by the bureau of special investigations of the office of the state auditor, the total value of settlement restitution payments, actual monthly collections, and any circumstances that produce shortfalls in collections; provided further, that the department shall deposit revenues associated with fraudulently obtained benefits identified by the bureau of special investigations in a separate revenue source established on the Massachusetts management accounting and reporting system; provided further, that notwithstanding any general or special law to the contrary, unless otherwise expressly provided, federal reimbursements, other than transitional aid to needy families funds, received for the purposes of the department, including reimbursements for administrative, fringe and overhead costs, for the current fiscal year and prior fiscal years, shall be credited to the General Fund; provided further, that under 21 U.S.C. section 862a(d)(1), the department shall exempt individuals from the eligibility restrictions of 21 U.S.C. section 862a, except that individuals incarcerated for a conviction which would otherwise be disqualifying under 21 U.S.C. section 862a(a) shall not be eligible for cash assistance funded through item 4403-2000 during the first 12 months after release from a correctional institution unless the individual qualifies for an exemption under subsection (e) of section 110 of chapter 5 of the acts of 1995 or a domestic violence waiver; provided further, that an application for assistance under chapter 118 of the General Laws shall be deemed an application for assistance under chapter 118E; provided further, that if assistance under chapter 118 is denied, the application shall be transmitted by the department to the division of medical assistance for a determination of eligibility under chapter 118E; provided further, that the department shall promptly review all written program applications, notices and forms it sends to applicants and recipients; provided further, that the revised notices and forms shall be drawn in concise and readily understandable language such that it may require no reading skills beyond the third-grade level; provided further, that any notices denying, reducing or terminating benefits shall specify the precise reason for ineligibility and shall include a listing of any specific documents the applicant or recipient must provide, the alternate

documents that are acceptable and the time frame for providing documents to avoid an interruption in ongoing benefits; provided further, that the department shall provide copies of revised standard applications and notifications to the house and senate committees on ways and means not later than January 18, 2003; provided further, that the department shall continue policies to increase participation in the food stamp program; provided further, that the food stamp application shall be the shortest and simplest necessary to achieve its purpose; provided further, that the application shall be drawn in concise and readily understandable language, such that its completion may require no reading skills beyond the third-grade level; provided further, that the department shall report to the house and senate committees on ways and means not later than December 15, 2002 on the rationale for each of the questions on the food stamp application, including an explanation of how each question is consistent with making the application the shortest and simplest necessary to achieve its purpose; 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 food stamp applications and re-determinations; and provided further, that the department shall report to the house and senate committees on ways and means not later than December 15, 2002 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 . . . \$121,411,848

General Fund 83.00%
Transitional Aid to Needy Families Fund . . . 17.00%

4400-1025 For domestic violence specialists at local area offices \$547,975

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4401-1000 For a program to provide employment and training services for recipients of benefits provided under the program of transitional aid to families with dependent children; provided, that certain parents who have not yet reached the age of 18 years, including those who are ineligible for transitional aid to families with dependent children, and who would qualify for benefits under chapter 118 of the General Laws, but for the deeming of the grandparents' income, shall be allowed to participate in the employment services program; provided further, that funds from this item may be expended on former recipients of the program for up to one year after termination of their benefits due to employment or subsection (f) of section 110 of chapter 5 of the acts of 1995; provided further, that the department shall place recipients in appropriate services most effective in ensuring productive employment and supporting self-sufficiency; provided further, that funds from this item may be expended for employment and training courses, pre-employment skills training and education programs, re-employment services, job search assistance, vocational training services, job retention services, structured subsidized employment services, adult basic education, graduate equivalency degree courses, English as a second language courses and training programs for persons with limited English proficiency, and emergency work-related expenses for recipients, including emergency transportation costs; provided further, that the department shall inform all recipients and applicants of the full range of programs available under this program; provided further, that funds may be allocated from this item to other agencies for the purposes of this program; provided further, that not less than \$15,000,000 shall be expended for substantive pre-employment education and training programs designed to remove barriers to productive employment; provided further, that \$2,000,000 shall be expended for young parent programs; provided further, that within 90 days of a recipient without a high school degree or a graduate equivalency degree or proficiency in English who is subject to subsection (f) of section 110 of chapter 5 of the acts of 1995, becoming eligible for benefits, the department may offer to the recipient a skills assessment to identify barriers to employment; provided further that the assessment shall be conducted by an

appropriate and qualified entity selected by the department under a request for proposals; provided further, that the skills assessment shall identify barriers to employment, including, but not limited to, low reading or math levels, limited English proficiency, lack of job skills or work history, disabilities, child health and behavioral problems, domestic violence or housing instability; provided further, that the screening, assessment and referral process shall include assistance to recipients to access existing services, programs, and protections in response to the results of the assessment of the respective recipient, including but not limited to, referrals for testing or evaluation, career guidance, education and training programs, and exemptions under subsection (e) of said section 110 of said chapter 5; provided further, that notwithstanding any general or special law to the contrary, in determining whether a recipient should be granted an extension of time-limited benefits under subsection (f) of said section 110 of said chapter 5, the department may consider whether a recipient needs a reasonable amount of time to complete a recognized education or training program; provided further, that the department of transitional assistance shall report monthly to the house and senate committees on ways and means on continued efforts to improve the efficacy of employment and training services for recipients under the program of transitional aid to families with dependent children; provided further, that the report shall include the number of recipients served by each program, costs of services provided, and outcomes data including number of participants employed and, salaries, and benefit information; and provided further, that nothing herein shall give rise to or shall be construed as giving rise to enforceable legal rights in any party or in enforceable entitlement to services \$30,000,000

General Fund 10.00%
Transitional Aid to Needy Families Fund . . . 90.00%

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 benefits under this item shall be made available to illegal or undocumented aliens; provided further, that the need standard shall be equal to the standard in effect in fiscal year 2002; provided further, that the payment standard shall be equal to the need standard; provided further, that the payment standard for families who do not qualify for an exempt category of assistance under the provisions of subsection (e) of section 110 of chapter 5 of the acts of 1995 shall be $2\frac{3}{4}$ per cent below the otherwise applicable payment standard, in fiscal year 2003, pursuant to the provisions of the state plan required under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996; provided further, that the department shall notify all teen parents receiving benefits from the program of the requirements found in clause(2) of subsection (i) of said section 110 of said chapter 5; provided further, that a \$40 per month rent allowance shall be paid to all households incurring a rent or mortgage expense and not residing in public housing or subsidized housing; provided further, that a nonrecurring children's clothing allowance in the amount of \$150 shall be provided to each child eligible under this program in September 2002; provided further, that the children's clothing allowance shall be included in the standard of need for the month of September, 2002; provided further, that benefits under this program shall not be available to those families where a child has been removed from the household pursuant to a court order after a care and protection hearing on child abuse, nor to adult recipients otherwise eligible for transitional aid to families with dependent children but for the temporary removal of the dependent child or children from the home by the department of social services in accordance with department procedures; provided further, that notwithstanding section 2 of chapter 118 of the General Laws, or any other general or special law to the contrary, the department shall render aid to pregnant women with no other eligible dependent children only if it has been medically verified that the child is expected to be born within the month such payments are to be made or within the three month period following such month of payment, and who, if such child had been born and was living with her in the month of

payment would be categorically and financially eligible for 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 such loss; provided further, that no funds from this item shall be expended by the department for child care or transportation services for the employment and training program; provided further, that no funds from this item shall be expended by the department for family reunification benefits or informal child care; provided further, that the department shall provide oral and written notification to all recipients of their child care benefits on a semi-annual basis; provided further, that the notification shall include the full range of child care options available, including center-based child care, so-called, family-based child care, so-called, and in-home relative child care, so-called; provided further, that the notification shall detail available child care benefits for current and former recipients, including employment and training benefits, transitional benefits, so-called, and post-transitional benefits, so-called; provided further, that the department shall work with the office of child care services to ensure that both recipients currently receiving benefits and former recipients during the one year period following termination of benefits are provided written and verbal information about child care services; provided further, that the notice shall further advise recipients of the availability of food stamps benefits; provided further, that not less than \$318,074 shall be expended for the purposes of the operation of the Transportation Assistance Program operated by the Traveler's Aid Society of Boston; provided further, that in promulgating, amending or rescinding its regulations with respect to eligibility for, or levels of, benefits under the program, the department shall take into account the amounts available to it for expenditure by this item so as not to exceed the appropriation; provided further, that notwithstanding any general or special law or of this item to the contrary, 30 days before implementing any eligibility or benefit changes or both, the commissioner shall file with the house and senate committees on ways and means and with the clerks of the house of representatives and the senate a determination by the

secretary of health and human services that available appropriations for the program will be insufficient to meet projected expenses and a report setting forth the basis for, and text of, the proposed changes; provided further, that after February 28, 2003, the commissioner of transitional assistance may establish a program of supplemental transitional aid to families with dependent children pursuant to the provisions of section 210 of chapter 43 of the acts of 1997; provided further, that benefits under said program shall be provided only to persons who are not citizens of the United States, and for whom, pursuant to section 401, 402, or 403 of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 8 U.S.C. section 1611, 1612 or 1613, federal funds may not be used to provide benefits pursuant to chapter 118 of the General Laws, but who are qualified aliens within the meaning of section 431 of said Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 8 U.S.C. section 1641 or are otherwise permanently residing in the United States under color of law; provided further, that said program may be established only after the secretary of administration and finance has certified in writing ten days prior to the intended change that the department does not require supplemental appropriation in this or any of its other items of appropriation, that no supplemental appropriations have been given to date, that no funds have been transferred to this item to support spending needs, and that no supplemental funds will be necessary for the remainder of the fiscal year in this or any of its other items of appropriation; and provided further, that notwithstanding any general or special law to the contrary, the comptroller shall transfer any unexpended balance remaining in this item at the close of the fiscal year to the Caseload Increase

Mitigation Fund	\$332,031,646
General Fund	31.92%
Transitional Aid to Needy Families Fund ...	45.50%
Caseload Mitigation Fund	22.58%

4403-2119 For the provision of structured settings as provided in subsection (i) of section 110 of chapter 5 of the acts of 1995 for parents under the age of 20 who are receiving benefits under the transitional aid to families with dependent children program;

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provided, that not more than \$540,000 shall be made available for teen victims of domestic violence through the department of social services; and provided further, that \$300,000 shall be expended for Summerhill House in Norwood \$6,224,206

4403-2120 For certain expenses of the emergency assistance program as herein delineated: (i) contracted family shelters; (ii) transitional housing programs; (iii) programs to reduce homelessness in Barnstable, Dukes and Nantucket counties; (iv) residential education centers for single mothers with children; (v) intake centers, so-called; (vi) hotel and motel payments on behalf of homeless families; and (vii) voucher shelters, so-called; provided further, that eligibility shall be limited to families with income at or below 100 per cent of the federal poverty level; provided further, that notwithstanding any general or special law or provisions of this item to the contrary, after February 28, 2003, the commissioner of transitional assistance may expand eligibility to families with income under 130 per cent of the federal poverty level; provided further, that eligibility may be so expanded only after the secretary of administration and finance has certified in writing ten days prior to the intended eligibility expansion that the department does not require supplemental appropriation in this or any of its other items of appropriation, that no supplemental appropriations have been given to date, that no funds have been transferred to this item to support spending needs, and that no supplemental funds will be necessary for the remainder of the fiscal year in this or any of its other items of appropriation; 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 no funds may be expended for heat or utility arrearages; provided further, that an otherwise eligible household shall be authorized for temporary emergency shelter even if that household has been

authorized to receive a rental arrearage payment within the past 12 months; provided further, that eligible households shall be placed in shelter as close as possible to their home community, unless the household requests otherwise; provided further, 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 the department shall strive to place eligible households in scattered site shelters in their home communities rather than in motels upon a determination that this action shall not entail additional costs to the family shelter program; provided further, that the department shall report monthly to the house and senate committees on ways and means on the number of families who apply for emergency assistance funded family shelter, the number of families approved for shelter, the number of families denied shelter along with reasons for denials, the home community of families receiving shelter, the number of families receiving shelter within each home community, the number of available shelter slots within each home community, the income level of families receiving shelter, programs designed to prevent homelessness that had previously been accessed by families receiving shelter, the composition of families receiving shelter, the reason that the household is seeking emergency family shelter, and any other information that the department determines to be necessary in evaluating and proposing changes to the operation of the emergency assistance family shelters program; provided further, that not later than September 1 of the current fiscal year the department shall deliver an annual report to the house and senate committees on ways and means on the status and activities of the emergency assistance family shelter program for the preceding fiscal year and any modifications that the department intends to make in the operation of the program in the current fiscal year; provided further, that this report shall include an analysis of the number of households from each home community that are receiving shelter services, the number of family shelter units available in each home community, and the steps that have been taken, and that the department plans to take in the future, to bring the number of

family shelter units available in each home community into line with the number of households from each home community receiving shelter services; provided further, that the report shall also include information, by type of shelter, on average length of stay, average cost per household served, average number of shelter slots not used either as the result of no placement being made or of a placed family not making use of shelter, and an analysis of this data, including an analysis of causes relating to any significant differences in the data for each type of shelter; provided further, that in the first half of fiscal year 2004, and in the first half of every second fiscal year thereafter, the department shall conduct a program to monitor the outcomes for households denied family shelter services; provided further, that the department shall report on the results of this monitoring program to the house and senate committees on ways and means not later than February 17 of the fiscal year in which the program was undertaken; provided further, that this report shall include a recommendation on whether any changes should be made in the eligibility standards for the emergency assistance shelter program to insure that households in need of emergency family shelter services are provided these services; provided further, that not later than December 15, 2002, the department shall submit to the house and senate committees on ways and means and the joint committee on human services and elderly affairs a policy document detailing the guidelines used in making decisions on daily operations of the family shelter system; provided further, that this document shall include the guidelines, and the rationale and supporting research behind the guidelines, used in determining whether an eligible household should be placed in congregate or scattered site shelter, the guidelines used in determining what support services need to be provided to recipients of family shelter services to expedite discharge from family shelter, the guidelines used in assigning priority to support services in those instances when demand outstrips available services, and the linkages that have been developed between family shelter services, front-door homelessness prevention services, and back-door homeless shelter discharge services; 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 herein; provided further, that notwithstanding the provisions of any general or special law to the contrary, 30 days before promulgating any such eligibility or benefit changes, the commissioner shall file with the house and senate committees on ways and means and with the clerks of the house of representatives and the senate a determination by the secretary of health and human services that available appropriations for the program will be insufficient to meet projected expenses and a report setting forth such proposed changes; provided further, that nothing herein shall give rise to or shall be construed as giving rise to enforceable legal rights in any party or an enforceable entitlement to services other than to the extent that such rights or entitlements exist under the regulations promulgated by the department; and provided further, that nothing in the preceding proviso shall authorize the department to alter eligibility criteria or benefit levels, except to the extent that such changes are needed to avoid a deficiency in this item \$70,220,128

4404-1000 For a program of nutritional assistance to residents of the commonwealth who are qualified aliens within the meaning of section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, so-called, and non-citizens otherwise permanently residing under color of law in the United States; provided, that such a resident shall be eligible for such benefits only if such resident (1) is ineligible for federal food stamp benefits pursuant to the provisions of sections 401, 402 or 403 of such Act, (2) would be eligible for federally funded food stamps, but for his citizenship status, and (3) has resided in the commonwealth for at least 60 days; provided further, that priority in the distribution of such benefits shall be given to persons who were receiving federally funded food stamps in fiscal year 1997 but were rendered ineligible for such benefits by operation of said sections 401, 402 or 403; provided further, that such benefits may be distributed by electronic benefit transfer to the extent such distribution does not jeopardize otherwise available federal funding or impede the effective distribution of such benefits; provided further, that the benefit levels established for such program shall, to the extent feasible, replicate the e-

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quivalent levels in effect for the federal food stamp program as of June 30, 1997, but shall be reduced by a consistent percentage across all benefit levels to the extent necessary not to exceed the amounts appropriated herein; provided further, that the amount appropriated herein shall meet the commonwealth's full obligation for funding for said program for fiscal year 2003; provided further, that said program shall sunset on November 30, 2002 and that after said date the funding obligation for said benefits shall be reliant solely upon federal funding; and provided further, that nothing herein shall give rise to or shall be construed as giving rise to enforceable legal rights in any party or an enforceable entitlement to services, other than to the extent that such rights or entitlements exist pursuant to the regulations promulgated by the department consistent with this item \$1,000,000

4405-2000 For the state supplement to the supplemental security income program for the aged and disabled, including a program for emergency needs for supplemental security income recipients; provided, that the expenses of special grants recipients residing in rest homes, as provided in section 7A of chapter 118A of the General Laws, may be paid from this item; provided further, that the department, in collaboration with the division of medical assistance, 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 division; 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 \$203,037,225

4406-3000 For the homelessness program to assist individuals who are homeless or in danger of becoming homeless, including assistance to organizations which provide food, shelter, housing search, and limited related services to the homeless and indigent; provided, that the department may allocate funds to other agencies for the purposes of this program; provided further, that all organizations that received funds from this item in fiscal year 2002 shall receive funds from this

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	item in the current fiscal year	\$30,000,000
4406-3000	For the homelessness program to assist individuals who are homeless or in danger of becoming homeless, including assistance to organizations which provide food, shelter, housing search, and limited related services to the homeless and indigent; provided, that the department may allocate funds to other agencies for the purposes of this program; provided further, that all organizations that received funds from this item in fiscal year 2002 shall receive funds from this item in the current fiscal year	\$30,000,000
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 such 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 alien or non-citizens otherwise permanently residing in the United States under color of law and shall not be provided to illegal or undocumented aliens; provided further, that the payment standard shall equal the payment standard in effect under the general relief program in fiscal year 1991; provided further, that a \$35 rent allowance, to the extent possible within the amount of this appropriation, shall be paid to all households incurring a rent or mortgage expense and not residing in public housing or subsidized housing; provided further, that the department may provide benefits to persons age 65 or older who have applied for benefits under chapter 118A of the General Laws, to persons suffering from a medically determinable impairment or combination of impairments which is expected to last for a period as determined by department regulations and which substantially reduces or eliminates the individual's capacity to support himself and which have been verified by a competent authority, to certain persons caring for a disabled person, to otherwise eligible participants in the vocational rehabilitation program of the Massachusetts rehabilitation commission, to otherwise eligible students under age 21 who are regularly attending a full time grade school, high school, technical or vocational school not beyond the secondary level, and to 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 the 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 any person incarcerated in a correctional institution shall not 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 promulgate emergency regulations under chapter 30A of the General Laws to implement the changes to this program required by this act promptly and within the appropriation; provided further, that in initially implementing the program for this fiscal year, the department shall include all eligibility categories permitted herein at the payment standard in effect for the former general relief program in fiscal year 1991; provided further, that in promulgating, amending or rescinding its regulations with respect to eligibility or benefits, including the payment standard, medical benefits and any other benefits under this program, the department shall take into account the amounts available to it for expenditure by this item so as not to exceed the amount appropriated herein; provided further, that the department may promulgate emergency regulations under chapter 30A of the General Laws to implement these eligibility or benefit changes or both; provided further, that nothing herein shall be construed as creating any right accruing to recipients of the former general relief program; provided further, that the secretary of health and human services shall report monthly to the house and senate committees on ways and means for the preceding month on the number of persons applying for benefits under this program, by category, age and disability, if any, and the number of persons receiving and denied benefits under this program by category, age and disability, if

any; provided further, that reimbursements collected from the 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 herein 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 herein; and provided further, that notwithstanding any general or special law, or of this item to the contrary, 30 days before implementing any eligibility or benefit changes, or both, the commissioner shall file with the clerks of the house of representatives and the senate a determination by the secretary of health and human services that available appropriations for the program will be insufficient to meet projected expenses and a report setting forth the proposed changes \$71,983,260

Department of Public Health.

4510-0100 For the operation of the department, the determination of need program, established under section 25C of chapter 111 of the General Laws, for the health statistics program, including the operation of a cancer registry and occupational lung disease registry and for the continuation of the cardiac surgery data collection and validation program to collect and validate data from all hospitals in the commonwealth that perform open heart surgery; provided, that the position of assistant commissioner shall not be subject to chapter 31 of the General Laws; provided further, that funds shall be expended for the weapons-related injury surveillance system; and provided further, that funds may be expended for the Massachusetts Violence Prevention Task Force, formerly funded through an interagency service agreement from the department of education \$18,686,950

General Fund 97.81%

Health Protection Fund 2.19%

4510-0110 For community health center services; provided, that \$250,000 may be expended for the purpose of a provider loan repayment program at community health centers; provided further, that the department shall submit a tentative allocation

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schedule of the community health center grants to the house and senate committees on ways and means not later than February 1, 2003; and provided further, that not less than \$100,000 shall be expended for the O'Neill Health Clinic \$5,137,561
Tobacco Settlement Fund 88.59%
General Fund 5.72%
Health Protection Fund 5.69%

4510-0150 For the managed care program at community health centers known as CenterCare established pursuant to section 24F of chapter 111 of the General Laws; provided, that the department shall assist professional and nonprofit agencies dedicated to the advancement of the scope and nature of health care services delivered in communities by community health centers and to pursue available federal technical assistance funding; and provided further, that \$225,000 shall be expended on a statewide program of technical assistance to community health centers to be provided by a state primary care association qualified under section 330(f)(1) of the United States Public Health Service Act 42, U.S.C. section 254c(f)(1) \$3,133,447

4510-0600 For an environmental and community health hazards program, including control of radiation and nuclear hazards, consumer products protection, food and drugs, lead poisoning prevention in accordance with chapter 482 of the acts of 1993, lead-based paint inspections in day care facilities, inspection of radiological facilities, licensing of x-ray technologists; and the administration of the division of environmental epidemiology and toxicology for the purposes of chapter 470 of the acts of 1983, the "Right-to-Know" law; provided, that the expenditures from this item for the fair packaging and labeling survey program shall be contingent upon the prior approval of the proper federal authorities for reimbursement of 100 per cent of the amounts so expended; provided further, that not more than \$14,800 shall be allocated to the Franklin Regional Council of Governments for costs associated with the regional public health agent pilot project in Franklin county; provided further, that no funds appropriated herein shall be expended for the purpose of siting or locating a low-level radioactive waste facility in the commonwealth; provided further, that not less than \$100,000 shall be expended for the purposes of research and prevention activities associ-

ated with Lyme disease to be conducted by the Barnstable county department of health and environment; provided further, that \$300,000 shall be expended for a contract to provide environmental risk assessment of the prevalence of lupus and scleroderma in the South Boston section of the city of Boston, including the costs of performing medical and laboratory tests and examinations; provided further, that not more than \$50,000 shall be expended for the director of the bureau of environmental health assessment of the department of public health to conduct an environmental risk assessment of the health impacts of the Cambridge Plating Company in the town of Belmont; provided further, that the assessment may include, but shall not be limited to, examining incidences of cancers in Belmont and the surrounding communities; provided further, that not less than \$300,000 shall be expended for a statewide lupus database; provided further, that \$195,000 shall be expended for the purpose of the director of the bureau of environmental health assessment of the department of public health to conduct an environmental risk assessment of the health impacts of the General Lawrence Logan Airport in the East Boston section of the city of Boston on any community that is located within a 5 mile radius of the airport and is potentially impacted by the airport; provided further, that the assessment may include, but not be limited to, examining incidences of respiratory diseases and cancers and performing medical and laboratory tests and examinations of residents of 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 February 1, 2003; provided further, that not less than \$140,000 shall be made available for an interdepartmental service agreement between the department of public health and the University of Massachusetts at Lowell to support research activities which investigate the association between ethnic diversity and childhood asthma incidence; provided further, that not less than \$270,000 shall be made available to provide the third year of funding to 3 existing grantees for asthma environmental testing grants; and provided further, that the department shall report not later than 30 days after the

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effective date of this act detailing the purpose, scope and completion date of all environmental health surveys, studies and risk assessments funded from this item and any other funds available to the department for similar purposes as of said date, or projected to be funded from this item or such other funds in fiscal year 2003 \$4,002,045

4510-0615 The department may expend an amount not to exceed \$150,000 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 revenues not to exceed \$1,190,957 from fees collected from licensing and inspecting users of radioactive material within the commonwealth under licenses presently issued by the nuclear regulatory commission; provided further, that the revenues may be used for the costs of both programs, including the compensation of employees; provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system; and provided further that the department shall report quarterly to the house and senate committees on ways and means the total amount of revenue collected, a ratio of revenue collected per employee, the total number of inspections and a ratio of inspections per employee \$1,340,957

4510-0616 For a drug registration and monitoring program; provided, that the department may expend an amount not to exceed \$558,086 from revenues collected from a fee charged to registered practitioners, including physicians, dentists, veterinarians, podiatrists and optometrists for controlled substance registration; provided further, that funds may be expended from this item for the costs of personnel; and provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system \$558,086

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- 4510-0617 For environmental monitoring of the nuclear power plant in Seabrook, New Hampshire including a continuous real-time radiological monitoring system for Massachusetts cities and towns located within the emergency planning zone of said nuclear power plant; provided, that the cost of said item, including any applicable fringe benefits and indirect costs, shall be assessed on electric companies in Massachusetts which own, in whole or in part, or purchase power from the Seabrook nuclear power plant; provided further, that for the purposes of said item, electric companies shall be defined as all persons, firms, associations and private corporations which own or operate works or distribute electricity in the commonwealth; and provided further, that the term electric companies shall not include municipalities or municipal light plants \$91,500
- 4510-0710 For the operation of the division of health care quality 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 the division shall coordinate its work with the boards of registration under the department of public health to promote quality patient care in facilities licensed by the department, and shall report specific instances of preventable medical error that involve an individualized component investigated by the board of registration and a systemic or institutional component investigated by the division, the medical, administrative, educational and disciplinary outcomes of such instances of preventable medical error, and the ways in which coordination promotes quality patient care, fairness and accuracy in disciplinary actions, and better provider and facility education; provided further, that investigators shall conduct investigations of abuse, neglect, mistreatment and misappropriation under section 51 and section 72H of chapter 111 of the General Laws; provided further, that the division shall assign such investigators to perform their duties on staggered shifts which shall be established by the division in order to provide coverage ade-

quate to ensure that all complaints of abuse, neglect, mistreatment, and misappropriation are investigated under section 51 and section 72H of chapter 111, and that the department shall investigate complaints during evening and weekend hours as needed to assess the validity of the complaint; provided further, that not less than 10 per cent of all routine surveys of the facilities are completed during evening or weekend hours; provided further, that the division shall minimize the need for payment of overtime to investigators in both emergent and non-emergent situations and shall not authorize the assignment of overtime hours for any investigator when the duties can be performed on a non-overtime basis by another investigator; provided further, that all investigators in the division of health care quality responsible for the investigations shall receive training by the medicaid fraud control unit of the office of the attorney general under a comprehensive training program to be developed by the division and the unit; provided further, that the division shall report quarterly to the house and senate committees on ways and means on the number of incident reports and, for those reports requiring investigations under said section 72H of said chapter 111, indicating for each such report, the time in which: (1) the division completed its investigation; (2) the division made an evaluation and determination of the validity of the report; (3) made a referral of such report to the appropriate agency or agencies; provided further, that if in any quarter the division maintains a backlog of cases requiring investigation that have not been investigated, evaluated and determined within the time frames established in said section 72H of said chapter 111, the division shall include in the report an explanation as to the reasons therefore; and provided further, that the division shall include in the report a list of all instances of the payment of overtime for investigators and the justification therefore and in each quarter shall compare the overtime expenditures from this item with the overtime expenditures made in the corresponding quarter of fiscal year 2002; provided further that that the division shall expend not less than \$100,000 to develop, in consultation with the nursing home industry and consumer representatives, a confidential consumer satisfaction survey for long-term care facilities; provided further, that

the division shall conduct said survey initially of family members, guardians or other resident designees; provided further, that residents shall be consulted in the development of the survey tool; provided further, that the division shall insure that the survey allows for statistically significant comparisons between and among facilities; provided further, that the division shall compile the survey results and make the results available in print as well as electronically; provided further, that the division shall continue to research appropriate survey tools for residents, including methods for ensuring confidentiality and addressing cognition and communication impairments, and shall develop recommendations for the development and implementation of a resident survey; provided further, that not less than \$100,000 shall be expended by the division for a comprehensive training, education and outreach program for nursing home administrators and managers and other supervisory personnel in long-term care to improve the quality of care in long-term care facilities; provided further, that the program shall promote the use of best practices, models of quality caregiving and the culture of workforce retention within the facilities and shall focus on systemic ways to reduce deficiencies; and provided further, that the department shall report to the house and senate committees on the results of the program no later than April 30, 2003 \$7,801,657

4510-0712 The department may expend an amount not to exceed \$543,286 in revenues collected from the licensure of health facilities for program costs of the division of health care quality; provided, that the department may expend an amount not to exceed \$800,000 from revenues collected from individuals applying for emergency medical technician licensure and recertification; and provided further, that notwithstanding 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 therefore as reported in the state accounting system \$1,343,286

4510-0720 For a scholarship program for certified nurses' aide and direct care worker training; provided, that the department shall es-

tablish appropriate guidelines and application criteria for the administration of the program; provided further, that the scholarships shall cover the full cost of tuition to an approved certified nurses' aide or long-term care direct worker training program, including approved programs providing for cross-training; provided further, that funds may also be available to provide adult basic education and English as a second language training for applicants otherwise meeting criteria for the scholarships, as well as pilot training programs using enhanced curricula designed to support increased retention; provided further, that the department, shall in consultation with the nursing home industry, consumer groups, the department of labor and workforce development, Commonwealth Corporation, training providers and other appropriate state and local agencies, conduct outreach regarding the availability of such scholarships; provided further, that the department shall consult with the scholarship program advisory council and the extended care career ladder initiative to review and recommend new training requirements for certified nurses' aides, home health aides and home care workers to improve the quality of the direct care workforce and the quality of care provided in all long-term care settings by developing skill standards, supporting the transition from training to work, improving retention, promoting portability, recognizing career advancement curricula and addressing language and education barriers; and provided further, that costs for outreach activities shall not exceed 3 per cent of the amount appropriated herein and administrative costs of the program shall not exceed 3 per cent of the amount appropriated herein \$750,000

4510-0721 For the costs of personnel, administration, information technology, equipment, newsletter and other essential spending of the board of registration in nursing; provided, that employees of the board transferred from the division of professional licensure to the department of public health shall suffer no impairment of civil service status, seniority or any other employment rights; 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 such cases, the approximate number of cases assigned to each investigator, and any increases or decreases in cases referred to the board

in the previous 6 months; provided further, that the board shall submit each such report to the house and senate committees on ways and means, the joint committee on health care and the commissioner of the department of public health; provided further, that the board shall prepare a compilation of cases 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; 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, the commissioner of the department of public health 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; and provided further, that in making such compilation and in its investigatory functions the board shall coordinate its activities with the division of health care quality \$1,634,717

4510-0722 For the costs of personnel, administration, newsletter, dues, travel, public information advertising, and other expenses of the board of registration in pharmacy; provided, that employees of the board transferred from the division of professional licensure to the department of public health shall suffer no impairment of civil service status, seniority or any other employment rights; 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 such cases, the approximate number of cases assigned to each investigator, and any increases or decreases in cases referred to the board in the previous 6 months; provided further, that the board shall submit each such report to the house and senate committees on ways and means, the joint committee on health care and the commissioner of the department of public health; provided further, that the board shall prepare a compilation of cases 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; provided further, that the board shall submit said compilation to the house and senate committees on ways and

means, the joint committee on health care, the commissioner of the department of public health and shall make said compilation widely available, including by electronic means, to the public and to all hospitals, pharmacies and health care providers doing business in the commonwealth; provided further, that in making such compilation and in its investigatory functions the board shall coordinate its activities with the division of health care quality \$485,507

4510-0723 For the operation and administration of the board of medicine and the committee on acupuncture; provided, that employees of the board transferred from the office of consumer affairs and business regulation to the department of public health shall suffer no impairment of civil service status, seniority or any other employment rights; provided, that the board of registration of medicine shall prepare an annual report detailing the total number of cases referred to and investigated by the board, the resolution of such cases, the approximate number of cases assigned to each investigator, and any increases or decreases in cases referred to the board in the previous 6 months; provided further, that the board shall submit each such report to the house and senate committees on ways and means, the joint committee on health care and the commissioner of the department of public health; provided further, that the board shall prepare a compilation of cases from its Patient Care Assessment program, describing incidents involving preventable medical error that resulted in harm to a patient or health care provider for the purpose of assisting health care providers, hospitals and pharmacies to modify their practices and techniques to avoid error; provided further, that the board shall submit the compilation to the house and senate committees on ways and means, the joint committee on health care, the commissioner of the department of public health and shall make 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; provided further, that \$249,000 shall be expended for the purposes of investigating and disciplining physicians who represent a threat to public health or safety, and for the purpose of eliminating the open case backlog of consumer complaints and statutory reports of physician misconduct and substandard care; provided further,

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- that in order to and in connection with eliminating such backlog, the board shall prioritize cases of greatest risk to the public, including immediate review of all complaints that include allegations of sexual misconduct; and provided further, that the board shall promulgate rules and regulations to coordinate its patient care assessment program with the board of registration of nursing and pharmacy and the department of public health \$1,760,862
- 4510-0725 For the costs of personnel, administration, public information advertising and other expenses of certain health boards of registration, including the boards of registration in dentistry, nursing home administrators, physician assistants, perfusionists and respiratory care; provided, that employees of the board transferred from the division of professional licensure to the department of public health shall suffer no impairment of civil service status, seniority or other employment rights \$424,308
- 4510-0726 The board of registration in medicine including the physician profiles program is hereby authorized to expend revenues not to exceed \$300,000 from new revenues associated with increased license and renewal fees; provided, that this amount shall be in excess of the amount prescribed in section 1B of this act \$300,000
- 4510-0790 For regional emergency medical services; provided, that the regional emergency medical services councils, designated as such in accordance with 105 CMR 170.101 and the C-MED communications as of January 1, 1992, shall remain the designated councils and C-MEDs; provided further, that the department shall report quarterly on the number of investigations of ambulance services performed by said inspectors and by inspectors funded in items 4510-0710 and 4510-0712 as well as the number of investigations pending at the end of each quarter and the reasons therefore; provided further, that the department, in conjunction with the regional emergency services councils, notwithstanding the provisions of section 27C of chapter 29 of the General Laws to the contrary, shall promulgate regulations to ensure that all basic, intermediate, and paramedic emergency medical technicians are certified to use and have available epinephrine for the emergency treatment of anaphylaxis; provided further, that the department shall report to the house and senate committees on

ways and means not later than January 15, 2003 on the implementation of said certifications and availability of epinephrine; and provided further, that the department shall widely disseminate this requirement to all relevant parties \$1,246,896
Tobacco Settlement Fund 73.24%
Local Aid Fund 26.76%

4510-0810 For a statewide sexual assault nurse examiner program and for the care of victims of sexual assault; provided, that the program shall be established by the department to operate under specific statewide protocols and by an on-call system of nurse examiners \$845,116

4512-0103 For acquired immune deficiency syndrome services and programs; provided, that particular attention shall be paid to direct the funding proportionately among the groups that are affected with HIV/AIDS; provided further, that funds shall be expended for rental housing subsidies for the purposes of preventing admissions to acute hospitals, chronic hospitals and nursing homes for persons with acquired immune deficiency syndrome; provided, that the department may contract for the administration of this program; provided further, that the costs of this administrative contract shall not be expended from this item; provided further, that rents payable by tenants shall not be less than 30 per cent of total household income if heat and cooking fuel are provided by the landlord and shall not be less than 25 per cent of total household income if heat and cooking fuel are not provided; provided further, that no funds shall be expended for subsidies for housing units in excess of the number of units funded on June 30, 1991; provided further, that the department shall not enter into any new housing contracts or expend funds for such new contracts in fiscal year 2003 that would fund units in excess of the number of units funded on June 30, 2002; provided further, that not less than \$300,000 shall be expended for the operation of a program to be administered by the Springfield department of health for a comprehensive drug treatment for the prevention of AIDS; and provided further, that no funds from this item shall be expended for disease research in fiscal year 2003 \$39,339,024
General Fund 93.27%
Health Protection Fund 6.73%

4512-0106 The department of public health may expend an amount not to

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exceed \$1,200,000 from revenues received from pharmaceutical manufacturers participating in the section 340B rebate program administered by the federal health resources and services administration and office of drug pricing \$1,200,000

4512-0200 For the administration of the division of substance abuse services, including a program to reimburse driver alcohol education programs for services provided for court adjudicated indigent clients; provided, that not less than \$585,315 shall be expended for a contract with STEP, INC., doing business as STEP, inc; provided further, that not less than \$125,000 shall be expended for the New Beginnings Program, a wellness program for middle school students addressing student substance abuse issues; provided further, that not less than \$112,500 shall be expended for a contract with Gavin Foundation to provide a total immersion program in conjunction with the probation department of the Quincy division of the district court department of the trial court; provided further, that not less than \$50,000 shall be expended for a department of public health certified New Bedford batterer intervention program; provided further, that not less than \$81,000 of said allocation shall be expended for the Tynan Community Centers Adolescent Wellness program in the city of Boston; provided further, that not less than \$108,000 shall be expended for a contract with gavin foundation to provide a total immersion program in conjunction with the probation department of the South Boston division of the district court, department of the trial court and other district courts; provided further, that not less than \$60,000 shall be expended for the McLaughlin house in Charlestown; provided further, that \$53,000 shall be expended for the Railroad Street Youth project of Great Barrington; provided further, that not more than \$45,000 shall be expended in grants for the Framingham Coalition for the Prevention of Alcohol and Drug Abuse; provided further, that \$603,000 may be expended for the Link House, inc. for purposes of establishing half way services for women in recovery from substance abuse in the town of Salisbury; provided further, that not less than \$54,000 shall be expended for the Hingham district court for a total immersion program;

provided further, that not less than \$157,500 shall be expended for the Gavin House Foundation for purposes of establishing a half way house in Charlestown for the Charlestown Recovery House Inc.; provided further, that not less than \$553,500 shall be expended for celeste house; provided further, that \$139,993 shall be expended for the Intensive Outpatient Program at the South Boston Collaborative for the purposes of responding to adolescent suicide cluster and drug abuse in the South Boston section of the city of Boston; provided further, that not more than \$37,000 shall be expended for an intervention prevention counselor for Concord-Carlisle regional school district; provided further, that \$370,800 shall be expended for an adolescent residential facility for substance abuse and rehabilitation services in the South Boston section of the city of Boston; provided further, that not less than \$90,000 shall be expended for the Russian Teens-at-risk program operated by the Jewish Family Children's Service in the cities of Boston and Lynn and the town of Brookline; provided further, that Gavin Foundation shall be contracted to provide immersion programs stated herein; provided further, that not less than \$45,000 shall be expended for the maintenance of a training program for a statewide total immersion program; and provided further, that the department shall report to the joint committees on health care and on human services and the house and senate committees on ways and means within 90 days of the passage of this act on its efforts to encourage or strengthen discharge and aftercare planning for its substance abuse clients and to address inefficiencies in the provision of outpatient substance abuse services, including an assessment of existing or other appropriate financial incentives for inpatient or outpatient providers to encourage or require such discharge planning, existing or other appropriate regulatory mechanisms to encourage or require such discharge planning, legal or practical impediments to such discharge planning, the efficacy of redirecting existing resources to strengthen the relationship between inpatient and outpatient providers of substance abuse services, and the potential for improved outcomes for substance abuse clients and savings to the commonwealth \$37,166,514

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	General Fund	83.23%
	Health Protection Fund	16.77%
4512-0225	The department of public health may expend for a compulsive gamblers' treatment program an amount not to exceed \$2,000,000 from unclaimed prize money held in the state lottery fund for more than one 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	\$2,000,000
4512-0500	For dental health services; provided, that of the amount appropriated herein, funds shall be expended to maintain a program of dental services for the developmentally disabled; and provided further, that the department shall submit to the house and senate committees on ways and means a quarterly report on the number of children served by this dental health services program and the number of children waiting to be served by the program	\$1,398,440
4513-1000	For the operation of the division of family health services, including a program of maternal and child health in addition to any federal funds received for this program; provided further, that the department shall expend up to \$83,060 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; provided, that of the amount appropriated herein, funds shall be expended for rape prevention and victim services, including the statewide Spanish language hotline for sexual abuse, family planning services, the Northeastern University conflict resolution program, latinas y ninos, and statewide suicide and violence prevention outreach to gay and lesbian youth; provided further, that this allocation shall not be used for sex education; provided further, that less than \$99,000 shall be expended for the self-esteem Boston education program, so-called; and provided further, that not less than \$200,000 shall be expended for a child health diary entitled Growing Up Healthy/Crescer Saudavel	\$11,460,761
	General Fund	80.74%
	Health Protection Fund	19.26%

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- 4513-1001 For certified batterer intervention programs to assist indigent batterers and their families; provided, that referred batterers are required to perform a minimum of 40 hours of community service; provided further, that not less than \$79,000 shall be expended for the North Quabbin Domestic Violence Prevention Program; and provided further, that \$35,000 shall be expended from this item for the Men's Resource Center of Western Massachusetts \$867,158
- 4513-1002 For women, infants and children's (WIC) nutrition services in addition to funds received under the federal nutrition program; provided, that all new WIC cases, in excess of fiscal year 1991 caseload levels, shall be served in accordance with priority categories one through seven, as defined by the state WIC program; provided further, that within 30 days of the effective date of this act, the department shall report to the house and senate committees on ways and means the total number of cases which can be supported with funds from this item without incurring a deficiency; provided further, that the department shall report quarterly to the house and senate committees on ways and means the total number of clients served per month and the total food voucher expenditures per month; and provided further, that not less than \$673,570 shall be expended for failure to thrive programs \$13,457,605
- General Fund 87.03%
- Health Protection Fund 12.97%
- 4513-1005 For the healthy start program to provide medical care and assistance to pregnant women and infants residing in the commonwealth pursuant to section 24D of chapter 111 of the General Laws; provided, that pursuant to an interagency agreement established with the division of medical assistance, the department of public health shall determine the presumptive eligibility of low-income pregnant women for services available under Title XIX and chapter 118E of the General Laws; provided further, that said department shall report to the house and senate committees on ways and means on the population served by said program delineated by federal poverty level, the cost of each segment of the population delineated by federal poverty level, as well as any long term cost savings achieved by providing said services to said populations; and provided further, that said department shall include in said report a breakdown of the costs incurred

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	by said program from the time when eligibility was expanded to 225 per cent of the federal poverty level	\$7,221,618
	General Fund	65.34%
	Health Protection Fund	34.66%
4513-1010	The department of public health may expend an amount not to exceed \$2,700,050 generated from revenues received from the collection of federal financial participation for early intervention services delivered to medicaid-eligible children by developmental educators and professionals in related disciplines; provided, that nothing herein shall give rise to or shall be construed as giving rise to enforceable legal rights to any such services or an enforceable entitlement to the services funded herein; and provided further, that the revenue may be used to pay for current and prior year claims	\$2,700,050
4513-1012	The department of public health may expend an amount not to exceed \$23,230,000 from revenues received from the federal cost-containment initiatives, including, but not limited to, infant formula rebates and Northeast Dairy Compact reimbursements; provided, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system	\$23,230,000
4513-1020	For the early intervention program; provided, that the department shall report quarterly to the house and senate committees on ways and means the total number of units of service purchased and the total expenditures for said units of service paid by the department, the division of medical assistance, and by third party payers for early intervention services for the following services categories: home visit, center-based individual, child-focused group, parent-focused group, screening, and assessment; provided further, that the department shall make all reasonable efforts to secure third party and medicaid reimbursements for the services funded herein; provided further, that funds from this item shall be expended for a reserve to provide respite services to families of children enrolled in early intervention programs who have complex care requirements, multiple disabilities and extensive medical and health needs; provided 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 said program and the amount of funds appropriated herein granted to qualified families not later than February 1, 2003; provided further, that no claim for reimbursement made on behalf of an uninsured person shall be paid from this item until said program receives notice of a denial of eligibility for the MassHealth program from the division of medical assistance; and provided further, that nothing stated herein shall give rise to or shall be construed as giving rise to enforceable legal rights to any such services or an enforceable entitlement to the early intervention services funded herein \$29,188,130

 General Fund 73.76%

 Health Protection Fund 24.35%

 Tobacco Settlement Fund 1.89%

4513-1022 For a community-based domestic violence prevention programs; provided, that not less than \$50,000 shall be made available for domestic violence education and awareness in faith-based and community-based organizations; provided further, that not less than \$120,000 shall be made available for outreach and intervention services to homosexual male victims of domestic violence; provided further, that not less than \$60,000 shall be expended for the Planned Learning Achievement for Youth program in Amherst in collaboration with the department of education through an interagency service agreement; provided further, that not less than \$10,000 shall be made available to the Words not Weapons mentoring project in Saugus; provided further, that not less than \$45,000 shall be made available to Portal to Hope to oversee a domestic violence prevention program that includes a "Teens-At-Risk" project, for the communities of Everett, Lynn, Malden and Medford without the need of approval by the commissioner of public health; and provided further, that no funds shall be expended for the program before the approval of a program plan by the commissioner of public health \$1,230,000

4513-1026 For the provision of statewide and community-based suicide prevention, intervention, post-vention and surveillance activities and the implementation of a statewide suicide pre-

vention plan; provided, that the department, in coordination with the department of mental health, shall provide grant funds for locally targeted suicide prevention, intervention and post-vention activities; provided further, that any department, group, or institution applying for these grants shall state the program's goals, feasibility, and effectiveness, such that other communities may replicate this program, document how the program replicates or builds upon relevant evidence-based strategies or tests new strategies, describe the activities to be undertaken and include an evaluation component in the program; provided further, that prevention and intervention activities shall be targeted toward identifying and assisting those at risk; provided further, that prevention and intervention activities shall include, but not be limited to, training programs about the recognition and treatment of suicidal behavior for professionals who are in regular contact with at-risk individuals, collaborative work with emergency rooms and doctors to disseminate information regarding follow-up services for known attempters, and efforts to increase public knowledge of suicide prevention; provided further, that post-vention activities shall be targeted toward family and friends of individuals who have attempted or completed suicide; provided further, that post-vention activities shall include, but not be limited to, training for first-responders about sensitive and responsible ways of interacting with the families of suicide victims, efforts to increase survivors' access to mental health services and to decrease the stigma associated with their roles as survivors, and the development of comprehensive support programs to facilitate positive coping among survivors; provided further, that surveillance activities shall be targeted toward increasing the accuracy of statistics on suicide morbidity and the availability of information on suicide attempts and ideation; provided further, that surveillance activities shall include, but not be limited to, efforts to increase both the quantity and quality of suicide data collected by first responders, hospital staff, and the department, and the development of a system for accessing and collecting data from suicide survivors; provided further, that funds from this item shall not be transferred to any other program or item; provided further, that the departments shall, in consultation with the commissioner of

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education, report to the house and senate committees on ways and means on the status of statewide and community-based suicide prevention, intervention, post-vention, and surveillance activities no later than June 30, 2003 \$500,000

Health Protection Fund 100.00%

4513-1111 For an osteoporosis education and prevention program; provided, that the program shall include, but not be limited to: (1) development or identification of educational material to promote public awareness of the cause of osteoporosis, options for prevention, the value of early detection and possible treatments, including their benefits and risks, to be made available to consumers, particularly targeted to high risk groups; (2) development or identification of professional education programs for health care providers; (3) development and maintenance of a list of current providers of specialized services for the prevention and treatment of osteoporosis; and (4) a program for awareness, prevention and treatment of the 'silent disease' hip fracture \$342,000

Health Protection Fund 100.00%

4513-1112 For a prostate cancer screening, education and treatment program; provided that, not less than \$30,000 shall be expended for the Diabetes Association, Inc. \$3,350,263

General Fund 79.02%

Tobacco Settlement Fund 20.98%

4513-1114 For a program to mitigate the effects of hepatitis C; provided, that \$1,500,000 shall be expended for screening, information, education and treatment programs; provided further, that \$500,000 shall be expended for research grants; provided further, that funds from this item shall be expended to increase public awareness and provide health care provider information; provided further, that awareness efforts shall be presented in multiple languages and in a culturally appropriate manner where applicable; provided further, that hepatitis C prevention, counseling and testing, and case management services shall be integrated into existing substance abuse, HIV/AIDS and STD service programs; and provided further, that funds herein shall supplement, and not supplant, funding for such purposes in item 4580-1000 \$2,832,258

Tobacco Settlement Fund 100.00%

4513-1115 For a multiple sclerosis screening, information, education and treatment program \$400,000

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	Tobacco Settlement Fund	100.00%	
4513-1116	For a program for renal disease; provided, that the funding in this item shall be appropriated for nutritional supplements and early intervention services for those affected by renal disease and those at risk of renal disease; and provided further, that this program shall be administered through the national kidney foundation of Massachusetts, Rhode Island and Vermont		\$20,100
	Tobacco Settlement Fund	100.00%	
4513-1121	For a statewide stroke education and public awareness program, provided, that such program shall expend funds to educate the public and providers, including emergency medical systems personnel, medical dispatchers and fire and police department personnel, about the warning signs of stroke, the recognition of stroke symptoms, and the importance of timely and appropriate acute care treatment; provided further, that the department shall coordinate such program with any ongoing federally-funded statewide efforts, including any program funded by federal cardiovascular health initiative grants; and provided further, that the program shall seek to maximize, through grant development or public-private partnerships, available sources of funding to accomplish the goals of the program, and provided further, that the department shall report to the joint committee on health care and the house and senate committees on ways and means on the status of the program no later than June 30, 2003		\$500,000
	Tobacco Settlement Fund	100.00%	
4516-0263	The department of public health may expend an amount not to exceed \$1,505,368 in revenues from various blood lead testing fees collected from insurers and individuals, for the purpose of conducting such tests; provided, that notwithstanding 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		\$1,505,368
4516-1000	For the administration of the center for laboratory and communicable disease control, including the division of communicable venereal diseases, the division of tuberculosis		

control and the state laboratory institute; provided, that the department shall give priority to the analysis of samples used in prosecution of controlled substances offenses; provided further, that funds shall be expended for an eastern encephalitis testing program and for tuberculosis testing and treatment services; provided further, that no funds appropriated herein shall be expended for administrative, space or energy expenses of the department not directly related to personnel or programs funded herein; provided further, that funds from this item shall be expended for the purchase of equipment for the drug laboratory at the state laboratory institute; provided further, that no expenditure from this item shall cause the Drug Analysis Fund, established pursuant to section 51 of chapter 10 of the General Laws, to be in deficit at the close of fiscal year 2003; provided further, that funds from this item shall be expended for the purpose of an interagency service agreement with the University of Massachusetts medical school for the department's share of the cost of occupancy, including the cost of facility support personnel, for the state laboratory institute; provided further, that not less than \$169,122 shall be expended for the maintenance of the statewide rabies control program coordinated by the department of public health providing assistance to cities, towns, and the public, and for the interagency collaboration through the rabies advisory committee, the 24-hour epidemiological and clinical consultation for rabies exposures, the rapid laboratory diagnostic services and for the continuation of the raccoon rabies vaccine field trial on Cape Cod operated through a contract with Tufts University School of Veterinary Medicine in collaboration with the federal Centers for Disease Control and Prevention \$10,247,936

General Fund 99.02%
Drug Analysis Fund 00.98%

4518-0200 The department may expend an amount not to exceed \$265,000 generated by fees collected from the following services provided at the registry of vital records and statistics: amendments of vital records, all requests for vital records not issued in person at the registry, and research requests performed by registry staff at the registry; provided, that revenues so col-

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lected may be used for all program costs, including the compensation of employees; and provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system \$265,000

4530-9000 For teenage pregnancy prevention services; provided, that applications for such funds shall be administered through the department upon receipt and approval of coordinated community service plans to be evaluated in accordance with guidelines issued by the department; provided further, that portions of said grants may be used for state agency purchases of designated services identified by said community service plans; provided further, that \$100,000 shall be expended for teen pregnancy prevention services in the town of Orange; provided further, that not less than \$150,000 shall be expended for the Berkshire Coalition to Prevent Teen Pregnancy program in Berkshire County; provided further, that \$225,000 shall be expended for the abstinence-based teen pregnancy prevention programs in the cities of North Adams and Pittsfield; and provided further, that of said \$225,000, not less than \$125,000 shall be expended for said program in the city of Pittsfield \$3,453,786

 Transitional Aid to Needy Families 100.00%

4570-1500 For an early breast cancer detection program, mammographies for the uninsured, and a breast cancer detection public awareness program; provided, that not less than \$1,000,000 shall be expended for the purposes of a scientific research grant program to investigate potential environmental factors that contribute to breast cancer in areas of unique opportunity \$8,628,900

 General Fund 80.00%

 Health Protection Fund 20.00%

4580-1000 For the universal immunization program and for the purchase and distribution of the pneumococcal conjugate vaccine; provided, that no funds appropriated herein shall be expended for administrative or energy expenses of the department not directly related to personnel or programs funded herein \$20,658,293

4590-0250 For the continuation of smoking prevention and cessation programs; provided, that said programs shall include the fol-

lowing components: (1) enforcing local ordinances, bylaws and regulations relative to tobacco control; (2) a smoking cessation program, which may include providing smokers with vouchers to be used for counseling and cessation products and low income smokers' nicotine replacement therapy; (3) grants to evaluate current anti-tobacco efforts and to pursue scientific and policy research including, but not limited to, smoking prevention, addiction, mortality associated with secondhand smoke, issues unique to minority communities and youth smoking; and (4) increased enforcement efforts and media campaigns by health and community agencies in minority communities which demonstrate a high rate of tobacco use; provided further, that \$16,140,000 shall be expended for the school health services program, including school health services, partially funded in 4590-0300; provided further, that said services shall meet standards and eligibility guidelines established by the department of public health in consultation with the department of education; provided further, that funds shall be expended from this item for said services in public and non-public schools; provided further, that services shall include but not be limited to: (1) strengthening the infrastructure of school health services in the areas of personnel and policy development, programming, and interdisciplinary collaboration; (2) developing linkages between school health services programs and community health providers, and (3) incorporating health education programs, including tobacco prevention and cessation activities in school curricula and in the provision of school based health services; provided further, that \$3,956,025 shall be expended for school based health centers, partially funded in 4590-0300; provided further, that said school health services programs and school based health centers shall include an educational component and campaign on smokeless tobacco and smoking cessation; provided further, that the department of public health and the department of education shall jointly establish standards and criteria for said school health service programs; and provided further, that notwithstanding the provisions of section 72 of chapter 44 of the General Laws, any federal reimbursement collected as a result of the purposes described in this item shall be credited to Tobacco Settlement Fund, established pur-

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suant to section 2XX of chapter 29 of the General Laws; and provided further, that \$250,000 shall be expended to the H.E.L.P. program so-called, for black males health \$36,737,133
Tobacco Settlement Fund 100.00%

4590-0300 For the smoking prevention and cessation program established pursuant to chapter 254 of the acts of 1992; provided, that priority shall be given to funding programs in communities with high smoking rates among women; provided further, that not less than \$13,806,919 shall be allocated from this item to the department of education for grants to cities, towns and regional school districts for comprehensive health education programs, including education on smoking prevention; provided further, that any funds distributed under this item shall be deposited with the treasurer of any such city, town or regional school district, held in a separate account and expended without further appropriation by the school committee; provided further, that not less than \$5,177,595 shall be expended from this item for a school health service program, including school health centers; provided further, that programs funded in this item shall include an educational component and campaign on smokeless tobacco; provided further, that the department of public health and the department of education shall jointly establish standards and criteria for the school health service programs; provided further, that no funds shall be expended from this item for an interagency service agreement with the department of revenue; provided further, that no funds appropriated herein shall be expended for administrative, space leasing or energy expenses of the department; provided further, that not less than \$200,000 shall be allocated from this item to the Berkshire County Area Health Education Center, Inc. for programs including but not limited to alcohol, drug and tobacco prevention; and provided further, that not less than \$50,000 shall be allocated for the Project Reach Out smoking cessation program at the Boys and Girls Club of Metro West \$34,176,648
Health Protection Fund 100.00%

4590-0906 For the children's medical security plan to provide primary and preventive health services for uninsured children from birth through age 18; provided, that the department shall pre-screen enrollees and applicants for medicaid eligibility; provided further, that no applicant shall be enrolled in said program until

said program receives notice of a denial of eligibility for the MassHealth program from the division of medical assistance; provided further, that the MassHealth benefit request shall be used as a joint application to determine the eligibility for both MassHealth and the children's medical security plan; provided further, that the department shall maximize federal reimbursement for state expenditure made on behalf of said children; provided further, that any projection of deficiency in this item shall be reported to the house and senate committees on ways and means not less than 90 days prior to the projected exhaustion of funding; provided further, that the department shall negotiate with the vendor of said program to ensure that rates paid for the administration of the program do not exceed such rates as are necessary to meet only those costs which must be incurred for an economically and efficiently operated program; provided further, that the department shall expend all necessary funds from this item to ensure the provision of the maximum benefit levels for this program, as authorized by section 24G of chapter 111 of the General Laws; provided further, that said maximum benefit levels for this program shall be made available only to those children who have been determined by the department to be ineligible for MassHealth benefits provided by the division of medical assistance; and provided further, that the commissioner of the department of public health shall certify quarterly in writing to the house and senate committees on ways and means that premiums established pursuant to the fourth paragraph of said section 24G of said chapter 111 have been paid by all enrollees for whom said premiums are applicable \$13,797,200

General Fund 76.62%
Children's and Seniors' Health Care
Assistance Fund 23.38%

4590-0912 The department may expend an amount not to exceed \$13,933,793 from reimbursements collected for western Massachusetts hospital services, subject to the approval of the commissioner of public health; provided, that such revenues may be expended for the purpose of hospital related costs, including personnel, capital expenditures, DD subsidiary chargebacks and motor vehicle replacement; provided further, that all revenues expended shall be pursuant to schedules submitted to the secretary of administration and finance and

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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 reimbursement from the medical assistance program of the division of medical assistance; 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 discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system; and provided further, that no funds appropriated herein shall be expended for administrative, space or energy expenses of the department not directly related to personnel or programs funded herein \$13,933,793

4590-0913 For the department of public health Lemuel Shattuck hospital, for the purposes of funding expenses for services provided to inmates of county correctional facilities which have privatized medical care; provided, that said department may expend an amount not to exceed \$500,000 in revenues collected from the private medical vendors; and provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system \$500,000

4590-0915 For the maintenance and operation of Tewksbury state hospital, Massachusetts hospital school, Lemuel Shattuck hospital, and for the hospital bureau, including the consolidated pharmacy unit; provided, that all revenue generated by said hospitals shall be credited to the General Fund; provided further, that no funds appropriated herein shall be expended for administrative, space or energy expenses of the department not direct-

ly related to personnel or programs funded herein; provided further, that Tewksbury state hospital shall not be used to house county, state, or other prisoners; provided further, that the department shall take no action to reduce or realign the client population and services at Tewksbury hospital unless such action results in alternative service delivery in an appropriate and cost-effective method of care; provided further, that staffing configurations at Tewksbury hospital shall be consistent with said client population and service realignment; provided further, that \$30,000 shall be paid for chaplain services at Tewksbury hospital; and provided further, that reimbursements received for medical services provided at the Lemuel Shattuck hospital to inmates of county correctional facilities not managed by private health care vendors shall be credited to item 4590-0903 of section 2B . . \$109,890,178

Department of Social Services.

- 4800-0014 For the costs of revenue management contracted services \$3,400,000
- 4800-0015 For central and area office administration; provided, that the associated expenses of employees whose AA subsidiary 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 an area office shall be maintained in the Beverly area; provided further, that the department shall not place a child or adolescent referred by or discharged from the care of the department of mental health until that latter department forwards an assessment and recommendation as to whether the child or adolescent may be appropriately placed in foster care or, if due to severe emotional disturbance, is more appropriate for group care; provided further, that the department, in consultation with the department of mental health, shall establish guidelines to assist that latter department in making such assessments and recommendations; provided further, that the department shall pursue the development of a comprehensive program for education and training of social workers and other department employees; provided further, that the program shall be developed in collaboration with the Center for Adoption Research and Policy at the University of Massachusetts Medical School and Salem State College; provided further, that this program shall

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be designed to maximize available reimbursements under Title IV-E of the Social Security Act and shall rely to the maximum extent possible upon funding sources other than the commonwealth; and provided further, that unless otherwise authorized, all funds including federal reimbursements received by the department shall be credited to the General Fund

	Fund	\$61,874,176
4800-0025	For foster care review services	\$2,486,972
4800-0036	For a sexual abuse intervention network program to be administered in conjunction with the district attorneys	\$701,232
4800-0038	For stabilization, unification, reunification, permanency, adoption, guardianship, and foster care services provided by the department of social services; provided further, that services funded through this item shall include shelter services, substance abuse treatment, family reunification networks, young parent programs, parent aides, education and counseling services, family preservation 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 the department shall report monthly to the house and senate committees on ways and means on the number of clients served, the cost per unit of service and any available information on the outcome of services provided for each program funded from this item; provided further, that service providers shall provide the department with all information necessary to allow the completion of these reports; provided further, that not later than February 17 of the current fiscal year the department shall provide to the house and senate committees on ways and means a recommendation on whether or not to discontinue any program, including earmarked programs, whose cost per unit of service or service outcomes do not fall within a reasonable standard; provided further, that not less than \$250,000 shall be expended for a contract for an integrated family services team in region 6; provided further, that not	

less than \$298,000 shall be expended for alternative schools for students aged 14 to 16, inclusive, who are placed before the court on child in need of services petitions in region 6; provided further, that not less than \$130,000 shall be expended for the Children's Cove Cape and Islands Child Advocacy Center; provided further, that \$50,000 shall be expended for the purpose of providing case management services for the Amity Transitional Housing Program in the city of Lynn; provided further, that the department shall expend \$348,850 for Latinas y Ninos and Casa Esperanza, to implement a family stabilization and reunification program; provided further, that not less than \$150,000 shall be expended for a contract with Julie's Family Learning Program in the South Boston section of the city of Boston; provided further, that not less than \$104,123 shall be expended for the school age parenting project at Framingham high school; provided further, that not more than \$35,000 shall be expended by the Framingham office of the department of social services for the Metrowest Campership program operated by the Ashland youth advisory board in partnership with the department; provided further, that not less than \$200,000 shall be expended for a statewide contract with the Sport in Society's mentors in violence prevention and conflict resolution program; provided further, that not less than \$15,000 shall be expended for a contract with child and family services of Cape Cod for the court diversion program; provided further, that not less than \$30,000 shall be expended for a contract with Big Brothers and Sisters of Cape Cod and the Islands; provided further, that the department shall expend a sum of not more than \$48,000 in region 1 for a community-based family unification counseling program to prevent juvenile delinquency; provided further, that not more than \$140,000 shall be expended for the Comprehensive School-Age Parenting Program, Inc. for expansion of a year-round school based program in Boston high schools and middle schools for pregnant teens, young mothers and fathers and other youth at high risk for school drop out; provided further, that not less than \$200,000 shall be provided to support the family center component of the Greater Lowell Family Resource Center; and provided further, that \$450,000

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shall be expended for a contract with Massachusetts Families for Kids \$242,282,151
 General Fund 85.62%
 Social Services Fund 14.38%

4800-0041 For group care services; provided, that funds may be expended from this item to provide intensive community based services to children who would otherwise be placed in residential settings; provided further, that the department shall form 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; provided further, that the department shall maintain a managed care network for the commonworks program; provided further, that the department shall collaborate with the departments of education, mental health, youth services, the operational services division and any other interested agencies in the commonwealth to consider available options for increasing consistency among and imposing uniform controls upon reimbursement rates for special education programs authorized under chapter 71B of the general laws; provided further that the department shall report to the house and senate committees on ways and means not later than December 15, 2002 on the findings of this collaboration; provided further, that the previously mentioned parties shall also collaborate with the Massachusetts association of chapter 766 approved private schools to consider available options for increasing program capacity to decrease department referral admission waiting lists and increasing consistency in staff compensation and retention; and provided further, that not less than \$850,000 shall be expended for the Assessment for Safe and Appropriated Placement program for sexually aggressive children, including not less than \$140,000 for the expenses of one full-time administrative assistant, one half-time researcher and associated costs \$217,242,870
 General Fund 85.79%
 Social Services Fund 14.21%

4800-0151 For a program to provide alternative overnight nonsecure 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 such alternative nonsecure placement 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 \$766,085

4800-1100 For the AA subsidiary 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; provided further, that the department shall report monthly to the house and senate committees on ways and means on the current social worker caseloads by type of case and level of social worker assigned to cases, the caseload ratio of each social worker with a caseload ratio in excess of 18 to 1, the office in which each of the social workers works and the total number of social workers in excess of the 18 to 1 ratio by region; 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; and provided further, that any other payroll or administrative expenses associated with the management or support of such employees shall be paid from item 4800-0015 \$124,638,679

4800-1400 For shelters and support services for women and children at risk of domestic violence, including supervised visitation programs; provided, that the department shall pursue the establishment of public-private partnership agreements established for family stabilization services funded from sources other than the commonwealth; provided further, that 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 statewide domestic violence hotline; provided further, that not less than \$50,000 shall be expended for the On The Rise shelter for homeless women in Cambridge; and provided further, that not less than \$65,205 shall be expended for the

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North Quabbin Domestic Violence Initiative; provided further, that not less than \$10,000 shall be expended for the Melrose Alliance Against Violence; provided further, that not less than \$110,850 shall be expended for the New England Learning Center for Women in Transition; and provided further, that not more than \$750,000 shall be provided for the operation of the New Chardon Street Home for Women in the city of Boston \$17,020,187

General Fund 2.00%

Social Services Fund 98.00%

4800-1500 For domestic violence prevention specialists in the department's area offices; provided, that expenditures from this item shall not exceed the amount appropriated in this item \$383,638

General Fund 7.69%

Social Services Fund 92.31%

Department of Mental Health.

5011-0100 For the operation of the department; provided, that the department shall not refer or discharge a child or adolescent to the custody or care of the department of social services until the department of mental health forwards its assessment and recommendation as to whether the child or adolescent is appropriate for foster care or, if due to severe emotional disturbance, is more appropriate for group care; and provided further, that funds shall be expended for a suicide prevention outreach coordinator, who shall work in consultation with the departments of public health, education, youth services, and social services, as well as groups representing students in the commonwealth including, but not limited to, the Massachusetts superintendents association to develop and implement comprehensive suicide, education, outreach and prevention programs, including the activities specified in item 4513-1026. \$38,482,032

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

herein to other departments within the executive office of health and human services; provided further, that said department shall submit a report to the house and senate committees on ways and means not later than January 15, 2003 on the results of the collaboration between said department and the other departments within the executive office of health and human services; provided further, that said report shall detail the current status of the implementation of clinically appropriate service models for that population of children and adolescents, remaining disparities in the service system which require children and adolescents to be served in unnecessarily restrictive or otherwise clinically inappropriate settings and changes during fiscal years 2001 and 2002 in the clinical acuity of children and adolescents; provided further, that not less than \$4,401,180 shall be expended for 38 intensive residential treatment beds and wrap around services for children under the care of the department of social services, and in need of intensive clinical treatment; provided further, that not less than \$336,825 shall be expended to provide a licensed mental health professional for each of the 6 regions within the department of social services to serve as clinical care coordinators; provided further, that not less than \$3,413,160 shall be expended for 36 community and intensive residential treatment beds for children who meet the department of mental health's eligibility requirements; provided further, that \$85,329 shall be provided for specialized psychiatry services; provided further, that not less than \$80,000 shall be expended to create outpatient treatment groups that can be maintained in spite of fluctuating enrollment, including anger management, abuse survivor, and cognitive/behavior groups, for children with sexual behavior problems; provided further, that such groups shall be distributed as evenly as possible across the commonwealth and that priority for admission to such groups shall be given to children identified through the assessment for safe and appropriate placement (ASAP) program for sexually aggressive children; and provided further, that not less than \$1,800,000 shall be expended from this item in fiscal year 2003 to ensure that a licensed practitioner or a licensed nurse administers medication to children and adolescents whose mental health services are delivered by public or private providers of such services . . . \$65,738,383

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	General Fund	97.26%	
	Tobacco Settlement Fund	2.74%	
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; and provided further, that the department shall report to the house and senate committees on ways and means on the distribution of funds per adult and child planning population, so-called, and the types of services received in each region for fiscal year 2003 not later than February 1, 2003		\$264,042,219
5046-2000	For homelessness services; provided, that not less than \$100,000 shall be expended for the provision of health services to the homeless and uninsured by Primary Care & Mental Health, Inc., located in the city of Lynn		\$22,172,086
5046-4000	The department of mental health may expend revenues collected up to a maximum of \$125,000 from occupancy fees charged to the tenants in the creative housing option in community environments, the CHOICE program authorized by chapter 167 of the acts of 1987; provided, that all such fees collected shall be expended for the routine maintenance and repair of facilities in the CHOICE program 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 division of medical assistance for the purchase of said services and for such other services as said agreement may provide, including, but not limited to, acute inpatient care and diversionary services; provided further, that the most recent savings projection from the implementation of said agreement may be expended for community services in the MM subsidiary, so-called, of this item; provided further, that said emergency service programs shall take all reasonable steps to identify and invoice the third party insurer of all persons serviced by said programs; provided further, that the department shall report to the house and senate committees on ways and means		

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not later than January 30, 2003, on the utilization of said emergency programs and acute inpatient beds by clients of the department during each month of fiscal year 2002; provided further, that said report shall detail the number of clients of the department determined to be eligible for the medicaid program during fiscal year 2002; and provided further, that said report shall detail expenditures made by the division of medical assistance on behalf of clients of the department and those uninsured persons not deemed to be clients of said department from the amounts appropriated in item 5047-0001 of chapter 177 of the acts of 2001 during fiscal year 2002 for said acute inpatient care and emergency services \$31,173,620

5047-0002 Notwithstanding any general or special law to the contrary, the department may expend revenues on continuing care services in the community in an amount not to exceed \$6,000,000 from increased federal reimbursements collected for services rendered in emergency programs and acute inpatient and diversionary settings; provided, that not less than an additional \$1,000,000 from the reimbursements shall be deposited in the General Fund by the close of fiscal year 2003; provided further, that upon such deposit, the secretary of administration and finance shall certify in writing to the house and senate committees on ways and means that the amount has been deposited into the General Fund; provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payments amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system; and provided further, that the department shall submit a report to the house and senate committees on ways and means not later than February 3, 2003 detailing the use of any funds encumbered or expended from this item including, but not limited to, the number of clients served, the types of services purchased by region and the annualized impact of the expenditures in the subsequent fiscal year \$6,000,000

5055-0000 For forensic services provided by the department \$6,074,464

5095-0015 For the operation of adult inpatient facilities, including the community mental health centers; provided, that in order 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: 1) the client is deemed clinically suited for a more integrated setting; 2) community residential service capacity and resources available are sufficient to provide each client with an equal or improved level of service; and 3) 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 the department shall report to the joint committee on human services and the house and senate committees on ways and means on the progress of this initiative; provided further, that the report shall include: the number of clients transferred from inpatient care into the community, the community supports provided to clients discharged from inpatient care into the community and the current inpatient bed capacity relative to the number of clients in psychiatric hospitals managed by the department; provided further, that the department shall submit the report not later than February 15, 2003; and 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, pursuant to allocation plans submitted to the house and senate committees on ways and means 30 days prior to any such transfer, for residential and day services for clients formerly receiving inpatient care at the centers and facilities \$168,085,196

5095-0016 For a one-time payment for the consolidation of the Medfield State Hospital; provided, that funds from this item shall be expended to establish not less than five Program of Assertive Community Treatment (PACT) teams, so-called; provided further, that the department of mental health shall report to the house and senate committees on ways and means not later than March 15, 2003, detailing the number of clients being served in community residential settings by said five PACT teams; and provided further, that the department of mental health shall not request appropriation for the annualization of these funds in fiscal year 2004 \$3,600,000
Tobacco Settlement Fund 100.00%

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Department of Mental Retardation.

- 5911-1000 For the administration of the department of mental retardation; provided, that the department is hereby authorized and directed to conduct an investigation as to the distribution of funds among regions and report such findings to the house and senate committees on ways and means not later than January 15, 2003; and provided further, that such findings shall include, but not be limited to, any adjustments to formulas or other factors needed to provide the equitable distribution of regional funding \$13,604,870
- 5911-1210 For the costs of certifying direct care employees of private human services providers that deliver services under contract with the department of mental retardation in pharmaceutical administration \$437,451
- 5911-2000 For transportation costs associated with the adult services program; provided, that the department shall provide transportation on the basis of priority of need as determined by the department; and provided further, that not less than \$109,522 shall be expended from this item for the life focus center in the Charlestown section of the city of Boston \$16,708,746
- 5920-1000 For the operation of regional and area offices of the department; provided, that the department shall submit a semi-annual report to the house and senate committees on ways and means detailing the total number of service coordinators within the department, the number of consumers served by said coordinators, and the amount of time spent per month per consumer \$50,724,936
- 5920-2000 For vendor-operated community-based residential adult services and for \$9,520,000 in annualized funding for turning 22 clients who began receiving the services in fiscal year 2002 pursuant to item 5920-5000 of section 2 of chapter 177 of the acts of 2001; provided, that \$9,625,000 shall be expended for the fiscal year 2002 annualized cost of the settlement agreement Rolland vs. Cellucci, so-called, and \$4,800,000 shall be expended for the fiscal year 2003 cost of the settlement; provided further, that the commissioner of the department of mental retardation is hereby authorized and directed to transfer funds from this item to item 5920-2010, as necessary, pursuant to an allocation plan, which shall detail by subsidiary the distribution of said funds to be transferred and which said commissioner shall file with the house and senate committees

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	on ways and means 15 days prior to any such transfer; provided further, that not more than \$5,000,000 shall be transferred from this item in fiscal year 2003; provided further, that an additional \$304,000 shall be expended on a contract with Work, Inc., for enhance or expended services to clients; and provided further, that not less than \$500,000 shall be expended for Best Buddies Massachusetts	\$429,031,101
5920-2010	For state-operated community-based residential services for adults, including community-based health services for adults; 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	\$107,929,376
5920-2020	For compliance with the terms of the Settlement Agreement, dated December 19, 2000, and entered into by the parties of Boulet v. Cellucci, Civil Action No. 99-CV-10617-DPW, filed in the United States District Court of Massachusetts in order to provide services to the clients of the department on the waiting list on July 14, 2000; provided further, that notwithstanding paragraph 41 of the Settlement Agreement for Boulet, et al v. Cellucci, et al, civil action No. 99-CV-10617-DPW, United States District Court of Massachusetts, no amount appropriated herein shall fund attorneys' fees for the above-referenced action; provided further, that the department shall submit copies of the quarterly reports required by Section G of said Settlement Agreement to the house and senate committees on ways and means; and provided further, that any names and other identifying personal information contained in said quarterly reports shall be redacted from the reports prior to their submission to the committees on ways and means in order to preserve the confidentiality of said information	\$36,500,000
5920-2025	For community-based day and work programs for adults and for \$2,720,000 in annualized funding for turning 22 clients who began receiving services in fiscal year 2002 pursuant to item 5920-5000 of section 2 of chapter 177 of the acts of 2001; provided, that not less than \$302,000 shall be expended for the life focus center in the Charlestown section of the city of Boston, including on alternative work program	\$105,138,598
5920-3000	For respite services and intensive family and individual supports and for \$1,360,000 in annualized funding for turning 22 cli-	

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- ents who began receiving services in fiscal year 2002 pursuant to item 5920-5000 of section 2 of chapter 177 of the acts of 2001; provided, that the department shall pursue the highest rates of federal reimbursement possible for such services \$62,897,718
- 5920-5000 For services for clients of the department who turn 22 years of age during state fiscal year 2003; provided, that the amount appropriated herein shall not annualize to more than \$13,600,000 in fiscal year 2004; provided further, that the department shall report to the house and senate committees on ways and means not later than January 1, 2003, on the use of any funds encumbered or expended from this item including, but not limited to, the number of clients served in each region and the types of services purchased in each region; provided further, that nothing herein shall give rise to enforceable legal rights in any party or an enforceable entitlement to the services funded herein; and provided further, that nothing stated herein shall be construed as giving rise to such enforceable legal rights or such enforceable entitlement \$6,467,670
- 5930-1000 For the operation of facilities for the mentally retarded, including the maintenance and operation of the Glavin regional center; provided, that in order 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 mentally retarded, 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 when the following criteria are met: 1) the client is deemed clinically suited for a more integrated setting, 2) community residential service capacity and resources available are sufficient to provide each client with an equal or improved level of service and, 3) 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 the department shall report to the joint committee on human services and the house and senate committees on ways and means on the progress of this initiative; provided further, that the report shall include: the number of clients transferred from facility care into the community, the community supports provided to clients discharged from facility care into the community and the current facility bed capacity relative to the number of clients

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in ICF/MRs managed by the department; provided further, that the department shall submit the report no later than February 15, 2003; provided further, that the commissioner of mental retardation shall transfer funds from this item to items 5920-2000 and 5920-2025, as necessary, pursuant to an allocation plan, which shall detail by subsidiary and contract the distribution of the funds to be transferred and which the commissioner shall file with the house and senate committees on ways and means 15 days prior to any such transfer; provided further, that not more than \$3,000,000 shall be transferred from this item in fiscal year 2003; provided further, that the department shall provide an appropriate level of campus security at the Dever development center in Taunton, as well as maintaining the buildings of the core campus to prevent deterioration and ensure preservation of the buildings, until such time as the property is declared surplus to its needs or is transferred from the department's control in accordance with the Dever reuse plan as approved by the Dever reuse commission and on file with the house and senate committees on ways and means; and provided further, that the department shall maximize federal reimbursement, whenever possible under federal regulation, for the direct and indirect costs of services provided by the employees funded in this item \$162,581,181

5982-1000 The department of mental retardation may expend an amount not to exceed \$100,000 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 and related expenditures, said department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate therefore as reported in the state accounting system \$100,000

EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.

Office of the Secretary.

6000-0100 For the office of the secretary of transportation and construction;

provided, that the office shall collaborate with the department of transitional assistance in its efforts to develop a program of transportation services for current and former recipients of the transitional aid to families with dependent children program pursuant to item 4401-1000; provided further, that said office shall submit to the joint committee on transportation and the house and senate committees on ways and means monthly reports detailing projects funded through the statewide transportation improvement program including, but not limited to, the location of the projects, the cost of the projects, the date of advertisement of the projects, the commencement date of the projects, the projected completion date of the projects and the source of funds for the projects; provided further, that said office shall also provide the committees with quarterly reports detailing construction and reconstruction projects on town and county ways as described in paragraph (a) of clause (2) of the first paragraph of section 34 of chapter 90 of the General Laws for which municipalities are projected to seek, have filed claims or have been paid state reimbursement; provided further, that a city or town shall comply with the procedures established by said secretary to obtain the necessary information to produce the reports; provided further, that the reports shall include, but not be limited to, the cost of the projects by city or town, the source of funding of the projects by city or town and the commencement and completion dates of the projects by city or town; provided further, that the secretary of the executive office of transportation and construction in collaboration with the commissioner of highways shall file a report each year with the joint committee on transportation and the house and senate committees on ways and means by June 30, 2003 and the last day of each subsequent fiscal year; provided, that the report shall include spending in the commonwealth through the statewide road and bridge program, the Chapter 90 program, the Small Town Road Assistance Program and all other programs expending funds for road and bridge projects within the commonwealth; provided further, that the report shall detail the location of the project by city or town, a brief project description, the project cost, the expected completion date, the source of funding and any other information deemed necessary; provided further, that said office shall submit to the house and senate commit-

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tees on ways and means quarterly reports detailing all personnel-related expenditures made from capital funds; provided further, that the reports shall delineate for the executive office and for each agency, board, authority or commission under its control, the amounts paid in the prior quarter as compensation for each type of position assigned to capital projects that were charged to each such funding source; provided further, that the reports shall also delineate by funding source any other amounts paid for personnel-related costs that were charged to those funds, including payroll allocations for budgetary employees, fringe recovery and other chargebacks; provided further, that the reports shall identify the number of full time equivalent personnel classified in each position type; provided further, that the reports shall list all employees who are paid from this item and items 6010-0001, 6010-1000 and 6006-0003 who also receive payments from any capital funds; provided further, that the reports shall include for each of those employees how much money the employees receive from the items and how much money each employee receives from any capital funds; provided further, that the reports shall delineate said information for full time employees, part-time employees and contracted personnel \$191,636

Highway Fund 100.00%

6000-0110 The executive office of transportation and construction may expend, for the purpose of property management and maintenance of railroad properties owned by said executive office on behalf of the commonwealth, including the cost of personnel, an amount not to exceed \$27,344 from the rents and fees received pursuant to section 4 of chapter 161C of the General Laws \$27,344

6005-0015 For certain assistance to the regional transit authorities, including operating grants and reimbursements to increase the accessibility of transit provided to the elderly and disabled under the mobility assistance program, the regional transit authority program, and the inter-city bus capital assistance program; provided, that the commonwealth, acting by and through the executive office for administration and finance, for the period beginning July 1, 2002 and ending June 30, 2003, may enter into contracts with the authorities; provided further, that notwithstanding the provisions of section 152A of chapter 161,

and of section 23 of chapter 161B of the General Laws, at least 50 per cent and up to 75 per cent of the net cost of service of each authority incurred in fiscal year 2002 shall be paid by the commonwealth, and shall not be assessed upon the cities and towns constituting the authorities; provided further, that the share assessed upon said cities and towns shall be at least 25 per cent of said net cost of service; provided further, that in the event that 25 per cent of said net cost of service of each authority exceeds 102.5 per cent of the previous year's local assessment, excluding payments made by cities and towns for the costs of new service, for which said cities and towns have not previously been assessed, as allowed by chapter 580 of the acts of 1980, the regional transit authority shall reduce its operating expenses or increase its revenues to meet the difference; provided further, that operating expenditures of each of the regional transit authorities for fiscal year 2003 shall not exceed 102.5 per cent of its operating expenditures for fiscal year 2002; provided further, that for the purposes of this item operating expenditures shall not include federal, private or additional municipal non-state revenue sources or any expenses arising from the provision of services required by the Americans with Disabilities Act, or new services implemented after July 1, 1999 in an amount not to exceed a total of \$3,613,905 for the 15 regional transit authorities; provided further, that said new services must have first received approval of the appropriate regional transit authority advisory board; provided further, that not less than 25 per cent of the net cost of service of said new services shall be assessed to the cities and towns of the appropriate transit authority, as detailed previously in this item; provided further, that each regional transit authority which provides said new services must file a report with the house and senate committees on ways and means and the joint committee on transportation, detailing the total costs and revenues associated with said new service; provided further, that the cost of said new services shall not annualize to more than \$3,613,905; provided further, that not later than January 1, 2003, each of the 15 regional transit authorities shall submit to the house and senate committees on ways and means a report detailing any and all revenues collected as a result of services provided pursuant to item 4401-1001; pro-

vided further, that the regional transit authorities shall implement structural, managerial and administrative reforms in order to achieve cost savings in services provided by said authorities; provided further, that said reforms shall include, but not be limited to, improved financing procedures for capital needs, approved plans for short- and long-term service, a coordinated program of mass transportation for the regional transit authorities that provides standards of service for said authorities for types of service, passenger miles, hours of service, cost of service by route and mile and passenger, non-transportation revenue and system revenue generating options included, but not limited to, fare revenue and advertising revenue, assessments on member cities and towns, net operating investment per passenger-mile ratio and service quality standards; provided further, that said program shall involve an approach to service coordinated with the Massachusetts Bay Transportation Authority and other transit providers in order to achieve maximum efficiency of regional transit authority service routes; provided further, that all regional transit authorities shall achieve the fair recovery ratio of 40 percent within 48 months from the effective date of this act; and provided further, that the Massachusetts Association of Regional Transit Authorities shall on or before November 15, 2002, report to the joint committee on transportation and the house and senate committees on ways and means on the operations of said authorities in the first half of fiscal year 2003, and focus said report on said reforms and improvements

and improvements	.....	\$42,226,834
Local Aid Fund	..... 40.00%	
General Fund	..... 40.00%	
Highway Fund	..... 20.00%	

Massachusetts Aeronautics Commission.

6006-0003 For the administration of the commission, including the expenses of the commissioners	.....	\$592,505
Local Aid Fund	..... 100.00%	

Department of Highways.

6010-0001 For personnel costs of the department of highways, for certain administrative and engineering expenses and equipment of the highways commission, the office of the commissioner of highways, the division of administrative services, highway en-

gineering, highway maintenance, highway construction, the outdoor advertising board, district and other highway activity offices, materials, supplies, fleet maintenance and equipment, general maintenance and equipment and the maintenance and operation of state highways and bridges; provided, that no funds from this item shall be expended for the DD subsidiary costs appropriated in item 6010-1000; provided further, that funds appropriated in this item shall be the only source of funding for overtime expenses associated with the department's snow and ice control efforts; provided further, that notwithstanding any general or special law to the contrary the department is hereby authorized to expend from capital authorizations amounts necessary to cover operational costs of the department in excess of amounts appropriated in this item to ensure that adequate staffing levels are maintained to support the services and programs offered by the department; provided further, that the department shall develop a plan to phase into the budgetary appropriation all personnel costs expended from capital authorizations after June 30, 2002; provided further, that the phase in of these costs shall be complete by June 30, 2004; provided further, that the department shall file quarterly reports with the house and senate committees on ways and means detailing all amounts expended on bond-funded capital projects under the jurisdiction of the department, and for all administrative and personnel expenses of the department charged to such bonds; provided further, that such reports shall be filed not later than 30 days after the end of each quarter; provided further, that notwithstanding any administrative bulletin or general or special law to the contrary, the department shall not pay any fees charged for the leasing or maintenance of vehicles to the division of operational services; provided further, that the department shall not be subject to section 36A of chapter 30 of the General Laws and section 22 of chapter 7 of the General Laws, but shall submit to the secretary of transportation and construction for approval requests to repair vehicles costing in excess of the limit set forth in said section 22 of said chapter 7; provided further, that the department shall provide the house and senate committees on ways and means a quarterly report of repairs requiring said secretary's approval; provided further, that notwithstanding any general

or special law to the contrary, the department of highways, in furthering cost effective management of the commonwealth's infrastructure, may implement a statewide corrosion mitigation program utilizing electrochemical corrosion passivation or chloride extraction treatment of steel reinforced concrete structures, as a means of stopping existing corrosion and monitoring and preventing the initiation of new corrosion; provided further, that the electrochemical corrosion passivation or chloride extraction treatment method that may be utilized, which uses an anode system temporarily installed on the surface of the concrete, to facilitate the passing of a continuously monitored, and unequally adjusted, low voltage DC current to the steel reinforcement for the purpose of eliminating differentials on the surface potentials on the steel reinforcement; provided further, that the department of highways may amend its contractor prequalification program to include a new class of work for this specialty infrastructure repair process; provided further, that the department shall report to the joint committee on transportation and the chairmen of the house and senate committees on ways and means on the program method's safety to structures and the environment, cost effectiveness, effectiveness in eliminating new corrosion, and effectiveness in stopping existing corrosion; and provided further, that said report shall be due no later than February 1, 2003; \$24,049,112

Highway Fund 100.00%

6010-1000 For the costs of routine highway maintenance provided by private and union workers in contract areas, 1A, 1B, 2A, 2B, 3A, 3B, 3C, 4A, 4B, 4C, 4D, 5A, 5B, and 5C and for costs associated with police services and overtime within said areas; provided, that \$90,000 shall be made available for all contractual contingency costs associated with highway maintenance in said areas; provided further, that the department shall submit quarterly reports to the house and senate committees on ways and means detailing for each contract area expenditures for the costs of contractual contingency fees, personnel, police services, overtime, materials, and vehicle repair; and provided further, that notwithstanding any general or special law to the contrary the department is hereby authorized to expend from capital authorizations amounts necessary to cover operational costs of the department in excess of amounts appropriated in

this item to ensure that adequate staffing levels are maintained to support the services and programs offered by the department; provided further, that the department shall develop a plan to phase into the budgetary appropriation all personnel costs expended from capital authorizations after June 30, 2002; provided further, that the phase in of these costs shall be complete by June 30, 2004; provided further, that the department shall file quarterly reports with the house and senate committees on ways and means detailing all amounts expended on bond-funded capital projects under the jurisdiction of the department, and for all administrative and personnel expenses of the department charged to such bonds; provided further, that such reports shall be filed not later than 30 days after the end of each quarter \$16,870,708
Highway Fund 100.00%

BOARD OF LIBRARY COMMISSIONERS.

7000-9101 For the operation of the board of library commissioners \$1,036,322
Local Aid Fund 100.00%

7000-9401 For state aid to regional public libraries; provided, that the board of library commissioners may provide quarterly advances of funds for purposes authorized by clauses (1) and (2) of section 19C of chapter 78 of the General Laws, as it deems proper, to regional public library systems throughout each fiscal year, in compliance with the office of the comptroller's regulations on state grants, 815 CMR 2.00; provided further, that notwithstanding said section 19C of said chapter 78 or any other general or special law to the contrary, the Boston Public Library shall, as the library of last recourse for reference and research services for the commonwealth, be paid from this item an amount equal to \$1.06 per resident in the commonwealth; provided further, that notwithstanding the provisions of any general or special law to the contrary, no regional public library shall receive any money under this item in any year when the appropriation of the city or town where such regional public library is located is below an amount equal to 102.5 per cent of the average of the appropriations for free public library service for the three years immediately preceding; provided further, that notwithstanding this item, the board of library commissioners may grant waivers, in a number not to exceed one-tenth the number permitted pursu-

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ant to the second paragraph of section 19A of said chapter 78, to any library not receiving funds as a library of last recourse for a period of not more than one year; and provided further, that notwithstanding any general or special law to the contrary, in calculating the fiscal year 2003 distribution of funds appropriated herein, the board of library commissioners shall employ population figures used to calculate the fiscal year 2002 distribution \$14,980,361

Local Aid Fund 100.00%

7000-9402 For the talking book library at the Worcester public library \$318,777

Local Aid Fund 100.00%

7000-9406 For the braille and talking book library at Watertown, including the operation of the machine lending agency \$1,628,550

Local Aid Fund 100.00%

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 this item, the board of library commissioners may grant waivers permitted pursuant to the last paragraph of section 19A of chapter 78 of the General Laws; provided further, that the board of library commissioners may grant an additional 25 waivers in fiscal year 2003 to any library not receiving funds as a library of last recourse 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 under the guidelines for the library incentive grant program; and provided further, that any payment made under this item shall be deposited with the treasurer of the city or town and held as a separate account and shall be expended by the public library of such city or town without appropriation, notwithstanding any general or special law to the contrary \$7,830,844

Local Aid Fund 100.00%

7000-9506 For the telecommunications expenses of automated resource sharing networks and their member libraries \$3,366,718

DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT.

- 7002-0100 For the administration of the department of labor and workforce development, including the divisions under the control of the department; provided, that funds shall be expended from this item for the deputy director of workforce development; and provided further, that on January 4, 2003 and April 1, 2003, said deputy director shall submit to the house and senate committees on ways and means a comprehensive report describing in detail the job training services, including labor exchange, skills training and remedial education services related thereto which have been provided during the course of the fiscal year in the commonwealth, describing the systems for delivery of such services, describing the costs of such services and the sources of revenue for such services \$324,752

- 7003-0601 For the at-risk youth program, including the costs of administration; provided, that the commonwealth corporation shall submit a report to the house and senate committees on ways and means on or before October 1, 2002 that shall include a list of all contractors and subcontractors administering said program, the amount allocated for fiscal year 2003 per contract, the year-to-date amount expended for fiscal year 2003 per contract, the number of youth served per contract, the hourly wage per youth per contract, the amount of matching funds leveraged per contract, and the source of said matching funds; provided further, that administrative costs shall not exceed 10 per cent of amounts awarded from this item; provided further, that service levels shall be developed so as not to exceed the appropriation made available herein; and provided further, that expenditures made from this item shall be structured so that funding provided herein shall not annualize to an amount greater than \$1,000,000 in fiscal year 2004 \$1,000,000

- 7003-0700 For grants administered by the Commonwealth Corporation to secure employment, training and counseling for workers; provided, that not less than \$225,000 shall be expended for the E-Team Machinist Training Program in the city of Lynn; provided further, that \$50,000 shall be expended to the Commonwealth Corporation to develop a self sufficiency standard pursuant to section 211 of this act; provided further, that not less than \$75,000 shall be expended for the Western Massa-

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chusetts Enterprise Fund microenterprise program as the supplemental match to conduct an entrepreneurial training program to income eligible residents; provided further, that not less than \$150,000 shall be provided to the Workforce Investment Association of MA. Inc., for the purpose of assisting its administrators, career center directors and fiscal agents; and provided further, that not less than \$150,000 shall be provided to the Massachusetts Regional Employment Board Association, commonly known as the Massachusetts Workforce Board Association, to support the activities of the business, labor, education, youth councils and community members in leading regional workforce development systems; and provided further, that not less than \$127,000 shall be expended for the employee involvement and ownership program \$777,000

7003-0701 For grants and technical assistance administrated by the division of employment and training, pursuant to section 2RR of chapter 29 of the General Laws and for the cost of collecting the assessment established in section 14L of chapter 151A of the General Laws; provided, that not more than \$3,000,000 shall be expended for direct technical assistance pursuant to clause (2) of subsection (b) of said section 2RR of said chapter 29 \$18,000,000
 Workforce Training Fund 100.00%

7003-0702 For one time grants to be administered by the department of labor and workforce development; provided, that not more than \$400,000 shall be expended for the operation and maintenance of the Massachusetts biotechnology research institute for the purpose of promoting the commercialization of new, academic based research and development, and raising the scientific awareness of the communities of the Commonwealth; provided further, that not less than \$7,500 shall be provided for the Bonnie Brae Camp in the city of Gardner; provided further, that not less than \$850,000 shall be expended on the Massachusetts Manufacturing Extension Partnership; provided further, that not more than \$542,075 shall be expended on the Commonwealth Corporation; provided further, that not less than \$135,000 shall be expended for incumbent worker coordinators at the Massachusetts AFL-CIO; provided further, that not more than \$350,856 shall be expended on the Re-Employment Services

for Displaced Workers; provided further, that not more than \$125,000 shall be expended for the support of programs operated by a Farm Worker's Organization serving low income persons and the Hispanic population of Western Massachusetts; provided further, that not more than \$1,810,000 shall be expended on the operation of the Massachusetts state workforce investment board and supporting associations to direct workforce development policy in each region; provided further, that not more than \$1,000,000 shall be expended on the Massachusetts Service Alliance; provided further, notwithstanding any general or special law to the contrary, not more than \$700,000 shall be expended on the Mystic Valley Development Commission; provided further, that not more than \$200,000 shall be expended on the Western Massachusetts Precision Institute; provided further, that not more than \$250,000 shall be expended on the Jackson-Appleton-Middlesex Urban and Revitalization Development Project; provided further, that not more than \$250,000 shall be expended on the Lowell Acre Urban and Revitalization Development Projects; provided further, that not less than \$250,000 shall be expended for job training and job placement services for homeless individuals statewide through the MASS CAN program; provided further, that not more than \$139,590 shall be expended for the Just-A-Start Corporation; and provided further, that not less than \$195,000 shall be expended for 3 full-time equivalent rapid response labor specialists at the Massachusetts AFL-CIO \$7,205,021

Workforce Training Fund 100.00%

7003-0803 For the one-stop career centers; provided, that not more than \$2,750,000 shall be expended for the one-stop career centers that were in existence on May 1, 1997 which are located in the Boston, Hampden county and the metro north service delivery areas and any satellite offices thereof which opened on or before December 1, 1997; provided further, that each career center shall inform unemployed or underemployed recipients of transitional aid to families with dependent children benefits who seek assistance from such center of the full range of education and training programs that are available to them, the availability of jobs in the professions for which such programs prepare participants, and the average wage rates in such professions within the commonwealth; provided further,

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that such information shall encompass certified nurses aide training programs, job availability and wage rates; and provided further, that not less than \$1,000,000 shall be expended for one-stop career centers that opened after January 1, 1999 \$3,750,000

Division of Apprentice Training.

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 contrary, 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 the application shall be accompanied by a fee of \$35 and paid by the apprentice or the program sponsor, together with photographic prints as required by the deputy director; provided further, that all revenues from fees charged for this identification card shall be deposited into the General Fund; provided further that, an apprentice identification card shall contain the photograph of the apprentice, the apprentice registration number or such other number as the deputy director requires, the name and business address of the appropriate apprenticeship committee or single employee sponsor, the steps of progression and related dates applicable to the apprentice, and the projected date on which the apprentice is projected to complete the apprenticeship; provided further, that as a condition of his apprenticeship the apprentice shall keep the apprentice identification card on his person during his hours of employment during the apprenticeship; provided further, that any apprentice performing work on a project or projects subject to this item shall maintain in his possession an apprentice identification card; provided further, that any apprentice who is determined by the deputy director to be un-enrolled in related classroom instruction classes shall be paid at the journey level rate for the duration of the public works project or projects; provided further, that for every week in which an apprentice is employed by a contractor, subcontractor, or public body subject to this section, a photocopy of said apprentice's apprentice identification card, shall be attached to the records submitted under this item \$420,000

Division of Occupational Safety.

- 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; provided, that \$667,953 shall be expended from this item for the GG subsidiary costs of the board of conciliation and arbitration, the division of apprentice training, the labor relations commission and the division of occupational safety \$2,729,969
- 7002-0201 The division of occupational safety may expend an amount not to exceed \$200,000 received from fees authorized and subject to section 212 of this act \$200,000

Division of Industrial Accidents.

7002-0500 For the operation and administrative expenses of the division of industrial accidents; provided, that not less than \$800,000 shall be expended for occupational safety training grants; provided further, that said division shall submit a report not later than February 1, 2003 to the house and senate committees on ways and means detailing the scope, objective and results of such grant recipients' safety training program; provided further, that funds appropriated in this item in excess of the fiscal year 2002 spending level for such grants shall be a one-time fiscal year 2003 expense; 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; provided further, that the division shall assign a judge to hear cases in the county of Berkshire not less than once a month; provided further, that not more than \$150,000 shall be expended for the division to offer online conciliation and conference dispute resolution services through electronic arbitration; provided further, that on February 1, 2003 the division shall submit to the house and senate committees on ways and means a report projecting the annual savings to the Massachusetts workers' compensation system under full implementation of an electronic arbitration program; and provided further, that the treasurer may release to the division, subject to adequate and appropriate documentation of the need, to the workers' compensation advisory council and the affirmative vote of at least 7 members of the

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workers' compensation advisory council, sufficient funds from the special reserve account established in clause (c) of subsection (4) of section said 65 of said chapter 152 to pay for expenses to continue expansion of the conversion of the agency's computer system from unify to oracle \$18,532,631

Labor Relations Commission.

7002-0600 For the operation of the labor relations commission \$934,448

Joint Labor Management Committee.

7002-0700 For the operation of the joint labor management committee \$259,858

Board of Conciliation and Arbitration.

7002-0800 For the operation of the board of conciliation and arbitration \$717,387

Department of Housing and Community Development.

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 pursuant to a cost overhead allocation plan approved by the comptroller; provided further, that the comptroller shall establish and designate an account on the Massachusetts management accounting and reporting system for the purpose of making such expenditures; provided further, that expenditures made against the account shall not be subject to appropriation and may include the cost of personnel; provided further, that the department shall submit quarterly reports to the house and senate committees on ways and means on object code expenditures made against the account; provided further, that notwithstanding the provisions of any general or special law, rule, or regulation to the contrary, the department of housing and community development may conduct annual verifications of household income levels based upon state tax returns for the purposes of administering the state and federal housing subsidy programs funded in items 7004-9004, 7004-9005, 7004-9009, 7004-9030, 7004-9011, 7004-9014, 7004-9019, 7004-9020, and 7004-9024; provided further, that as a condition of eligibility or continued occupancy by an applicant or a tenant, said department may require disclosure of the social security number of an applicant or tenant and members of such applicant's or tenant's household for use in

verification of income eligibility; provided further, that said department is hereby authorized to deny or terminate participation in subsidy programs for failure by an applicant or a tenant to provide a social security number for use in verification of income eligibility; provided further, that said department may also consult with the department of revenue, the department of transitional assistance or any other state or federal agency which it deems necessary to conduct such income verification; provided further, that notwithstanding the provisions of any general or special law to the contrary, such state agencies shall consult and cooperate with said department and furnish any information in the possession of said agencies including, but not limited to, tax returns and applications for public assistance or financial aid; provided further, that for the purposes of conducting such income verification, the director of said 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 such federally assisted housing programs and that of members of the participants' households; provided further, that not more than \$50,000 shall be expended for the Jackson Mann Community Center in the Commonwealth House Development in Allston/Brighton for the continued operation of community technology centers; provided further, that for the purposes of clarification only, notwithstanding the provisions of section 12 of chapter 490 of the acts of 1980, said department may authorize neighborhood housing services corporations to retain, re-assign, and reloan funds received in repayment of loans made pursuant to the neighborhood housing services rehabilitation program; and provided further, that of the amount appropriated herein, funds may be expended for the Indian affairs commission \$6,727,224

7004-2011 For a low income sewer and water assistance program pursuant to the provisions of section 24B of chapter 23B of the General Laws	\$541,245
Local Aid Fund	100.00%
7004-2020 For the recapitalization of the community development finance corporation	\$250,000

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7004-2027 For community economic development; provided, that grants may be awarded to not-for-profit community-based organizations; provided further, that on or before February 1, 2003, the department shall file with the house and senate committees on ways and means a report demonstrating the distribution of funds from this item among rural, suburban, and urban community-based organizations; provided further, that no funds shall be expended from this item in the AA subsidiary, so-called, for the compensation of state employees; provided further, that no funds appropriated herein shall be expended by a recipient organization for dues, fees, personnel costs, whether direct, indirect or in-kind, or payment of any kind to the Massachusetts Association of Community Development Corporations; provided further, that in order to receive grants funded from this item, such not-for-profit community-based organizations shall commit a matching amount of not less than \$1 in eligible matching funds for every \$1 provided through such grants; provided further, that said matching funds shall be from nongovernmental funding sources; and provided further, that only amounts raised in excess of the amount raised by each recipient organization in fiscal year 2002 shall be considered eligible matching funds \$1,017,730

Local Aid Fund 100.00%

7004-3036 For housing services and counseling; provided, that not more than \$1,000,000 shall be expended as grants for the operation of nine regional housing consumer education centers operated by the regional nonprofit housing agencies; provided further, that the grants shall be through a competitive application process pursuant to criteria created by the department; provided further, that the department shall report to the house and senate committees on ways and means not later than February 1, 2003 on possible savings and efficiencies through consolidation of said services and counseling; and provided further, that no funds shall be expended from this item in the AA subsidiary, so-called, for the compensation of state employees; provided further, that funds may be expended West Broadway task force to provide certain tenant services; provided further, that \$80,925 shall be expended for the Central Mass Housing Alliance; and provided further, that funds may be expended for the JUST-A-START CORPORATION to administer a housing stabilization and conflict management

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	services program to prevent homelessness	\$1,080,925
7004-3040	For a scattered site transitional housing program for victims of domestic violence and their dependents; provided, that the department shall collaborate with the department of social services to ensure that participants in battered women's programs are provided with information regarding local transitional housing resources; and provided further, that the program shall assist victims of domestic violence in finding and maintaining permanent housing	\$1,000,000
7004-4314	For the expenses of a service coordinators program established by the department to assist tenants residing in housing developed pursuant to sections 39 and 40 of chapter 121B of the General Laws to meet tenancy requirements in order to maintain and enhance the quality of life in said housing	\$544,890
7004-8878	For the private rental housing development action loan program; provided, that notwithstanding any general or special law to the contrary, no new commitments, contracts or renegotiations of existing contracts shall be entered into during fiscal year 2003 or any subsequent fiscal year	\$1,724,138
7004-9003	For a program to provide housing units to homeless individuals; provided, that grants shall be awarded on a competitive application process pursuant to criteria established by the department to regional non-profit housing associations, so-called, to provide housing units for up to one-year to homeless individuals who are working to transition into private housing	\$677,230
7004-9004	For a program to enable households in state-assisted public housing to transition to unsubsidized housing options in the private market; provided, that up to 5,000 qualified households residing in chapter 200 or chapter 705 state-assisted housing developments shall be allowed to participate in a voluntary program that allows a portion of a household's rental payments to a housing authority to be placed in escrow accounts for the purpose of making said transition affordable, including, down payment costs, closing costs, first and last month's rent, security deposit, moving costs, and appliances necessary for occupancy; provided further, that the department, subject to appropriation, shall contribute \$1 for every \$2 of a rental payment placed by a household in such an escrow account which shall inure to the benefit of the house-	

hold; provided further, that the amount of said rental payments eligible to be placed in said escrow accounts shall consist of the savings in rent payments derived by allowing an adjustment to a household's income for purposes of computing rent for the amounts withheld from a household's earned income for (1) state and federal income tax withholding payments and (2) payments for Social Security, FICA, or other retirement deductions and (3) other deductions as may be allowed by law or regulation consistent with the provisions of this item; provided further, that in promulgating regulations that allow a household's income to be so adjusted for the calculation of rental payments, said department shall establish a uniform method for calculating the amount of rent adjustments allowable under said program; provided further, that said regulations shall not include in said calculation the amounts withheld from a dependent's income nor shall the income of any such dependent be subject to escrow; provided further, that a household participating in said program shall agree in writing to the minimum amount needed to be held in escrow in order to provide for said affordable transition and to a maximum amount to be held in said escrow account; provided further, that in no event, shall the amount of any escrow account exceed \$10,000; provided further, that rental payments held in escrow for a household that elects not to make said transition pursuant to the written agreement or which is evicted by a housing authority for any reason shall be repaid to the housing authority and the commonwealth for the value of any rent subsidy provided to said household and the matching contribution paid by the department; provided further, that a household that loses eligibility for state-assisted public housing due to increased income earnings shall use the amount held in escrow for the purposes of transition housing costs; provided further, that the use of escrowed rental payments by a household for said transition costs shall be verified by the household and any funds not used for transition costs shall be recovered by the housing authority; provided further, that said department shall select housing authorities that demonstrate a willingness and capability to participate in said program; provided further, that said authorities may, for the purposes of administrative efficiency,

maintain a centralized escrow account in lieu of separate accounts for each participating household; provided further, that detailed accounting records shall be maintained for each participating household by a housing authority that establishes such a centralized escrow account; provided further, that said housing authorities shall take all steps to invest said escrow accounts in investment vehicles that maximize the interest earned on said escrow accounts; provided further, that said housing authorities may retain not more than 20 per cent of any such interest earned on rental payments held in escrow to offset the costs of administering said program; provided further, that the remaining interest earnings shall be credited to the escrow account of a household; provided further, that the department shall require said housing authorities to obtain the social security numbers of households participating in said program to verify household income and deductions with the department of revenue and other parties; provided further, that rental payments held in escrow shall be treated as deductible rent for purposes of calculating Massachusetts personal income taxes pursuant to subparagraph (9) of paragraph (a) of part B of section 3 of chapter 62 of the General Laws; provided further, that notwithstanding the provisions of any general or special law to the contrary, the release of escrow payments to a household, including interest earned thereon and the value of the matching contribution, shall not create any tax liability for such a household; provided further, that a tax liability shall be created in the event that a household does not elect to make said transition pursuant to said written agreement; and provided further, that said department may transfer funds provided in this item to item 7004-9005 for the purposes of supplementing rental funds directed toward said program \$132,650

7004-9005 For subsidies to housing authorities and nonprofit organizations for deficiencies caused by certain reduced rentals in housing for the elderly, handicapped, veterans and relocated persons pursuant to sections 32 and 40 of chapter 121B of the General Laws; provided, that notwithstanding any general or special law to the contrary, all housing authorities operating elderly public housing shall offer first preference for elderly public housing units which are vacant as of the effective date of this

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act, and thereafter, to those persons 60 years of age or older on June 30, 1995, receiving rental assistance from the Massachusetts rental voucher program; provided further, that said department may expend funds appropriated in this item for deficiencies caused by certain reduced rentals which may be anticipated in the operation of housing authorities for the first quarter of the subsequent fiscal year; provided further, that no monies shall be expended from this item for the purpose of reimbursing the debt service reserve included in the budgets of housing authorities; provided further, that no funds shall be expended from this item in the AA subsidiary, so-called, for the compensation of state employees; provided further, that the amount appropriated herein shall be deemed to meet any and all obligations pursuant to said sections 32 and 40 of said chapter 121B; provided further, that any new reduced rental units developed in fiscal year 2003 eligible for subsidies pursuant to 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 \$29,493,770

Local Aid Fund 100.00%

7004-9024 For a program of rental assistance for low-income families and elderly persons through mobile and project-based vouchers, so-called; provided, that rental assistance shall only be paid pursuant to a program to be known as the Massachusetts rental voucher program; provided further, that the income of said households shall not exceed 200 per cent of the federal poverty level; provided further, that said department may award mobile vouchers to such eligible households currently occupying project based units, that shall expire due to the non-renewal of project-based rental assistance contracts; provided further, that said department, as a condition of continued eligibility for a voucher and voucher payments, may require disclosure of social security numbers by participants and members of participants' households in the Massachusetts rental voucher program for use in verification of income with other agencies, departments and executive offices in the commonwealth; provided further, that any household in which a participant or member of a participant's

household shall fail to provide a social security number for use in verifying the household's income and eligibility shall no longer be eligible for a voucher or to receive benefits from said voucher program; provided further, that said vouchers shall be in varying dollar amounts and shall be set by said department based on considerations, including, but not limited to, family size, composition, income level and geographic location; provided further, that notwithstanding the provisions of any general or special law to the contrary, the use of rent surveys shall not be required in determining the amounts of said mobile vouchers, or said project-based units; provided further, that any household which is proven to have caused intentional damage to their rental unit in an amount exceeding two month's rent during any one year lease period shall be terminated from the program; provided further, that notwithstanding the provisions of any general or special law to the contrary, a mobile voucher whose use is or has been discontinued shall be re-assigned within 90 days; provided further, that said department shall pay agencies 25 dollars per voucher per month for the costs of administering said program; provided further, that said costs of administration shall not exceed six per cent of the appropriation provided herein; provided further, that said six per cent shall include, but not be limited to, all expenditures which may be made by said department to conduct or otherwise contract for rental voucher program inspections; provided further, that subsidies shall not be reduced for the cost of accommodating the cost of said inspections; provided further, that notwithstanding the provisions of any general or special law to the contrary, there shall be no maximum percentage applicable to the amount of income paid for rent by each household holding a mobile voucher, or project-based voucher, but each household shall pay at least 30 per cent of its income as rent; provided further, that said department shall establish the amounts of the mobile vouchers, and the project based vouchers, so that the appropriation herein is not exceeded by payments for rental assistance and administration; provided further, that said department shall not enter into commitments which will cause it to exceed the appropriation set forth herein; provided further, that ceiling rents, so-called,

shall not be enforced by said department; provided further, that households holding mobile vouchers shall have priority for occupancy of said project-based dwelling units in the event of a vacancy; provided further, that said department may impose certain obligations for each participant in the Massachusetts rental voucher program through a 12 month contract which shall be executed by the participant and said department; provided further, that such obligations may include, but need not be limited to, job training, counseling, household budgeting, and education, as defined in regulations promulgated by said department and to the extent such programs are available; provided further, that each participant shall be required to undertake and meet any such contractually established obligation as a condition for continued eligibility in the program; provided further, that for continued eligibility each participant shall execute any such 12 month contract on or before September 1, 2002 if his or her annual eligibility recertification date occurs between June 30, 2002 and September 1, 2002 and otherwise on or before his or her annual eligibility recertification date; provided further, that any participant who is over the age of 60 years or who is handicapped may be exempted from any obligations unsuitable under particular circumstances; provided further, that said department shall submit an annual report to the secretary of administration and finance and the house and senate committees on ways and means detailing expenditures, the number of outstanding rental vouchers by income level, and the number and types of units leased that are funded from this item; and provided further, that no funds shall be expended from this item in the AA subsidiary, so-called, for the compensation of state employees \$26,668,557

7004-9027 For state housing assistance for rental production contracts with sponsors of rental housing projects financed through the Massachusetts Housing Finance Agency, established pursuant to chapter 708 of the acts of 1966, in the form of a loan by the commonwealth to facilitate the construction or rehabilitation of rental housing projects pursuant to the provisions of section 7 of chapter 574 of the acts of 1983; provided, that notwithstanding section 27 of chapter 23B or sections 26 and 27 of chapter 29 of the General Laws to the contrary, the de-

partment may enter into such contracts for terms not exceeding 15 years with annual payment obligations not to exceed \$14,432,625; provided further, that notwithstanding the provisions of any general or special law to the contrary, no new commitments shall be entered into during fiscal year 2003 for said fiscal year or any subsequent fiscal years; provided further, that the director of said department shall review all amounts disbursed through this program in the five fiscal years previous to the effective date of this act and to recover all excess funds disbursed; and provided further, that the director shall file a report with the house and senate committees on ways and means, detailing the recovery of said overpayments and recommending alternative uses for said amounts \$14,432,625

7004-9030 For the transitional rental assistance program established pursuant to chapter 179 of the acts of 1995; provided, that notwithstanding the provisions of any general or special law to the contrary, said transitional rental assistance shall be in the form of mobile vouchers, so-called; provided further, that said vouchers shall be in varying dollar amounts and set by the department on considerations including, but not limited to, household size and composition, household income and geographic location; provided further, that any household which is proven to have caused intentional damages to their rental unit in an amount exceeding two month's rent during any one year shall be terminated from the program; provided further, that said department shall pay agencies that administer said program an allowance not to exceed \$25 per voucher per month for the costs of administration; provided further, that notwithstanding the provisions of any general or special law to the contrary, there shall be no maximum percentage applicable to the amount of income paid for rent by each household holding a mobile voucher, so-called, but each household shall be required to pay not less than 25 per cent of their net income, as defined in regulations promulgated by said department, for units if utilities are not provided by the unit owner, or not less than 30 per cent of their income for units if utilities are provided by the unit owner; provided further, that payments for said transitional rental assistance may be provided in advance; provided further, that said department shall establish the amounts of the

mobile vouchers, so that the appropriation herein is not exceeded by payments for rental assistance and administration; provided further, that said department shall not enter into commitments which will cause it to exceed the appropriation set forth herein; provided further, that the amount of a rental assistance voucher payment for an eligible household shall not exceed the rent less the household's minimum rent obligation; provided further, that the word "rent" as used in this item shall mean payments to the landlord or owner of a dwelling unit pursuant to a lease or other agreement for a tenant's occupancy of the dwelling unit, but shall not include payments made by the tenant separately for the cost of heat, cooking fuel, and electricity; provided further, that said department shall submit an annual report to the budget director, the secretary of administration and finance, and the house and senate committees on ways and means detailing expenditures, the number of outstanding rental vouchers, and the number and types of units leased; provided further, that nothing stated herein shall give rise to or shall be construed as giving rise to enforceable legal rights in any party or an enforceable entitlement to any form of housing; provided further, that consistent with chapter 179 of the acts of 1995 the amount appropriated herein shall not annualize to more than \$3,000,000 in fiscal year 2004; and provided further, that said program shall provide funding for not more than 800 mobile vouchers \$3,000,000

7004-9033 For rental subsidies to eligible clients of the department of mental health; provided, that the department shall establish the amounts of said subsidies so that payment thereof and of any other commitments from this item shall not exceed the amount appropriated herein \$2,000,000

7004-9102 For non-federally aided urban renewal community development; provided, that no new contracts shall be entered into during fiscal year 2003 \$100,000

Local Aid Fund 100.00%

7004-9108 For urban revitalization and development projects authorized pursuant to section 54 of chapter 121B of the General Laws; provided, that notwithstanding section 53 or section 57 of said chapter 121B to the contrary, the funds may be provided to an agency of a city or town designated by the chief executive officer to act on behalf of the city or town; provided further,

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that notwithstanding section 55 or said section 57 of said chapter 121B, not less than \$300,000 shall be expended for a matching grant to the city of Fitchburg for the urban renewal program; provided further, that notwithstanding said section 55 or said section 57 of said chapter 121B, not less than \$300,000 shall be expended for the Worcester Medical City project; and provided further, that no new commitments shall be entered into during fiscal year 2003, except as otherwise provided in this item \$600,000

Local Aid Fund 100.00%

7004-9201 For interest subsidies for the private development of affordable housing; provided, that notwithstanding any general or special law to the contrary, no new commitments shall be entered into during fiscal year 2003 for said fiscal year or any subsequent fiscal years \$7,094,790

7004-9315 For the low income housing tax credit program; provided, that the department may expend an amount not to exceed \$1,000,000 accrued from fees collected for the regulation of TELLER projects undertaken pursuant to clause (m) of section 26 of chapter 121B of the General Laws from fees collected pursuant to Executive Order No. 291, pertaining to low-income housing tax credits, for the costs of administering and monitoring the programs, including the costs of personnel, subject to the approval of the director of said 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 therefore as reported in the state accounting system, prior appropriation continued . . . \$1,000,000

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; provided, that the office may enter into an inter-agency service agreement with the department of public health and the division of medical assistance for the annualized costs of the ombudsman for managed care, so-called \$1,533,687

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Division of Banks.

7006-0010 For the operation of the division of banks; provided, that notwithstanding any general or special law to the contrary, 100 per cent of the amount appropriated in this item shall be assessed upon financial institutions which the division currently regulates pursuant to powers granted to said division by the general laws, a special law or state regulations \$10,677,921

Division of Insurance.

7006-0020 For the operation of the division of insurance; including the expenses of the board of appeal on motor vehicle policies and bonds, and certain other costs of supervising motor vehicle liability insurance and the expenses of the fraudulent claims board; provided, that the positions of counsel I and counsel II shall not be subject to the provisions of chapter 31 of the General Laws; provided further, that contracts or orders for the purchase of statement blanks for the making of annual reports to the commissioner of insurance shall not be subject to the restrictions prescribed by section 1 of chapter 5 of the General Laws; provided further, that the division shall maintain a phone system in its western Massachusetts office that will immediately transfer calls made to that office to the consumer assistance office in Boston during any business hours when the western Massachusetts office is closed; provided further, that the division shall have an employee or other such person answering all initial incoming telephone calls, excluding all direct in-dial calls, between the hours of 9:00 a.m. and 5:00 p.m.; provided further, that the division shall designate an employee to handle all incoming calls relative to chapter 218 of the acts of 1995 or regulations promulgated under section 2 of said chapter 218; provided further, that notwithstanding any general or special law to the contrary, for fiscal year 2003, 27.825 per cent of the amount appropriated in this item shall be assessed upon the insurance companies licensed to operate in the commonwealth; provided further, that for fiscal year 2004, said assessment amount shall be 55.65% of the amount appropriated herein; provided further, that there shall be established a special commission to conduct an investigation and study of the level and source of funds and the assessment on the division of insurance; provided further, that said study shall include, but

not be limited to, an evaluation of the current assessment and fee structure at the division and moving said division to an assessment based funding; provided further, that said commission shall be chaired by the chairs of the joint committees on insurance or their designees, the chairs of the house and senate committees on ways and means, or their designees, the commissioner of insurance or his designees, the secretary of administration and finance, one representative from the life insurance association of Massachusetts, one representative for the property and casualty insurance industry representing companies that sell insurance in less than 10 states, one representative for the property and casualty insurance industry representing companies that sell insurance in more than 10 states, one representative from the health insurance industry, one representative from the Massachusetts association of insurance agents and one representative from the Massachusetts bankers insurance association; provided further, that said commission shall file its report its results and any recommendations along with the legislation necessary to effectuate said recommendations with the joint committee on insurance, the house and senate committees on ways and means and the clerks of the house and senate no later than December 15, 2002; of one provided further, that the division of insurance trust fund shall be reimbursed for the amount appropriated herein and for associated indirect and direct fringe benefit costs from assessments levied pursuant to section 5D of chapter 29 of the General Laws; and provided further, that the commissioner shall work in conjunction with the secretary of administration and finance in developing and implementing a plan to ensure the collection of all assessments required herein \$9,084,237

General Fund	33.39%
Highway Fund	22.26%
Division of Insurance Trust Fund	44.35%

Division of Professional Licensure.

7006-0040 For the operation and administration of the division of professional licensure; provided, that of the funds appropriated in this item, sufficient monies shall be expended for the reduction of case backlog at the boards of registration; 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; provided further, that the division shall maintain and staff an office in the city of Springfield; and provided further, that a pilot program be established to assess the effectiveness and increased revenue resulting from the solicitation of paid advertising for all mail sent from the division to private companies and deemed appropriate for such purpose by division administration \$4,222,885

Division of Standards.

- 7006-0060 For the operation of the division of standards \$687,965
- 7006-0066 For the support of the division of standard's municipal inspection efforts; provided, that up to 15 per cent of the amount appropriated herein may be expended for administrative costs of the division \$265,000
- 7006-0067 The division of standards is hereby authorized to expend for enforcement of weights and measures laws an amount not to exceed \$358,900 from revenues received from item pricing violations collected through municipal inspection efforts, and from weights and measure fees and fines collected from cities and towns \$358,900
- 7006-0068 The division of standards is hereby authorized to expend an amount not to exceed \$250,000 from revenue received from license fees assessed to owners of motor vehicle repair shops . . . \$250,000

Department of Telecommunications and Energy.

- 7006-0070 For the operation and administration of the department of telecommunications and energy including the community antenna television division; provided, that notwithstanding the second sentence of the first paragraph of section 18 of chapter 25 of the General Laws, the assessments levied pursuant to said first paragraph of said section 18 of said chapter 25 for fiscal year 2003 shall be made at a rate sufficient to produce \$7,747,353; provided further, that the department shall maintain a toll free consumer access telephone number to facilitate statewide citizen access on customer service issues in the delivery of cable television services \$7,747,353
- 7006-0080 For the operation of the transportation division \$592,756

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7006-0090 The department of telecommunications and energy may expend revenues collected up to \$75,000 for the operation of the energy facilities siting commission \$75,000

Alcoholic Beverages Control Commission.

7006-0100 For the operation of the alcoholic beverages control commission \$1,618,977

State Racing Commission.

7006-0110 For the operation of the state racing commission \$3,206,422

Division of Energy Resources.

7006-1000 For the operation of the division of energy resources \$600,000

7006-1001 For the residential conservation service program pursuant to chapter 465 of the acts of 1980, and the commercial and apartment conservation service program pursuant to section 11A of chapter 25A of the General Laws \$197,715

Department of Economic Development.

7007-0100 For the office of the director of the department of economic development; provided, that the director shall make every effort to ensure that the department's activities reach the most economically challenged regions of the commonwealth; provided further, that the director shall either devise or use generally accepted criteria to determine which regions of the commonwealth are the most economically challenged; and provided further, that not later than April 30, 2003, the director shall submit to the house and senate committees on ways and means a report detailing the criteria, a ranking of regions, a list of programs directly assisting the residents of those regions, the number of people served, and a detailed plan for increasing economic activity in the most challenged regions \$421,478

7007-0300 For the operation of the Massachusetts office of business development and for marketing and promoting the commonwealth in order to attract and retain targeted businesses and industries; provided, that the office shall file a report with the house and senate committees on ways and means not later than February 15, 2003 which shall identify those companies that contact said office in response to direct mail and marketing campaigns and which of those companies relocate to the commonwealth; provided, that said office shall

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	maintain business development assistance services at an office to be located at the University of Massachusetts at Dartmouth for the purposes of responding to inquiries and providing assistance to businesses seeking to expand or relocate to southeastern Massachusetts	\$1,408,320
	General Fund	50.00%
	Tourism Fund	50.00%
7007-0515	For grants to be allocated by the department in support of regional redevelopment projects; provided, that not less than \$200,000 shall be expended for a grant to the South Shore Tri-Town Development Corporation established in chapter 301 of the acts of 1998	\$200,000
7007-0800	For a grant for the state match for a small business development center; provided, that no funds shall be expended from this item until such time as the United States small business administration has made a payment or has executed a contract to pay the University of Massachusetts at Amherst for the operation of said center; provided further, that the funds expended from this item shall not exceed 25 per cent of the gross operating cost of said center; provided further, that not more than \$300,000 of the amount appropriated herein shall be expended for the purpose of operating federal procurement technical assistance services within said center; provided further, that said services, shall include, but not be limited to, assisting businesses in securing federal contracts, obtaining contract financing, generating responses to requests-for-proposals, interpreting bid documents, providing educational workshops and seminars, and the electronic identification and tracking of federal bid opportunities; provided further, that the expenditure of said \$300,000 shall be subject to the receipt of matching funds from federal or private sources including the department of defense; and provided further, that quarterly expenditure reports shall be filed with the house and senate committees on ways and means	\$1,146,448
7007-0900	For the operation and administration of the office of travel and tourism; provided, that performance-based standards shall be incorporated in all contracts executed by said office for the procurement of tourism marketing and advertising services; provided further, that not more than \$2,000,000 of the amount appropriated herein shall be expended for international marketing and tourism promotion and administration; provided	

further, that expenditures on international and domestic promotion and administration shall be separately accounted for in the Massachusetts Management Accounting and Reporting System; provided further, that said office shall be required to make travel arrangements for all international travel not less than 7 days before departure; provided further, that said office shall dedicate 1 full-time equivalent employee to the advisory commission on travel and tourism; provided further that said office shall make every effort to develop tourism in under-visited regions of the commonwealth \$10,214,725

Massachusetts Tourism Fund 100.00%

7007-0950 For grants to public and private nonprofit local and regional organizations to be awarded by the Massachusetts office of travel and tourism for tourism promotion; provided, that such organizations shall not expend more than 20 per cent of any grant for the cost of administrative services; provided further, that the organizations shall be required, as a condition of receiving a grant, to submit a total operating budget which shall identify each source and use of operating and capital funds; provided further, that the grants shall not replace or supplant funding otherwise available to said centers from local chambers of commerce regional tourist councils and other public or private funding sources; provided further, that notwithstanding any general or special law to the contrary, a grant of \$250,000 shall be transferred from this item to the Massachusetts office of business development for regional tourism and economic development in southeastern Massachusetts, including the southcoast development project; provided further, that not less than \$100,000 shall be expended for the expansion of the Marlborough visitors bureau to include Westborough and for its operation; provided further, that \$100,000 shall be expended for the Puerto Rican cultural council in the city of Springfield; provided further, that not less than \$100,000 shall be expended for City Stage; provided further, that not less than \$125,000 shall be expended for the city of Boston office of cultural affairs; provided further, that a grant of not less than \$250,000 shall be expended for costs incurred by the Massachusetts Sports Partnership, Inc.; provided further, that the office may choose to fund each of the following earmarks

up to a maximum of the specified dollar amount; provided further, that not more than \$100,000 shall be expended for the Freedom Trail Foundation; provided further, that not more than \$40,000 shall be expended as a grant for the Pioneer Valley visitors and tourist information center; provided further, that such grant shall not replace or supplant funding otherwise available to said center from local chambers of commerce, regional tourist councils and public or private funding sources; provided further, that \$40,000 shall be expended for the New Bedford art museum; provided further, that not more than \$500,000 shall be made available through a grant application process established by the office of travel and tourism to offset deficits that may occur during fiscal year 2003 for the highway information centers operating year round on state highways and federally-assisted highways, and the visitor information centers on Boston Common and the Prudential Center, both in the city of Boston; and provided further, that \$52,500 shall be expended for the construction of the Robert Goddard statue in Worcester; provided further, that not less than \$35,000 expended for the restoration of the Canton civil war statue; provided further, that \$50,000 shall be expended for the Devens Enterprise Commission; and provided further, that \$10,000 shall be expended for the veteran's oral history project at Natick public library; provided further, that not less than \$150,000 shall be expended for the Waltham tourism council; provided further, that \$100,000 shall be expended for the Russian Community Association of Massachusetts; provided further, that not less than \$100,000 shall be expended as a grant to the Springfield Area Council for Excellence for outreach to Pioneer Valley Business; provided further, that \$150,000 shall be expended for the Martin Luther King, Jr. Empowerment Center; provided further, that \$250,000 shall be expended on the South Coast Development Partnership; provided further, that \$250,000 shall be expended for the Merrimack Valley Economic Development Council; provided further, that \$100,000 shall be expended for the Memorial Auditorium in the city of Lynn; provided further, that \$90,000 shall be expended for the Cape Cod Economic Development Council, Inc.; provided further, that \$50,000 shall be expended for the North End Visitor's Center; provided further, that \$50,000 shall be expended as a

grant for economic development activities of the Blackstone Valley Development Corporation; provided further, that \$200,000 shall be expended as grants for the Bay State Games; provided further, that \$100,000 shall be expended for the I-495 Technology Corridor Initiative; provided further, that \$50,000 shall be expended as a grant to the South Shore Chamber of Commerce regional tourism initiative; provided further, that \$75,000 shall be expended for the Friendly House in Worcester; and provided further, that \$165,000 shall be expended for the International Trade Assistance Center in Fall River \$3,382,500

Massachusetts Tourism Fund 100.00%

7007-1000 For assistance to local tourist councils pursuant to section 14 of chapter 23A of the General Laws; provided, that notwithstanding any general or special law, regulation or rule to the contrary, each of said councils may expend an amount not to exceed 20 per cent of the grant it receives herein for the cost of administrative services \$7,081,211

Massachusetts Tourism Fund 100.00%

7007-1200 For a program to create and maintain a more favorable and responsive environment for the attraction and retention of technology-intensive clusters for the commonwealth; provided, that such clusters may be characterized by technological or market focus, geographic proximity or other shared interests; provided further, that cluster activities shall be deemed to be the exercise of an essential governmental function intended to: (1) foster increased collaboration among cluster organizations; (2) facilitate improved communications between the commonwealth and cluster organizations; (3) identify and respond to challenges and opportunities related to cluster organizations; (4) enhance the competitive position of cluster firms; (5) reduce the costs of doing business in the commonwealth through 1 or more purchasing cooperatives; and (6) generally improve the perception of the value and benefits of doing business in the commonwealth; provided further, that amounts appropriated herein shall be expended to the Massachusetts Technology Park Corporation to be held, applied and administered through its Massachusetts Technology Collaborative; provided further, that said corporation shall establish an independent advisory panel to

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advise said corporation relative to the most effective application of funds appropriated in this item; and provided further, that the executive director shall file a report with the house and senate committees on science and technology and the house and senate committees on ways and means detailing the activities undertaken with the funds appropriated herein by January 15, 2003 \$847,000

7007-1300 For the operation of the Massachusetts international trade council \$1,118,086
Massachusetts Tourism Fund 100.00%

7007-1500 For the operation and administration of the state office of minority and women business assistance; provided, that said office shall administer an electronic business certification application which shall be accessible to business applicants through use of the Internet; provided further, that said office shall ensure the integrity and security of personal and financial information transmitted by said electronic application; provided further, that said office shall, using all existing available resources, provide certification services within each of the one-stop regional assistance centers, so-called, of the Massachusetts office of business development; and provided further, that said office shall develop and implement measures and procedures to continue to improve the efficiency and the timeliness of the certification process \$576,153

Department of Education.

7010-0005 For the operation of the department of education; provided, that \$175,000 shall be expended for the education reform review commission established pursuant to section 79 of chapter 71 of the acts of 1993; and provided further, that not less than \$150,000 shall be expended for the office of school readiness \$10,132,672

7010-0012 For grants to cities, towns and regional school districts for payments of certain costs incurred under the program for the elimination of racial imbalance; provided, that grants to cities, towns and regional school districts shall be limited to actual and specifically incurred documented incremental costs including those costs pursuant to chapter 71B of the General Laws as a direct consequence of participation in the program whenever the reimbursements requested by such city, town or

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regional school district exceed the level of reimbursement received in fiscal year 1977; provided further, that the division of elementary, secondary and occupational education shall, through a competitive procurement process, contract with qualified school transportation business enterprises; and provided further, that funds shall be made available for payment for services rendered by METCO, Inc. and Springfield public schools \$15,128,126

Local Aid Fund 100.00%

7010-0016 For the attracting excellence to teaching program established in section 19A of chapter 15A of the General Laws \$816,725

Local Aid Fund 100.00%

7010-0017 For grants to charter schools; provided, that the board of education may award grants to charter schools established under section 89 of chapter 71 of the General Laws; provided further, that said grants shall be awarded to support costs associated with planning and development of the schools and for the leasing or construction of school facilities; provided further, that charter schools shall submit requests for the grants to the board of education; and provided further, that grants shall be awarded pursuant to guidelines developed by the board \$2,301,790

Local Aid Fund 100.00%

7027-0016 For matching grants for various school-to-work programs; provided, that the board of education shall establish guidelines for such programs in consultation with the department of labor and workforce development; provided further, that any funds distributed from this item to cities, towns or regional school districts shall be deposited with the treasurer of 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 laws to the contrary; provided further, that each grant awarded herein shall be matched by the recipient from local, federal, or private funds; provided further, that the board of education may determine the percentage match required on an individual grant basis; provided further, that not more than \$596,883 shall be made available for the state's matching grant for the CS-squared program at the Corporation for Business, Work and Learning; provided further, that not

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less than \$942,191 shall be made available to Jobs for Bay State Graduates, Inc., for the purpose of school-to-work activities; provided further, that \$42,975 shall be made available to the Blue Hills regional vocation school for the School to Careers Partnership to fund a teacher externship program and a student internship program; and provided further, that not less than \$80,000 shall be made available for Training Innovations, Inc. to develop a skill training center in the city of Cambridge to work directly with students enrolled in the Cambridge public schools and interested businesses \$1,662,049

Local Aid Fund 100.00%

7027-0019 For school-to-work connecting activities; provided, that notwithstanding any general or special law to the contrary, the board of education, in cooperation with the department of labor and 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 regional employment 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; and provided further, that the program shall include, but not be limited to, a provision that business leaders commit resources to pay salaries, to provide mentoring and instruction on the job and to work closely with teachers; and provided further, that public funds shall assume the costs of connecting schools and businesses to ensure that students serve productively on the job \$4,129,687

Local Aid Fund 100.00%

7028-0031 For the expenses of school age children in institutional schools pursuant to section 12 of chapter 71B of the General Laws; provided, that the department is authorized to provide special education services to eligible inmates in county houses of correction \$7,613,345

Local Aid Fund 100.00%

7030-1000 For grants to cities, towns, regional school districts, educational

collaboratives, head start programs, and licensed day care providers for early care and education programs, pursuant to section 54 of chapter 15 of the General Laws; provided, that any payment made under any such grant with a school district shall be deposited with the treasurer of such city, town, or regional school district and held as a separate account and shall be expended by the school committee of such city, town, or regional school district without municipal appropriation, notwithstanding any general or special law to the contrary; provided further, that in any city or town in which there was only one lead agency in fiscal year 1995, such lead agency shall serve as lead agency to submit proposals pursuant to said section 54 of said chapter 15; provided further, that the amount by which the funds appropriated in this item exceed the amount appropriated in item 7030-1000 of chapter 60 of the acts of 1994 shall be used to provide services to the children of working parents; provided further, that in allocating the funds and evaluating grant applications, the board of education shall give priority consideration to three and four year old children in cities and towns where high concentrations of low income working families reside; provided further, that not less than one-third of the total slots funded by the amount by which the funds appropriated in this item exceed the amounts appropriated in said item 7030-1000 of said chapter 60 shall be for full-day, full-year care that meets the needs of working parents; provided further, that notwithstanding the provisions set forth herein or any general or special law to the contrary, funds may be allocated for services which shall be provided to three and four year old children formerly on the wait list maintained by the office for child care services; provided further, that the department of education shall ensure that community partnership lead agencies collaborate with the department of education and the office for child care services to provide services for said children; provided further, that notwithstanding said section 54 of said chapter 15 of the general laws, school districts and head start agencies that served as lead agencies in fiscal year 2002 shall receive funds in fiscal year 2003 in proportion to the amount each received in fiscal year 2002; provided further, that funds shall be expended for Mass Family Networks; provided further, that funds may be expended for

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administrative costs; provided further, that \$200,000 shall be made available from this item for a pilot program that involves students from the University of Massachusetts at Lowell and Community Teamwork, Inc. in the provision of child care services; and provided further, that said children shall retain priority status for future services available through said office upon attaining the age of five, notwithstanding the receipt of services funded through this item \$94,862,732

Local Aid Fund 75.00%

Transitional Aid to Needy Families Fund . . . 25.00%

7030-1002 For kindergarten development grants to provide ongoing grant awards to continue quality enhancement of existing full day kindergarten classrooms and to encourage the transition of half day classrooms into full day kindergarten classrooms; provided, that the office of school readiness shall administer a grant program to encourage the voluntary expansion of high quality, full day kindergarten education throughout the commonwealth; provided further, that grants of not more than \$18,000 per classroom shall be made available to public schools for the enhancement of existing full day kindergarten classrooms and for the transition of existing half day kindergarten classrooms into full day kindergarten classrooms; provided further, that said grants shall be awarded pursuant to guidelines established by the department relative to the application and award process which shall include eligibility criteria, allowable grant expenditures and grant recipient obligations; provided further, that guidelines for transition grants shall require applicants for such grants to identify obstacles that impede the transition to full day kindergarten; provided further, that said guidelines shall require grant recipients to identify the anticipated date by which the implementation of quality enhancement or transition projects shall commence; provided further, that said guidelines shall detail the range of permissible grant expenditures which shall include, but not be limited to, the expenditure of funds for facility improvements or other expenses necessary to provide adequate space for the transition from half day kindergarten classrooms into full day kindergarten classrooms; provided further, that grants funded through this appropriation shall not annualize to more than \$18,000 per classroom in subsequent fiscal years; provided further, that preference shall be given to

grant applicants with high percentages of students scoring in levels one or two on the Massachusetts comprehensive assessment system exam, so-called, as determined by the department based on available data; provided further, that any grant funds distributed from this item shall be deposited with the treasurer of such city, town or regional school district and held in a separate account and shall be expended by the school committee of such city, town or regional school district without further appropriation, notwithstanding the provisions of any general or special law to the contrary; provided further, that such program shall supplement and shall not supplant currently funded local, state and federal programs at the school or district; provided further, that not later than January 15, 2003 said department shall report to the house and senate committees on ways and means on the total number of enhancement and transition grants requested and awarded; provided further, that said report shall detail common factors associated with both successful and unsuccessful applications and shall include the total number of full day and half day kindergarten classrooms projected to be in operation in Massachusetts public schools in fiscal year 2004; provided further, that funds appropriated herein for transition grant awards may be expended through August 31, 2003 for the purposes of transition projects scheduled for the school year beginning in September, 2003; and provided further, that the department may expend not more than \$200,000 to administer the grants program established herein \$27,940,000

Local Aid Fund 100.00%

7030-1003 For early literacy programs and teacher training to promote research based school-wide literacy education and to promote literacy among children in grades K through three in the commonwealth; provided, that the office of school readiness shall administer said early literacy grant programs to improve the quality and effectiveness of literacy education in the commonwealth to the greatest extent possible, which shall include reading teacher grants and school-wide literacy education grants; provided further, that such school wide literacy education programs shall be based on a scientifically-based reading research program consistent with the federal Reading First Initiative, so-called, may be correlated to the National Reading Panel's Report on Teaching Children to Read, may

be integrated easily into the classroom by managing automatic student rotation, and may provide for authentic assessments including recorded portfolios of student's oral reading; provided further, that such school-wide literacy education programs shall provide for the evaluation and tracking of all students' reading and writing skills annually for at least three years, shall include measurable goals and benchmarks, shall be lead by a school-based planning team which includes teaching faculty and the school principal, shall provide for the training of teachers in effective strategies for reading instruction and shall include a school-wide literacy coordinator who shall be a full-time teacher responsible for the coordination and training of other school staff; provided further, that such school-wide early literacy grants shall include funding for the salary of a full-time literacy coordinator and may be targeted for elementary schools with low cumulative grades three and four MCAS scores, so-called; provided further, that the department shall establish guidelines for said grant programs consistent with the federal Reading First Initiative, so-called; provided further that any grant funds distributed from this item shall be deposited with the treasurer of such city, town or regional school district and held in a separate account and shall be expended by the school committee of such city, town or regional school district, without further appropriation, notwithstanding the provisions of any general or special law to the contrary; provided further, that \$385,000 shall be expended for JFY.net, so-called, a Jobs for Youth initiative for high technology, literacy and job skill instruction to youth and adults through advanced software and existing infrastructure capacity in schools and community agencies; provided further, that not less than \$8,370,000 shall be expended for the BayState Readers Initiative, so-called, modeled on the research-based best practices of the Alabama Reading Initiative; provided further, that said initiative shall provide for the training of teachers in effective strategies for reading instruction and shall otherwise be consistent with the overall purpose of this item and with the Reading First Initiative, so-called; provided further, that in its evaluation of applications for said initiative, said office may take into consideration schools' cumulative grade four MCAS scores; and provided

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further, that funds appropriated herein for said initiative may be expended through August 31, 2003; provided further, that not more than \$500,000 shall be made available for matching grants to fund the Reach Out and Read program, so-called, to provide books to at-risk children in the commonwealth through book distribution programs established in community health centers, medical practices and hospitals for at-risk children; provided further, that the funds distributed through the Reach Out and Read program shall be contingent upon a match of not less than \$1 in private or corporate contributions for every dollar in state funding distributed through said grant program; and provided further, that such program shall supplement currently funded local, state and federal programs at the school or district \$18,328,088

Local Aid Fund 100.00%

7030-1004 For grants for the home-based parenting and family literacy program known as the Parent-Child Home Program; provided, that the department of education shall distribute the funds to expand capacity at existing Parent-Child Home Program sites and to establish replication sites in cities and towns where high concentrations of low income families reside; provided further, that for grants awarded to establish the replication sites, the department shall consider applications from school districts or social service agencies that demonstrate the capacity to replicate said home visiting program to serve area low income families; and provided further, that the preference for the grants shall be given to applicants who demonstrate a commitment to maximize federal and local funding for the operation of the replication site \$2,500,000

Local Aid Fund 100.00%

7030-1005 For early intervention individual tutorial literacy programs designed as a pre-special education referral and short term intervention for children who are at risk of failing to read in the first grade; provided, that such programs shall be research-based with proven long term results, including identifying students in need of additional help not later than mid-first grade, providing ongoing training and support to program teachers, and including ongoing documentation and evaluation of results \$2,123,097

Local Aid Fund 100.00%

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7030-1500	For grants to head start programs	\$6,146,143
	Local Aid Fund 100.00%	
7032-0500	For grants to cities and towns and regional school districts for school-based comprehensive health education and human services in schools; provided, that any funds distributed from this item shall be deposited with the treasurer of such city, town, or regional school district and held in a separate account and shall be expended without further appropriation by the school committee; provided further, that not more than one per cent of the amount appropriated herein shall be expended for administrative costs; provided further, that \$1,400,000 shall be expended on the school linked services program; provided further, that funds shall be expended for the development of a specific policy and discipline code to address teen dating violence in public schools; provided further, that the department of education shall develop a model policy which school districts may adopt; provided further, that said department shall provide technical and legal assistance and other guidelines to said school districts in developing written teen dating violence policies and procedures; provided further, that said school districts may convene teen dating violence prevention task forces comprised of staff, students and parents to provide awareness training and education for school communities; provided further, that not less than \$33,750 shall be expended for the North Quabbin Domestic Violence Prevention Program; provided further, that the commissioner of education shall file a report on the distribution of all funds appropriated in this item with the joint committee on education and the house and senate committees on ways and means not later than December 15, 2002; provided further, that not more than \$950,000 shall be expended for teen dating violence prevention and that not more than \$450,000 of these same teen dating violence prevention funds shall be made available for contracts with community based victim service providers for intervention services for high-risk youth; provided further, that not less than \$800,000 shall be expended for statewide suicide prevention outreach and violence prevention outreach to gay and lesbian youth; and provided further, that this allocation shall not be used for sex education	\$10,000,000
	Health Protection Fund 100.00%	

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7035-0002 For grants to provide and strengthen adult basic education services, including reading, writing and mathematics, to a diverse network of organizations which have demonstrated commitment and effectiveness in the provision of such services, and that are selected competitively by the department of education; provided, that such grants shall support the successful transition of students from other adult basic education programs to community college certificate and degree granting programs; provided further, that such grants shall be contingent upon satisfactory levels of performance as defined and determined by said department; provided further, that in no case shall grants be considered an entitlement to a grant recipient; provided further, that said department shall consult with the community colleges and other service providers in establishing and implementing content, performance and professional standards for adult basic education programs and services; and provided further, that not more than 7.5 percent of the funds appropriated herein may be expended for non-grant purposes \$28,107,237

Local Aid Fund 100.00%

7035-0004 For reimbursements to cities, towns, regional school districts, and independent vocational schools for certain expenditures for transportation of pupils pursuant to section 11 of chapter 15 of the General Laws, sections 7A, 7B and 37D of chapter 71 of the General Laws, section 8 of chapter 71A of the General Laws, section 14 of chapter 71B of the General Laws and section 8A of chapter 74 of the General Laws; provided, that of the amount appropriated in this item, not less than \$1,500,000 shall be obligated for the implementation of chapter 663 of the acts of 1983; provided further, that a school district that transports or pays for the transportation of public school children in grades 7 to 12, inclusive, shall provide transportation or payment for transportation for non-public school children in the same grades; provided further, that any city, town or regional school district or independent vocational school which has not accepted chapter 663 of the acts of 1983 shall be ineligible for any reimbursement of costs incurred during fiscal year 2003 under this item or for reimbursement of such costs under any General Law referred to in this item; and provided further, that notwithstanding any

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	general or special law to the contrary, the commonwealth's obligation shall not exceed the amount appropriated in this item	\$51,840,000
	Local Aid Fund	100.00%
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; provided further, that the amount appropriated in this item shall constitute the full funding of this item, as determined by the department of education; provided further, that upon receipt by the department of education of required transportation cost reports from regional school districts, said department shall reimburse 50 per cent of the amount such districts received from this item in fiscal year 2001; and provided further, that said reports shall meet criteria established by the department of education	\$41,705,180
	Local Aid Fund	100.00%
7051-0015 For	the administration of the emergency food assistance program	\$830,600
	Local Aid Fund	100.00%
7052-0003 For	school building assistance grants and reimbursements for projects to eliminate racial imbalance under chapter 645 of the acts of 1948, chapter 70B of the General Laws, and section 329 of chapter 159 of the acts of 2000 for first annual payments on school projects; provided, that the aggregate amount of first annual estimated payments for school projects approved by the board of education under said laws shall not exceed \$7,043,760; provided further, that projects on the fiscal year 2002 priority lists ranked through number 47 shall be given priority before any other projects; and provided further, that in fiscal year 2003, the department of education shall complete school building assistance project audits for eligible school building assistance projects in the city of Lynn for which audit materials have been submitted and shall pay to the city of Lynn from funds appropriated in this item in fiscal year 2004 an amount equal to the positive difference between the final actual total project costs eligible for reimbursement and the preliminary approved project costs eligible for reimbursement; and provided further, that a report shall be filed semiannually by the board of education with the	

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	house and senate committees on ways and means regarding funding commitments pursuant to this item, prior appropriation continued	\$7,303,260
	Local Aid Fund	100.00%
7052-0004	For school building assistance grants and reimbursements for cities and towns not subject to court-ordered or board of education racial imbalance plans under chapter 645 of the acts 1948, chapter 70B of the General Laws, and section 329 of chapter 159 of the acts of 2000 for first annual payments on school projects; provided, that the aggregate amount of first annual estimated payments for school projects approved by the board of education under said laws, in the fiscal year ending June 30, 2003 shall not exceed \$14,942,156; provided further, that projects on the fiscal year 2002 priority lists ranked through number 188, inclusive, shall be given priority before any other projects; and provided further, that a report shall be filed semiannually by the board of education with the house and senate committees on ways and means regarding funding commitments pursuant to this item, prior appropriation continued	\$12,948,960
	Local Aid Fund	100.00%
7052-0005	For grants and reimbursements to cities, towns, regional school districts and counties under chapter 645 of the acts of 1948 and chapter 70B of the General Laws, for annual payments on the accounts of school projects for which first annual payments have been made	\$361,596,898
	Local Aid Fund	100.00%
7052-0006	For grants and reimbursements to cities, towns, regional school districts and counties under chapter 645 of the acts of 1948 and chapter 70B of the General Laws, for (a) educational, engineering, and architectural services for school districts, (b) surveys made of school building needs and conditions, (c) matching stabilization fund payments, (d) costs of leasing buildings for vocational programs and originally equipping and furnishing said buildings for vocational programs, and (e) payments associated with admission to a regional school district	\$43,921
	Local Aid Fund	100.00%
7053-1909	For reimbursements to cities and towns for partial assistance in the furnishing of lunches to school children, including partial	

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assistance in the furnishing of lunches to school children as authorized by chapter 538 of the acts of 1951, and for supplementing funds allocated for the special milk program; provided, that notwithstanding the provisions of any general or special law to the contrary, payments so authorized in the aggregate for partial assistance in the furnishing of lunches to school children shall not exceed the required state revenue match contained in Public Law 79-396, as amended, cited as the National School Lunch Act and in the regulations implementing said act \$5,426,986

Local Aid Fund 100.00%

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 of the sum appropriated herein, not less than \$300,000 shall be expended for the summer food service outreach program and not less than \$200,000 shall be expended for the school breakfast outreach program, including reimbursement of municipal expenses, provided, 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 education shall solicit proposals from returning sponsors and school food authorities in time for implementation of such grant program during the summer of 2003; provided further, that such grants shall only be awarded to sponsors who can demonstrate their intent to offer full summer programs or increase participation; provided further, that said department shall require sufficient reporting from each grantee to measure the success of such grant program; provided further, that said department shall select grantees for the program authorized by this item not later than March 30, 2003 and shall report to the house and senate committees on ways and means on the projected impact of these grants not later than April 30, 2003; prior appropriation continued \$2,266,523

Local Aid Fund 100.00%

7053-1927 For a supplement to the federally funded school breakfast program, so-called, whereby all children in schools receiving funds under the program shall be provided free, nutritious breakfasts at no cost to them; provided, that subject to regulations of the board that specify time and learning standards,

breakfasts shall be served during regular school hours; provided, further, that participation shall be limited to those elementary schools mandated to serve breakfast pursuant to section 1C of chapter 69 of the General Laws where 60 per cent or more of the students are eligible for free or reduced-price meals under the federally funded school meals program; provided further, that said department shall select school sites for programs authorized by this item no later than November 15, 2002 and shall report to the house and senate committees on ways and means on the preliminary results of such grants no later than January 9, 2003; provided further, that nothing herein shall give rise to enforceable legal rights in any party or an enforceable entitlement to services; and provided further, that nothing stated herein shall be construed as giving rise to enforceable legal rights or enforceable entitlement to any services \$5,361,260

Local Aid Fund 100.00%

7061-0008 For school aid to cities, towns, regional school districts, counties maintaining agricultural schools, independent vocational schools and independent agricultural and technical schools to be distributed pursuant to chapters 70 and 76 of the General Laws and section 3; provided, that notwithstanding section 3, each school district which receives aid from this item in fiscal year 2003 shall expend from such aid not less than \$125 per student on professional development expenditures as defined in regulations of the department of education; provided further, that \$175,000 of the funds allocated from this item to the city of Lawrence by section 3 shall be transferred to the University of Massachusetts at Lowell for its college preparation program; provided further, that notwithstanding any general or special law to the contrary, the department shall promulgate regulations, not later than January 2, 2003, which shall require school and district professional development reports which shall detail professional development activities, programs and courses funded through this item; provided further, that the reports shall identify specific professional development activities, courses or program type and specific school level information on the participation in the programs; provided further, that such regulations shall establish minimum professional development expenditures for literacy education instruction

for elementary school teachers; provided further, that the regulations shall require professional development reports to include actual prior year professional development actual expenditures and programmatic detail and projected expenditures and programmatic detail for the current fiscal year; and provided further, that not later than March 1, 2003 the department of education shall report to the house and senate committees on ways and means on school and district professional development spending \$3,258,969,179

Local Aid Fund 100.00%

7061-0012 For noneducational costs of residential school programs for students placed by a local school district or ordered by the bureau of special education appeals, as provided under chapter 71B of the General Laws; provided, that subject to rules and regulations promulgated by the commissioner of education, each city and town shall verify to the commonwealth the cost thereof and, upon approval of the commissioner, the treasurer may make such payments directly to the service provider for services provided on or after July 1, 2002; provided further, that not more than \$8,750,000 shall be used to continue and expand voluntary residential placement prevention programs between the department of education and other departments within the executive office of health and human services that develop community-based support services for children and their families; provided further, that of this \$8,750,000, not less than \$7,500,000 shall be made available to the department of mental retardation for the voluntary residential placement prevention program administered by that department; provided further, that the amount spent for a particular student shall not exceed the amount of tuition funds allocated for the student at the time of transition into such community-based support services; provided further, that funding provided herein may reimburse private schools for prior fiscal year's tuition; provided further, that the commonwealth shall not pay more than 50 per cent of the cost of any such residential placement; provided further, that not more than \$525,000 shall be expended for the costs of borrowing audiotaped textbooks by special needs students whose disabilities include, but shall not be limited to: blindness, visual impairments, learning disabilities such as dyslexia, or physical disabilities such as cerebral palsy that limit the

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use of standard print, and for the cost of an outreach program geared toward special education teachers, students and parents regarding the services of such program; provided further, that of those funds, \$175,000 shall be made available for the purposes of training teachers and students; and provided further, that the department is authorized to expend an amount not to exceed \$3,563,662 for the educational expenses of certain school aged children with special needs attending schools pursuant to section 10 of chapter 71B of the General Laws, for the educational expenses of school age children with special needs attending day or residential programs who have no father, mother or guardian living in the commonwealth, and for expenses relating to the provision of special education to certain children transferred by other state agencies to the department of education \$71,100,000

Local Aid Fund 100.00%

7061-0022 For disbursements to reduce the class sizes in grades kindergarten through 3 in school districts where 22 per cent or more of the student population in those grades is reported to the department of education to be low-income; provided, that funds may be used to transition from half to full day kindergarten; provided further, that such disbursements shall be made to cities and towns pursuant to section 3; provided further, that any payment made under any such grant with a school district shall be deposited with the treasurer of such city, town or regional school district and held as a separate account and shall be expended by the school committee of such city, town or regional school district without municipal appropriation, notwithstanding any general or special law to the contrary; and provided further, that any city or town receiving such disbursement shall submit a report to the board of education not later than January 2, 2003 detailing how such disbursement was expended and the extent to which class sizes were reduced thereby \$18,000,000

Local Aid Fund 100.00%

7061-0029 For the office of educational quality and accountability established pursuant to section 55A of chapter 15 of the General Laws \$2,480,958

Local Aid Fund 100.00%

7061-9000 For fiscal year 2003 reimbursements to certain cities, towns and

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	regional school districts for a school choice transportation reimbursement program pursuant to subsection (i) of section 12B of chapter 76 of the General Laws; provided, that funds appropriated herein shall be expended solely for the reimbursement of costs incurred in fiscal year 2003, unless the comptroller authorizes the expenditure of funds for the reimbursement of costs incurred in fiscal year 2002 pursuant to chapter 29 of the General Laws	\$318,770
	Local Aid Fund	100.00%
7061-9010	For fiscal year 2003 reimbursements to certain cities, towns and regional school districts pursuant to section 89 of chapter 71 of the General Laws	\$28,481,408
	Local Aid Fund	100.00%
7061-9200	For the education technology program, so-called; provided, that the department of education shall file a spending plan for the amounts appropriated herein with the joint committee on education and the house and senate committees on ways and means by January 2, 2003; provided further, that if the department determines that savings could be achieved through the conversion of contracted personnel to state employees, said department shall report said determination to the house and senate committees on ways and means; and provided further, that said report shall demonstrate that the services performed by such contracted personnel are ongoing and that the conversion of such employees to state employees will result in savings to the commonwealth; and provided further, that not less than \$150,000 shall be expended to support the Technology Initiative operated by the Metro South/West Regional Employment Board for the development of Technology Centers of Excellence serving the region's youth and businesses, and said grant shall require a 200 percent match from the private sector	\$1,009,500
	Local Aid Fund	100.00%
7061-9400	For student and school assessment and for grants to school districts to develop portfolio assessments for use in individual classrooms as an enhancement to student assessment; provided, that as much as is practicable, especially in the case of students whose performance is difficult to assess using conventional methods, such instruments shall include consideration 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 chapter 69 of the General Laws; and provided further, that notwithstanding any general or special law to the contrary, assessment of proficiency in English shall be administered in English \$18,679,946

Local Aid Fund 100.00%

7061-9404 For assistance and grants to cities, towns and regional school districts to develop or enhance academic support services for students scoring in level 1 or 2 on the Massachusetts Comprehensive Assessment System exam; provided, that preference shall be given to those districts with a high percentage of high school students scoring in level 1; provided further, that the department of education may give priority for such assistance and grants to schools and districts at risk of or determined to be under-performing in accordance with section 1J and 1K of chapter 69 of the General Laws; provided further, that the purpose of this program shall be to raise students' academic achievement through services that may include but shall not be limited to: integrated tutoring and mentoring programs, supplemental web-based tutorial programs that are diagnostic and prescriptive extended school day and year, weekend and school vacation programs, comprehensive after-school programs with a structured academic component as approved by the board of education, summer programs, school-to-work connecting activities creating worksite learning experiences for students as an extension of the classroom, professional development to improve teacher skills and knowledge, and alignment of local curriculum with state standards and assessment data; provided further, that such grants and assistance shall be primarily academic in focus; provided further, that such grants and assistance may incorporate appropriate cultural and recreational activities to encourage student participation and enhance academic performance; provided further, that cities and towns shall make every effort to coordinate the delivery

of academic support services and out-of-school time programming in school and community-based locations so that students identified for academic support services do not jeopardize their participation in other out-of-school time programming; provided further, that any grant funds distributed from this item shall be deposited with the treasurer of such city, town or regional school district and held in a separate account and shall be expended by the school committee of such city, town or regional school district without further appropriation, notwithstanding any general or special law to the contrary; provided further, that such program shall supplement currently funded local, state and federal programs at the school or district; provided further, that in order to receive such resources, districts shall develop a comprehensive district plan to improve student performance which shall include accountability measures for assessing performance and results, a professional development program, a coordinated budget that demonstrates how all available local, state, federal, private and other funds shall be used to achieve the goals and activities in the plan and any other requirements determined by the department; provided further, that districts shall report on program activities, results and expenditures as required by the department; provided further, that the department may expend up to \$250,000 to administer the program; provided further, funds shall be expended for a competitive grant program to fund developmental programs to be implemented in the summer of 2003 operated by public institutions of higher education for students who have completed high school but not yet met the MCAS graduation standard and are working to pass MCAS, earn a high school diploma and prepare for college-level studies; provided further, that none of the funds from this appropriation shall be spent for the individual tutoring in reading program; provided further, that for the purposes of such program, appropriated funds may be expended through August 31, 2003 to allow for summer academic support services and professional development for educators; and provided further, that no funds appropriated in this item shall be expended for education reform audits; provided further, that up to \$5,000,000 shall be expended for a competitive grant program, guidelines for which shall be developed by the department, for intensive re-

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mediation programs in communities with students in the graduating class of 2003 who have not achieved a score of 216 or higher on either the tenth grade English Language Arts or math MCAS exams, such programs to be in place by October 1, 2002; and provided further, that eligible applicants shall include individual high schools, and those institutions of higher education, providers of adult basic education services, and other public and private educational services organizations that shall have partnered with a high school or group of high schools \$50,000,000

Local Aid Fund 100.00%

7061-9604 For teacher preparations \$1,490,288

Local Aid Fund 100.00%

7061-9611 For after-school programs; provided, that not less than \$500,000 may be expended for services that actively include children with disabilities in after-school programs that also serve non-disabled children, including but not limited to, increased per-child reimbursement rates, additional staff, technical assistance, training, and transportation; provided further, that funds shall be expended for voluntary in-school and after school service programs administered by the Massachusetts Service Alliance; provided further, that \$300,000 shall be expended for the Saltonstall elementary school; provided further, that \$100,000 shall be made available for a pilot program that targets at-risk and hard-to-reach youth, Amer-I-Can, so called; and provided further, that not less than \$150,000 shall be expended for after school programs administered by the Massachusetts Alliance of Boys and Girls Clubs \$3,150,000

Local Aid Fund 100.00%

7061-9612 For the school of excellence program at the Worcester Polytechnic Institute; provided, that every effort shall be made to recruit and serve equal numbers of male and female students; provided further, that sending school districts of students attending said academy shall not be required to expend any funds for the cost of these students while in attendance at the academy; provided further, that of the amount appropriated in this item, \$378,000 shall be obligated for professional development activities at the school of excellence program at Worcester Polytechnic Institute, including salary and benefits for master teachers and visiting

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scholars; provided further, that the department of education shall enter into an agreement with Worcester Polytechnic Institute to operate a school of excellence in mathematics and science; provided further, that not less than \$300,000 shall be expended for professional development programs conducted by school of excellence staff members throughout the commonwealth; and provided further, that the academy shall file a report with the joint committee on education and the house and senate committees on ways and means by February 1, 2003 detailing said professional development activities \$1,199,231
Local Aid Fund 100.00%

7061-9614 For an alternative education grant program to be administered by the department of education to address behavior that interferes with learning; provided, that such programs shall be developed at the middle and high school levels and shall offer the students the opportunity to make reasonable academic progress toward earning a high school diploma as set forth in section 1D of chapter 69 of the General Laws; provided further, no school district that currently operates an alternative education program for suspended or expelled students shall use grant funds to supplant existing programs or services; provided further, that criteria for the approval of grant proposals shall be established in guidelines determined by the department; provided further, that no less than \$250,000 shall be expended for programs and pilot demonstration projects in districts which address within the regular education school program the educational and psycho-social needs of children whose behavior interferes with learning, particularly those who are suffering from the traumatic effects of exposure to violence; provided further, that said pilot demonstration projects may create school based teams with community ties to provide ongoing training to school personnel, collaborate with recognized experts in the field of trauma and with battered women's shelters, and review school policies and make use of community resources to support traumatized children to succeed in their regular public school programs; provided further, that the funding shall include the costs of administration of the pilot projects by the department of education which shall collaborate with the department of public health and the department of mental health to review

proposals, consult with schools, select pilot projects, monitor projects, and conduct program evaluation; provided further, that grants may be awarded for the development and establishment of alternative education programs and services for suspended or expelled students, which may include but not be limited to, grants to allow school districts to coordinate efforts to establish interdistrict regional alternative education collaborative or to establish district based alternative education programs; provided further, such grants may also encourage the use of technology to provide education in an alternative setting; provided further, that grants shall be contingent upon a match that of not less than \$1 in local expenditure for every dollar in state funding distributed; and provided further, that notwithstanding the matching requirement of this item to the contrary, \$75,000 shall be expended for the Diploma Plus demonstration program, so-called \$489,483

7061-9619 For the purpose of funding the Benjamin Franklin Institute of Technology; provided, that the Benjamin Franklin Institute of Technology shall be granted access to the Massachusetts education computer system; and provided further, that the Benjamin Franklin Institute of Technology shall be permitted to join the state buying consortium \$1

Local Aid Fund 100.00%

7061-9621 For the administration of a grant program for gifted and talented school age children; provided, that the funds appropriated in this item shall be in addition to any federal funds available for such program; provided further, that priority shall be given to those grant applications that address the needs of students who are identified by any of the following criteria: (1) the result of a standardized aptitude examination which is 3 or more standard deviations above the mean; (2) an evaluation by the child's teachers that the child does perform, or is capable of performing, satisfactorily at 2 or more grade levels above the child's chronological age; or, (3) a score on the math or verbal Scholastic Aptitude Test by a child of no more than 13 years of age which is equal to, or greater than, the average on either test obtained by college-bound high school juniors; and provided further, that such programs may be made available by a city, town, or regional school district \$370,830

Local Aid Fund 100.00%

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- 7061-9626 For grants and contracts with youthbuild programs for the purposes of providing comprehensive youthbuild services to economically disadvantaged young adults in the cities of Attleboro, Boston, Brockton, Cambridge, Holyoke, Fitchburg, Lawrence, Lowell, Lynn, Malden, New Bedford, Springfield and Worcester; and provided, that funds shall only be disbursed to cities that have an existing youthbuild program and which can demonstrate that students will graduate from said program in fiscal year 2003 \$1,200,000
Local Aid Fund 100.00%
- 7061-9632 For the Pioneer Valley Regional Education Business Alliance; provided, that a spending plan including revenues and expenditures from all funding sources shall be filed with the joint committee on education, arts, and humanities and with the house and senate committees on ways and means not later than January 2, 2003 \$100,000
- 7061-9634 For matching grants to be administered by the department of education for the Massachusetts Service Alliance for public and private agencies with mentoring programs for the recruitment and training of mentors and for other supporting services including, but not limited to, academic support services; provided further, that in order to be eligible to receive funds from this item, such public or private agency shall provide a matching amount equal to 1 dollar for every dollar disbursed from this item; provided further, that said matching amount shall be from a source other than state funds; provided further, that funds may be expended to support the mentoring activities of the planned learned achievement for youth program; provided further, that said Massachusetts Service Alliance shall submit a report detailing the expenditure of such funds and the amount and source of matching funds raised to the secretary of administration and finance and the house and senate committees on ways and means not later than December 29, 2002 \$500,000
Local Aid Fund 100.00%

Board of Higher Education.

- 7066-0000 For the operation of the board of higher education; provided, that the board shall recommend savings proposals that permit institutions of public higher education to achieve administrative and program cost reductions, resource re-allocation and

program re-assessment and utilize resources otherwise available to such institutions; provided further, that the board shall establish a policy directing such institutions of higher education to spend not less than five percent of the combined amount of the total state appropriation and student retained revenues by each said institution for ongoing capital adaptation and renewal; provided further, that expenditures for operational expenses such as utility payments shall not be considered capital adaptation and renewal for the purposes of the spending requirements contained in this item; provided further, that not later than November 15, 2002, the board shall submit to the house and senate committees on ways and means a plan that includes: (1) the projected operating budget spending at each institution within the commonwealth's system of public higher education; (2) the planned spending on capital adaptation and renewal projects at each said institution; and (3) the funding sources used to fund said projects; provided further, that upon request of any said institution, the board may grant a waiver from the maintenance spending requirement upon determining that compliance with the policy poses a threat to academic quality; 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 said authorities, the boards of trustees of the state colleges and the University of Massachusetts shall transfer to the general fund from the funds received from the operations of said projects such costs, if any, as shall be incurred by the commonwealth for the aforesaid purposes in the current fiscal year, as determined by the appropriate building authority, verified by the chancellor of higher education and approved by the secretary of administration and finance; and provided further, that notwithstanding paragraphs (a), (b) and (c) of section 29 of chapter 15A of the General Laws, as appearing in the 2000 Official Edition, the boards of trustees of all public post-secondary educational institutions shall not authorize the use of a waivable fee, as said term is defined in said section 29 of said chapter 15A, to fund nonpartisan student organizations

which employ legislative agents, as defined in section 39 of chapter 3, or to nonpartisan student organizations attempting to influence legislation, as defined in section 44 of said chapter 3, and shall adhere to the following definitions and requirements during fiscal year 2003 with regard to the use of student fees: 'Nonpartisan', as applied to student organizations not endorsing or adhering to particular ideological or religious positions in the articles of incorporation, charter, constitution or by-laws. 'Official student referendum', a referendum vote of the student body which is sanctioned by the college-recognized student governmental association and certified by said student governmental association as valid. 'Optional fee', any amount payable on a student tuition bill, but not a mandatory charge or waivable fee, appearing as a separately assessed item, accompanied by a statement as to the nature of said item and that said item is not a charge required to be paid by the student but rather the student may add said charge to the total amount due, and that said item is displayed on the bill at the request of the student body and does not necessarily reflect the endorsement of the board of trustees. 'Student organization', any organization of students at public post-secondary educational institutions which is open to membership of all students who pay the optional fee and is controlled by its students. (b) Non-mandatory student fees to nonpartisan student organizations which employ legislative agents, as defined in section 39 of chapter 3, or to nonpartisan student organizations attempting to influence legislation, as defined in section 44 of said chapter 3, shall be paid on student tuition bills by an optional fee whenever students have authorized said optional fee on the tuition bill by a majority vote of those students voting in an official student referendum; and provided further, that the continuation of said optional fee on the student tuition bill may be subject to reauthorization by an official student referendum every four years; and provided further, that necessary administrative costs arising in connection with the collection of said fee may be billed by the board of trustees to the student organization at the time of the transfer of funds collected to said student organizations \$2,062,482

7066-0005 For the commonwealth's share of the cost of the compact for education \$61,978

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7066-0009	For the New England board of higher education	\$668,004
7066-0015	For the community college workforce training incentive grant program established in section 15F of chapter 15A of the General Laws	\$900,000
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 social services pursuant to a care and protection petition upon reaching the age of 18, or persons in the custody of said 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 said aid shall not exceed \$6,000 per recipient per year; provided further, that said aid shall be granted after exhausting all other sources of financial support	\$1,000,000
7070-0031	For the McNair component of the financial assistance program to increase access to public and independent institutions of higher education for students who meet certain income eligibility standards developed by the chancellor of higher education and for students with serious physical impairments, known as the Ronald E. McNair education opportunity program	\$3,931,276
7070-0065	For a scholarship program to provide financial assistance to Massachusetts students enrolled in and pursuing a program of higher education in any approved public or independent college, university, school of nursing, or any other approved institution furnishing a program of higher education; provided, that the Massachusetts state scholarship office shall expend not less than \$15,000,000 for community college access grants to ensure that no Massachusetts resident enrolled in and pursuing an associate's degree in any of the community colleges pays more than \$500 in tuition and fees net of any federal or state scholarship or tax credit; provided further, that any resident whose expected family contribution level, as determined according to the federal methodology established pursuant to Part F of Title IV of the Higher Education Act of 1965, as amended, is not more than \$2,250, shall incur no net tuition and fee costs after deducting any federal or state scholarship or tax credit from financial need as calculated by the state scholarship office; provided further,	

that said residents who are not fully eligible for the federal HOPE tax credit based on their exceeding maximum income eligibility limits, shall not be eligible for the grants; provided further, that not less than \$11,000,000 shall be expended for state college access grants; provided further, that any Massachusetts resident enrolled in and pursuing a bachelor's degree in any of the state colleges whose expected family contribution level, as determined according to the federal methodology established pursuant to Part F of Title IV of the Higher Education Act of 1965, as amended, is not more than \$2,000, shall incur no net tuition and fee costs after deducting any federal or state scholarship or tax credit from financial need as calculated by the state scholarship office; provided further, that not less than \$9,666,947 shall be expended for a program of needs-based financial assistance for Massachusetts residents enrolled in and pursuing a program of higher education in the University of Massachusetts; provided further, that \$3,500,000 shall be expended for the part-time student grant program; provided further, that of the sum appropriated herein, not less than \$475,000 shall be obligated for the purposes of the Massachusetts plan, pursuant to section 5C of chapter 15C of the General Laws; provided further, that the Massachusetts state scholarship office shall expend not less than \$22,000,000 to provide for matching scholarship grants to needy Massachusetts students at participating Massachusetts independent regionally accredited colleges, universities, and schools of nursing; provided further, that not less than \$190,000 shall be made available to provide financial assistance for Massachusetts residents enrolled at public higher education institutions to participate in the Washington Center-Massachusetts Initiative Academic Internship program; provided further, that except as otherwise provided in this act all said aforementioned financial assistance shall be distributed to students demonstrating the greatest need as determined by an eligibility index used by the state scholarship office; provided further, that students awarded full or partial scholarships under the Christian A. Herter Memorial Scholarship Program, as established in section 16 of chapter 15A of the General Laws, who have matriculated in a program of higher education outside the commonwealth may continue to receive the scholarship aid

guaranteed by said program; provided further, that the state scholarship office is authorized to expend monies for the public service awards as established in said section 16 of said chapter 15A; provided further, that the chancellor of higher education, in coordination with the Massachusetts state scholarship office, shall establish such regulations governing the eligibility and the awarding of financial assistance as the chancellor shall deem necessary; provided further, that not more than \$1,756,107 shall be expended on the administration of the scholarship program; and provided further, that not less than \$2,500,000 shall be provided for grants to residents of the commonwealth who are working as paraprofessionals in public schools of the commonwealth while pursuing a bachelor's degree at a public college or university in the commonwealth in order to become a certified teacher in Massachusetts; and provided further, that eligibility shall be limited to persons who have worked as a paraprofessional in the public schools of the commonwealth for a minimum of two years prior to receipt of such grant, or who are enrolled in and pursuing courses of study that will lead to certification as a teacher in bilingual education, special education, math, science, or foreign languages, and who commit to teach and actually teach for such period as the board of higher education may determine in the public schools of the commonwealth upon graduation and certification pursuant to section 38G of chapter 71 \$92,903,455

7077-0010 For the purchase of scientific, technological, and other educational reference materials for the libraries of the system of public higher education institutions; provided, that the funds herein shall be distributed to campuses in the same formulaic manner as in chapter 127 of the acts of 1999 \$2,400,000

7077-0023 For a contract with the Tufts School of Veterinary Medicine; provided, that funds appropriated herein shall be expended, in accordance with the Massachusetts resident veterinary tuition remission plan submitted January 8, 1998, for supportive veterinary services provided to the commonwealth; and provided further, that prior year costs may be paid from this item \$3,662,500

7077-1000 For the tomorrow's teachers program \$3,954,280

University of Massachusetts.

7100-0200 For the operation of the University of Massachusetts; provided, that notwithstanding the provisions of any general or special law to the contrary, the university may establish and organize auxiliary organizations, subject to policies, rules and regulations enacted by the board, to provide essential functions which are integral to the educational mission of the university; provided further, that notwithstanding the provisions of 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 sum expended for UMass Extension in fiscal year 2003 shall not be reduced from fiscal year 2002 levels, except in proportion to adjustments consistent with university budget adjustments, at the University of Massachusetts and policies affecting comparable academic outreach programs of the University of Massachusetts at Amherst; provided further, that such funds shall be expended in accordance with a plan reviewed and recommended by the UMass Extension Board of Public Overseers; provided further, that the sum expended for the University of Massachusetts at Amherst Cranberry Experiment Station at Wareham in fiscal year 2003 shall not be reduced from fiscal year 2002 levels, except in proportion to adjustments consistent with university budget adjustments; provided further, that such funds shall be expended in accordance with a plan reviewed and recommended by the University of Massachusetts at Amherst Cranberry Experiment Station Board of Oversight; provided further, that not less than \$210,000 shall be expended for the Center for Women in Politics and Public Policy at the John W. McCormack Institute of Public Affairs; provided further, that \$500,000 shall be expended for the Center for Portuguese Studies at the University of Massachusetts at Dartmouth; provided further, that no funds appropriated herein may be used for the issuance and/or renewal of identification cards to plan participants or covered individuals which display the participants' or individuals' social security number; provided further, that not less than \$621,000 shall be expended for the Massachusetts institute for social and economic research at Amherst to manage the United States census data and provide

population estimates and projections and for the evaluation of the commonwealth's eligibility for federal grant programs and for the application for, and acquisition of, any grants made under such programs, and for the marketing and sale of publications and services, to public and private entities provided by the Institute; provided further, that not less than \$628,834 shall be expended for the expense of a gerontology institute; provided further, that not less than \$156,663 shall be expended for the endowment of a chair named in honor of the late Frank Manning; provided further, that not less than \$380,000 shall be obligated for the costs associated with the Center of Marine Environmental Science Technology Electronic Technology and Fisheries at the University of Massachusetts at Dartmouth, including a study and model program for artificial reef construction and fisheries development; provided further, that \$50,000 shall be obligated for rural development councils; provided further, that \$100,000 shall be expended for an outreach program on Cape Cod by the University of Massachusetts at Dartmouth in conjunction with the Cape Cod Commission and the Executive Office of Environmental Affairs' Massachusetts Watershed Initiative for the purpose of establishing a comprehensive monitoring program for lakes and ponds on Cape Cod to be known as the Cape Cod Lakes and Pond Project; provided further, that not more than \$250,000 shall be provided to the biotechnology program at the University of Massachusetts at Amherst for the development of the Springfield Biomedical Technological Institute jointly sponsored by Baystate Medical Center in the city of Springfield and the biotechnology program of the University of Massachusetts at Amherst; provided further, that each center, program, and study earmarked within this appropriation shall submit to the board of trustees of the University of Massachusetts and to the house and senate committees on ways and means not later than December 15, 2002, a report which shall include a programmatic description, a spending plan detailing the total program budget including all funding sources, the number of students served by the program and an explanation of how the program fulfills the mission of said university; and provided further, that not less than \$600,000 shall be expended to fund an endowment

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	for a Portuguese chair at the University of Massachusetts at Dartmouth	\$449,084,247
7100-0300	For the operation of the toxics use reduction institute program at the University of Massachusetts at Lowell, in accordance with chapter 21I of the General Laws	\$1,631,575
	Toxics Use Reduction Fund	100.00%
7100-0445	For matching funds for the University of Massachusetts for the purpose of providing an endowment program for chairs of the various departments within the university; provided, that private donations contributed for the purposes of this program shall not result in direct or indirect reductions in the commonwealth's appropriation for the university; and provided further, that the amount appropriated herein may fund matching grants paid to the university in an amount not to exceed one dollar for every two dollars privately contributed or contractually pledged to the university's board of trustees	\$2,000,000
7100-0500	For the operation of the board of higher education's Commonwealth College honors program at the University of Massachusetts at Amherst	\$1,715,000
	<i>State Colleges.</i>	
7109-0100	For Bridgewater State College; provided, that not less than \$613,000 shall be expended for the operation of the John Joseph Moakley Center for Technological Applications at Bridgewater State College; and provided further, that the initiative shall be conducted on the site of the college for the purposes of technological applications to classroom teaching and initiatives in distance learning and economic development in conjunction with business and industry in southeastern Massachusetts	\$35,843,656
7110-0100	For Fitchburg State College	\$26,294,605
7112-0100	For Framingham State College; provided further, that not less than \$300,000 shall be expended for the operation of the commonwealth's global education centers; and provided further, that not less than \$200,000 shall be expended for the regional economic research center;	\$21,941,929
7113-0100	For the Massachusetts College of Liberal Arts	\$13,024,237
7114-0100	For Salem State College; provided, that not less than \$120,400 shall be expended for the aquaculture program at said college established pursuant to section 274 of chapter 38 of the acts of 1995	\$34,833,776

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7114-0101 For a reserve for operation and maintenance costs associated with the acquisition of the GTE/Sylvania property located in the city of Salem	\$703,959
7115-0100 For Westfield State College	\$21,790,081
7116-0100 For Worcester State College	\$22,013,414
7116-0101 For the Latino Education Institute at Worcester State College	\$200,000
7117-0100 For the Massachusetts College of Art	\$13,791,920
7118-0100 For the Massachusetts Maritime Academy	\$11,117,769
<i>Community Colleges.</i>	
7502-0100 For Berkshire Community College	\$9,129,385
7503-0100 For Bristol Community College	\$14,683,380
7504-0100 For Cape Cod Community College	\$10,751,842
7504-0101 For the operation of an environmental technology, education, and job training partnership through the Cape Cod Community College; provided that the college shall coordinate said partnership with the Massachusetts Maritime Academy and the University of Massachusetts at Dartmouth; provided further, that the initiative shall be conducted at the Massachusetts military reservation, or at any site on Cape Cod determined by the college to be suitable for the purposes of on-site education and training in the use of alternative technologies to clean up designated superfund sites; provided further, that preference shall be given to local applicants; and provided further, that the executive office of environmental affairs and the University of Massachusetts at Dartmouth shall participate in the testing and evaluation of innovative technologies	\$111,994
Toxics Use Reduction Fund	100.00%
7505-0100 For Greenfield Community College	\$8,807,887
7506-0100 For Holyoke Community College; provided further, that funds may be expended for the operation of the Holyoke Home Information Center	\$17,340,886
7507-0100 For Massachusetts Bay Community College	\$13,522,666
7508-0100 For Massasoit Community College; provided, that not less than \$274,700 shall be expended for the operation of Christo's II Culinary Arts Center	\$19,123,451
7509-0100 For Mount Wachusett Community	\$10,861,718
7510-0100 For Northern Essex Community College	\$17,918,257
7511-0100 For North Shore Community College, including the post secondary programs of the Essex Agricultural and Technical Institute	

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operated by North Shore Community College	\$19,547,214
7512-0100 For Quinsigamond Community	\$14,128,975
7514-0100 For Springfield Technical Community College	\$22,265,843
7514-0102 For the Massachusetts Center for Telecommunications and Information Technology through the Springfield Technical Community College Assistance Corporation, as established by chapter 273 of the acts of 1994; provided, that the amount appropriated in this item shall include, but not be limited to, operating and maintaining cable television programming, distance learning curricula, telecommunications-intensive company facilities, and a small business incubator; provided further, that funds shall be allocated for a reserve for the operation and maintenance expenses incurred by Springfield Technical Community College associated with the acquisition of the Digital property; provided further that the college may expend revenues in an amount not to exceed \$575,000 received from rent utility, and other charges for the operation and maintenance of the property; provided further, that funds shall be encumbered for an emergency reserve for unanticipated operating and maintenance expenses of Springfield Technical Community College in the acquisition of the Digital property	\$535,206
7515-0100 For Roxbury Community College	\$10,431,310
7515-0120 For the operation of the Reggie Lewis Track and Athletic Center at Roxbury Community College	\$774,278
7515-0121 For the Reggie Lewis Track and Athletic Center at Roxbury Community College; provided, that said college may expend an amount not to exceed \$523,100 received from fees, rentals, and facility expenses associated with the running and operation of national track meets, high school track meets, high school dual meets, Roxbury Community College athletic events, other special athletic events, conferences, meetings, and programs; provided further, that only expenses for contracted services associated with the aforementioned events shall be funded from this item; and provided further, that all year end balances associated with the Reggie Lewis Track and Athletic Center, on an annual basis, shall be transferred to the Reggie Lewis Track and Athletic Center Building Fund in accordance with chapter 772 of the acts of 1987	\$523,100
Reggie Lewis Track and Athletic Center Fund	100.00%

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7516-0100 For Middlesex Community College	\$18,202,731
7518-0100 For Bunker Hill Community College; provided, that \$135,000 shall be obligated for the life focus center	\$18,578,863
7520-0424 For a health and welfare reserve for eligible personnel employed at the community and state colleges	\$3,182,263

EXECUTIVE OFFICE OF PUBLIC SAFETY.

Office of the Secretary.

8000-0000 For the office of the secretary	\$1,525,003
General Fund	15.00%
Highway Fund	85.00%
8000-0010 For community policing grants to be administered by the executive office of public safety; provided, that no such grants shall be awarded to the department of state police; provided further, that \$42,750 shall be provided for community policing in Abington; provided further, that \$46,313 shall be provided for community policing in Agawam; provided further, that \$49,875 shall be provided for community policing in Amesbury; provided further, that \$38,000 shall be provided for community policing in Andover; provided further, that \$38,000 shall be provided for community policing in Ashland; provided further, that \$42,275 shall be provided for community policing in Athol; provided further, that \$46,313 shall be provided for community policing in Attleboro; provided further, that \$28,500 shall be provided for community policing in Auburn; provided further, that \$40,019 shall be provided for community policing in Avon; provided further that \$95,000 shall be provided for community policing in Barnstable; provided further, that \$42,275 shall be provided for community policing in Bedford; provided further, that \$38,000 shall be provided for community policing in Belchertown; provided further, that \$38,000 shall be provided for community policing in Bernardston; provided further, that \$38,000 shall be provided for community policing in Beverly; provided further, that \$46,313 shall be provided for community policing in Billerica; provided further, that \$3,203,400 shall be provided for community policing in Boston; provided further, that \$332,500 of the grants awarded to Boston shall be provided for community policing in the Bowdoin Street-Geneva Avenue and Uphams	

Corner sections of Dorchester in Boston; provided further that \$95,000 of the Boston award shall be provided for enhancement of community policing efforts around the Maverick Square section of East Boston; provided further that \$142,500 of the Boston award shall be provided for community policing in the B-2 sector of Mission Hill in the city of Boston for additional enforcement in conjunction with the neighborhood policing program; provided further, that \$250,000 of the Boston award shall be provided for community safety activities and for community policing in the Grove Hall sections of Roxbury/North Dorchester in the city of Boston; provided further, that \$60,135 shall be provided for community policing in Bourne; provided further, that \$33,440 shall be provided for community policing in Boylston; provided further, that \$46,313 shall be provided for community policing in Braintree; provided further, that \$23,940 shall be provided for community policing in Brewster; provided further, that \$561,306 shall be provided for community policing in Brockton; provided further, that \$58,900 shall be provided for community policing in Brookline; provided further, that \$19,000 shall be provided for community policing in Buckland; provided further, that \$46,313 shall be provided for community policing in Burlington; provided further, that \$403,750 shall be provided for community policing in Cambridge; provided further, that \$38,000 shall be provided for the North Cambridge Task Force; provided further, that \$58,900 shall be provided for Canton; provided further, that \$71,250 shall be provided for the Central Massachusetts Law Enforcement Council; provided further, that \$33,440 shall be provided for community policing in Charlemont; provided further that \$361,000 shall be provided for community policing in Chelsea; provided further, that \$177,800 shall be provided for community policing in Chicopee; provided further, that \$41,563 shall be provided for community policing in Clinton; provided further, that \$45,600 shall be provided for community policing in Dalton; provided further, that \$71,250 shall be provided for community policing in Dedham; provided further, that \$28,500 shall be provided for community policing in Deerfield; provided further, that \$41,563 shall be provided for community policing in Dennis;

provided further, that \$33,440 shall be provided for community policing in Dighton; provided further, that \$19,000 shall be provided for community policing in Dudley; provided further, that \$38,000 shall be provided for community policing in East Longmeadow; provided further, that \$51,063 shall be provided for community policing in Fairhaven; provided further, that \$285,484 shall be provided for community policing in Fall River; provided further, that \$61,750 shall be provided for community policing in Fitchburg; provided further, that \$45,600 shall be provided for community policing in Georgetown; provided further, that \$45,600 shall be provided for community policing in Gill; provided further, that \$28,500 shall be provided for community policing in Granby; provided further, that \$45,600 shall be provided for community policing in Greenfield; provided further, that \$28,500 shall be provided for community policing in Hampden; provided further, that \$38,000 shall be provided for community policing in Hanson; provided, that \$32,000 shall be provided for community policing in the town of Harwich; provided further, that \$345,572 shall be provided for community policing in Haverhill; provided further, that \$42,275 shall be provided for community policing in Holbrook; provided further, that \$38,000 shall be provided for community policing in Holliston; provided further, that \$392,812 shall be provided for community policing in Holyoke; provided further, that \$38,000 shall be provided for community policing in Hopkinton; provided further, that \$983,982 shall be provided for community policing in Lawrence; provided further, that \$38,000 shall be provided for community policing in Longmeadow; provided further, that \$610,534 shall be provided for community policing in Lowell; provided further, that \$20,000 of the Lowell award shall be provided for an internship program for the purpose of staffing police department substations in Lowell; provided further, that \$38,000 shall be provided for community policing in Ludlow; provided further that \$277,815 shall be provided for community policing in Lynn; provided further, that \$71,250 shall be provided for the Lynn Safe City Program; provided further, that \$122,313 shall be provided for community policing in Malden; provided further, that \$38,000 of the grant awarded to Malden shall be

provided for the funding of the community school service anti-violence officer position in the city of Malden; provided further, that \$47,500 shall be provided for community policing in Marblehead; provided further, that \$88,601 shall be provided for community policing in Medford; provided further that \$38,000 shall be provided for community policing in Medway; provided further, that \$99,750 shall be provided for community policing in Melrose; provided further, that \$402,717 shall be provided for community policing in Methuen; provided further, that \$66,215 shall be provided for community policing in Millis; provided further, that \$32,775 of the Millis award shall be provided for one-time equipment purchases; provided further, that \$46,313 shall be provided for community policing in Milton; provided further, that \$40,019 shall be provided for community policing in Montague; provided further, that \$61,750 shall be provided for community policing in Nahant; provided further, that \$57,000 shall be provided for community policing in Natick; provided further, that \$46,313 shall be provided for community policing in Needham; provided further, that \$289,481 shall be provided for community policing in New Bedford; provided further, that \$71,250 shall be provided for Project Learn in New Bedford; provided further, that \$30,000 shall be provided for community policing in New Salem; provided further, that \$60,563 shall be provided for community policing in Newbury; provided further, that \$46,313 shall be provided for community policing in Newton; provided further, that \$71,250 shall be provided for community policing in North Adams; provided further, that \$117,088 shall be provided for community policing in North Andover; provided further, that \$55,813 shall be provided for community policing in North Attleboro; provided further, that \$49,875 shall be provided for community policing in North Reading; provided further, that \$58,900 shall be provided for community policing in Northampton provided further, that \$41,563 shall be provided for community policing in Northborough; provided further, that \$38,000 shall be provided for community policing in Northbridge; provided further, that \$40,019 shall be provided for community policing in Northfield; provided further, that \$85,500 shall be

provided for community policing in Norwood; provided further, that \$40,019 shall be provided for community policing in Orange; provided further, that \$28,500 shall be provided for community policing in Oxford; provided further, that \$38,000 shall be provided for community policing in Palmer; provided further, that \$38,000 shall be provided for community policing in Peabody; provided further, that \$290,178 shall be provided for community policing in Pittsfield; provided further, that \$47,500 shall be provided for community policing in Plainville; provided further, that \$33,440 shall be provided for community policing in Princeton; provided further, that \$85,500 shall be provided for community policing in Quincy; provided further, that \$46,313 shall be provided for community policing in Randolph; provided further, that \$46,313 shall be provided for community policing in Reading; provided further, that \$461,700 shall be provided for community policing in Revere; provided further, that \$42,275 shall be provided for community policing in Rockland; provided further, that \$56,145 shall be provided for community policing in Rowley; provided further, that \$95,000 shall be provided for community policing in Salem; provided further, that \$142,500 shall be provided for community policing in Salisbury; provided further, that \$106,400 shall be provided for community policing in Saugus; provided further, that \$47,500 of the award to Saugus shall be provided for drug enforcement unit in Saugus; provided further, that \$45,600 shall be provided for community policing in Shelburne; provided further, that \$33,440 shall be provided for community policing in Sherborn; provided further, that \$41,563 shall be provided for community policing in Somerset; provided further, that \$336,680 shall be provided for community policing in Somerville; provided further, that \$65,550 shall be provided for community policing in Southborough; provided further, that \$71,250 shall be provided for community policing in Spencer; provided further, that \$589,152 shall be provided for community policing in Springfield; provided further, that \$33,440 shall be provided for community policing in Sterling; provided further, that \$46,313 shall be provided for community policing in Stoneham; provided further, that \$28,500 shall be

provided for community policing in Sunderland; provided further, that \$41,563 shall be provided for community policing in Swansea; provided further, that \$71,250 shall be provided for community policing in Taunton; provided further, that \$30,400 shall be provided for community policing in Truro; provided further, that \$39,900 shall be provided for community policing in Walpole; provided further, that \$57,000 shall be provided for community policing in Waltham; provided further, that \$57,000 shall be provided for community policing in Watertown; provided further, that \$38,000 shall be provided for community policing in Wellfleet; provided further, that \$33,440 shall be provided for community policing in West Boylston; provided further, that \$38,000 shall be provided for community policing in West Springfield; provided further, that \$82,650 shall be provided for community policing in Westfield; provided further, that \$36,243 shall be provided for community policing in Westford; provided further, that \$118,750 shall be provided for community policing in Weymouth; provided further, that \$28,500 shall be provided for community policing in Whately; provided further, that \$47,500 shall be provided for community policing in Wilbraham; provided further, that \$38,000 shall be provided for community policing in Williamstown; provided further, that \$50,968 shall be provided for community policing in Wilmington; provided further, that \$14,725 of the grant awarded to Wilmington shall be provided for a community policing program for the elderly at a Deming Way housing project in the town of Wilmington; provided further, that \$46,313 shall be provided for community policing in Winchester; provided further, that \$747,650 shall be provided for community policing in Worcester; provided further that not less than \$95,000 of the grant for Worcester shall be provided for community policing in the section of Worcester know as Southern Worcester, including but not limited to Vernon Hill, Grafton, Union and Green Island, for the purpose of curtailing gang activity, related drug activity and gang formation and recruitment; provided further, that \$38,000 shall be provided for community policing in Wrentham; provided further, that \$54,530 shall be provided for community policing in Yarmouth; provided further, that

any community that was approved for a competitive grant in fiscal year 2002 and did not receive any funding shall take first priority in receiving consideration for competitive grants in fiscal year 2003; provided further, that prior to the awarding of any grants in fiscal year 2004 the Joint Committee on Public Safety and the House Committee on Post Audit and Oversight shall conduct an investigation and study into the distribution process for community policing grants; provided further, that the executive office of public safety, local police chiefs and police commissioners, and representatives from the appropriate police unions and police associations shall be consulted as part of said investigation and study; provided further, that the Joint Committee on Public Safety and the House Committee on Post Audit and Oversight issue a report with recommendations on an equitable distribution process to the executive office of public safety and the house and senate committees on ways and means not later than January 1, 2003; provided further, that the process for the awarding of community policing grants in fiscal year 2004 shall take into consideration said recommendations; provided further, that grants shall only be expended on items that are related to community policing activities, programs, purchases or construction; provided further, that grant funds shall not be expended on food and beverages, recruit training academy tuition, salaries and benefits for non-community policing personnel and payments for non-related overtime; and provided further, that not later than February 1, 2003 the executive office of public safety shall submit a report to the house and senate committees on ways and means detailing the amount of grants awarded to said grant recipients and descriptions of said grants \$20,267,596

Local Aid Fund 100.00%

8000-0020 For the statewide emergency telecommunications board; provided, that the board shall collect an amount equivalent to the direct and indirect costs related to the board pursuant to section 18F of chapter 6A of the General Laws \$288,070

Local Aid Fund 100.00%

8000-0030 For the operation of a hate crimes awareness program to be administered by the executive office of public safety \$132,386

8000-0040 For police career incentives to reimburse certain cities and towns for career incentive salary increases for police officers \$41,474,696

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	Local Aid Fund	100.00%	
8000-0060	For the costs associated with implementation of chapter 228 of the acts of 2000; provided, that the secretary of public safety may allocate funds appropriated herein to agencies within the executive office of public safety		\$346,663
8000-0101	The office of the secretary may expend up to a maximum of \$17,980 in revenues collected from fees for services performed through the auto etching program		\$17,980
8000-0619	For the smoking prevention and cessation program established pursuant to chapter 254 of the acts of 1992 to be administered by the executive office of public safety; provided, that not less than \$1,100,000 shall be provided for a discretionary grant program for city and town drug awareness and resistance education programs, to be known as D.A.R.E. programs, which shall include information about the health risks of cigarette smoking and shall include the participation of local and state police officers, subject to the supervision of the department of public health; provided that, no funds shall be expended for over time; and provided further, that not less than \$1,100,000 shall be provided as a discretionary grant program for city and town student awareness of fire education programs, to be known as S.A.F.E programs, which shall include information about the fire risks caused by smoking		\$2,200,000
	Health Protection Fund	100.00%	
8000-1121	For a one-time firearms record keeping enhancement grant program for cities and towns to be administered by the executive office of public safety pursuant to section 2SS of chapter 29 of the General Laws		\$1,300,000
	Firearms Record Keeping Fund	100.00%	
<i>Office of the Chief Medical Examiner.</i>			
8000-0105	For the operation of the office of the chief medical examiner established pursuant to chapter 38 of the General Laws; provided, that \$350,000 shall be expended for toxicology testing and results		\$3,587,469
	Local Aid Fund	50.00%	
	General Fund	50.00%	
<i>Criminal History Systems Board.</i>			
8000-0110	For the operation of the criminal history systems board; provided, that the board shall fund one administrative assistant who shall be employed in the victim services unit of the board for		

the continued and enhanced operation of the post-conviction victim and witness certification program operated pursuant to chapter 258B and clause (c) of the first paragraph of section 172 of chapter 6 of the General Laws; provided further, that such victim services position shall be in addition to any such positions approved as of February 1, 1998; and provided further, that not more than \$75,000 shall be expended for the purpose of enabling local housing authorities access to criminal offense information when qualifying applicants for state-assisted housing \$3,044,611

Highway Fund 50.00%

Local Aid Fund 50.00%

8000-0180 For the implementation of the Massachusetts instant recording and check system, so-called, pursuant to section 2SS of chapter 29 of the General Laws \$400,000

Firearms Record Keeping Fund 100.00%

8000-1122 For the telecommunications and information technology costs of the criminal history systems board; provided, that no funds provided herein shall be expended in the KK subsidiary, so-called; provided further, that notwithstanding any general or special law to the contrary, 100 per cent of the amount appropriated in this item shall be charged to local police departments using CJIS, criminal justice information system; provided further the criminal history systems board shall determine a standard fee structure to be assessed to local police departments based on usage of the CJIS system by the departments; provided further, that the criminal history systems board shall evaluate and determine the above stated fees annually to maintain this item; provided further, that the executive office of public safety, working with the criminal history systems board shall develop a criteria for waiving a local police department's obligation in the event of an extraordinary public safety or fiscal crisis; provided further, that said waiver program shall not be implemented unless a local department can demonstrate that it is unable to meet the fee requirements to the satisfaction of the criminal history systems board; and provided further, that the board shall file a report no later than March 1, 2003 with the House and Senate committees on ways and means on the total number of waivers granted under said program, and a list of the cities or

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towns receiving said waivers \$3,077,661

Sex Offender Registry Board.

8000-0125 For the operation of the sex offender registry program, including, but not limited to, the costs of maintaining a computerized registry system and the classification of persons subject to the registry \$3,797,740
Local Aid Fund 100.00%

State Police.

8100-0000 For the administration and operation of the department of state police, including the payment of charges assessed to the department of state police for the costs of worker's compensation, unemployment insurance, medicare taxes, medical security plan, and the group insurance commission extended leave Chargeback; provided, that the department shall maintain the division of field services which shall include, but not be limited to, the bureau of metropolitan district operations; provided further, that not less than 40 officers shall be provided to the metropolitan district commission division of watershed management for the purpose of patrolling the watershed property of the commission; provided further, that funds shall be expended from this item for the administration and operation of the crime laboratory; provided further, that the colonel of state police shall maintain the satellite western Massachusetts crime laboratory located at the Massachusetts criminal justice training council; provided further, that said colonel shall provide 1 additional chemist who shall be situated at the crime laboratory located in the city known as the town of town of Agawam; provided further, that not more than \$95,295 shall be made available from this item for the Civilian Search and Rescue Team; provided further, that not less than \$638,066 shall be expended for the state police air wing; provided further, that not more than \$250,000 shall be made available for the western Massachusetts crime laboratory; provided further, that funds shall be expended from this item for the administration and operation of an automated fingerprint identification system and the motor carrier safety assistance program; provided further, that the department of the state police shall inform state police troopers of the requirements

pursuant to section 20 of chapter 90 of the General Laws that a \$30 surcharge shall be added to fines assessed against any persons convicted or found responsible of a violation of section 17 of chapter 90 of the General Laws or a violation of a special regulation lawfully made under the authority of section 18 of said chapter 90 and that 100 per cent of said \$30 surcharge be deposited into the Head Injury Trust Fund; provided further, that not less than 5 officers shall be provided to the disabled persons protection commission for the purpose of investigating cases of criminal abuse; provided further, that the department shall enter into an interagency agreement with the metropolitan district commission to provide police coverage on commission properties and parkways; provided further, that not less than \$75,000 shall be provided for the Massachusetts Task Force Urban Search and Rescue Team headquartered in Beverly; provided further, that not less than \$20,000 shall be encumbered to reimburse the city of Springfield arson and bomb squad for services performed at the request of the department of state police; provided further, that the department shall maintain a complement of not less than 6 explosives technicians; provided further, that the department shall train as many members of the state police as necessary to attain and maintain a complement of not less than 9 members of the violent fugitive arrest squad; provided further, that the creation of a new or the expansion of the existing statewide communications network shall include the division of law enforcement within the department of fisheries, wildlife and environmental law enforcement at no cost to, or compensation from, said division; and provided further, that the colonel may appropriate resources to hire four additional chemists in the DNA crime lab and furthermore that said colonel shall expend not more than \$1,482,000 for equipment to properly support anti-terrorism readiness by forensic services units \$192,648,183

Highway Fund	88.20%
Local Aid Fund	9.50%
General Fund	2.30%

8100-0006 For private police details; provided, that the department may expend up to \$14,000,000 in revenues collected from fees charged for private police details and for the costs of administering such details; provided, that notwithstanding any

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general or special law to the contrary, the department of state police may incur, and the comptroller may certify for payment, expenses and liabilities during fiscal year 2003 to be charged to this item in an amount not to exceed the lower of this authorization or the most recent revenue estimate therefore as reported in the state accounting system for the purposes stated herein to accommodate the delayed receipt of revenues authorized to be retained in this item during fiscal year 2003 \$14,000,000

8100-0007 For the overtime of State police officers including the operation of the drug enforcement task force \$11,060,782

 Highway Fund 88.20%

 Local Aid Fund 9.50%

 General Fund 2.30%

8100-0011 The Department of State Police may expend an amount not to exceed \$11,600,000 for certain police activities provided pursuant to agreements authorized in this item; provided, that for Fiscal Year 2003, the Colonel of the State Police may enter into service agreements with the Commanding Officer or other person in charge of a military reservation of the United States located in the Commonwealth of Massachusetts Development Finance Agency, established in Chapter 23G of the General Laws; provided further, that such agreements shall establish the responsibilities pertaining to the operation and maintenance of police services including, but not limited to: (1) provisions governing payment to the Department for the cost of regular salaries, overtime, retirement and other employee benefits; and (2) provisions governing payment to the department for the cost of furnishings and equipment necessary to provide such police services; provided further, that the department may charge any recipients of police services for the cost of such services, as authorized by this item; provided further, that the department may retain the revenue so received and expend such revenue as necessary pursuant to this item to provide the agreed level of services; provided further, that up to \$8,000,000 may be retained and expended by said Colonel for the enhanced coverage related to terrorism concerns provided by 61 state troopers at the Massachusetts Port Authority; provided further, that if the total of revenues retained for said coverage during fiscal year 2003 is less than said \$8,000,000, no other revenues from any

source nor any expenditures relating to any other source of revenue may be applied to the difference between said \$8,000,000 and the amount of revenues retained from the Massachusetts Port Authority for said purpose; provided further, that said Colonel, may enter into service agreements as maybe necessary to enhance the protection of persons, as well as assets and infrastructure located within the Commonwealth, from possible external threat or activity, provided that such agreements shall establish the responsibilities pertaining to the operation and maintenance of police services including, but not limited to: (1) provisions governing payment to the Department for the cost of regular salaries, overtime, retirement and other employee benefits; and (2) provisions governing payment to the department for the cost of equipment necessary to provide such police services; provided further, that the department may charge any recipients of police services for the cost of such services, as authorized by this item, provided further, that the department may retain the revenue so received and expend such revenue as necessary pursuant to this item to provide the agreed level of services; provided further, that said Colonel may expend from this item costs associated with joint federal and state law enforcement activities from federal reimbursements received therefor; and provided further, that notwithstanding the provisions of any general or special law to the contrary and for the purposes of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not exceed the lower of this authorization or the most recent revenue estimate \$11,600,000

Highway Fund 100.00%

8100-0020 The department of state police may expend an amount not to exceed \$150,329 in fees charged for the use of the statewide telecommunications system for the maintenance of the system \$150,329

8100-0301 For the payroll costs of the state police directed patrols; provided that \$365,000 shall be expended for the Medford state police barracks entitled Zero Tolerance and Fire Risk Prevention to increase patrols and public safety using bicycles and other policing means within the Middlesex Fells Fellsmere Pond area and Mystic River Reservation district; provided further,

that the station commanders who have been allocated funding under this item may utilize any special operations units necessary to further the public safety goals of their district; provided further, that this money shall not be used by the special operations marine unit of the State Police unless specifically authorized by the station commander who will denote the hours of need to coincide with the Zero Tolerance Program; provided further, that \$12,700 shall be expended at the direction of the Bourne barracks for increased traffic detail on Cape Cod and in the town of Plymouth; provided further, that \$45,360 shall be expended for the costs associated with providing state police patrols 3 nights per week in the city of Brockton, south between Montello street and Warren avenue and north to Battle street between Montello street and Warren avenue, or at other locations, and such patrols shall be assigned between the hours of 8:00 p.m. and 4:00 a.m. beginning July 1, 2001 for a period of 18 weeks, as deemed necessary; provided further, that \$30,000 shall be expended for the costs associated with providing state police services at Breakheart Reservation; provided further, that \$75,000 shall be expended for the costs of state police patrols along the Charles river esplanade and the Charlesgate area of the city of Boston; provided further, that \$40,000 shall be expended for patrols along Revere beach, which shall be assigned between the hours of 10 p.m. and 4 a.m. nightly from July 1 through September 15 inclusive; provided further, that \$49,860 shall be expended for the costs of state police patrols at Lynn Shore drive, Lynn beach, Kings beach, Nahant causeway, and Nahant beach; provided further, that \$116,500 shall be expended for the costs associated with state police mounted patrols on Lynn beach, Kings beach, and Red Rock park, so-called; provided further, that \$35,000 shall be expended for the costs associated with patrols of the Wollaston beach, Quincy Shore drive section of Quincy; provided further, that \$355,550 shall be expended for the purposes of increased patrols during the months of April to October, inclusive, at Winthrop beach and Winthrop Shore drive in the town of Winthrop, Revere beach in the city of Revere and Constitutions beach and Belle Islands marsh in the East Boston section of the city of Boston; provided further, that not less than \$282,310 shall be expended to provide motorcycle

patrols along the southwest corridor, so-called; provided further, that \$100,000 shall be expended for the plain clothes foot patrol and bike patrol of the Upper Reservation Basin area along the Charles river; provided further, that \$45,000 shall be expended to provide patrols of Blue Hill and Stonybrook reservations and those parklands and roadways under the care and control of the metropolitan district commission patrolled by the state police in the Hyde Park, West Roxbury, Roslindale and Readville sections of the city of Boston and in the towns of Canton, Milton and Randolph; provided further, that \$5,000 shall be expended to patrol the state-owned portion of Willard Street adjacent to the Shea rink in the city of Quincy and other property under the care, custody and control of the metropolitan district commission in the city of Quincy; provided further, that not less than \$50,000 shall be expended to provide increased patrols during the months of April to October, inclusive, at Mary O'Malley park in the city of Chelsea; provided further, that not less than \$130,000 shall be expended for the cost of state police patrols for the Neponset river bicycle path in the town of Milton and the Dorchester section of the city of Boston; provided further, that not less than \$280,000 shall be expended for the costs of increased patrols during the months of June to September, inclusive, for Nantasket beach in the town of Hull; provided further, that not less than \$15,000 shall be expended for the costs of increased patrols from November 1 to December 31 between the hours of 3:30 p.m. and 7:30 p.m. from the state route 24 south ramp to state route 140 in the city of Taunton; provided further, that \$46,666 shall be expended for patrols of properties of the metropolitan district commission located along Day boulevard in the South Boston section of the city of Boston; provided further, that the patrols along Day boulevard shall be assigned between the hours of 8 p.m. and 4 a.m. nightly until November 1, 2001; provided further, that \$40,000 shall be expended for patrols along state highway route 2 between the city of Fitchburg and the town of Greenfield; provided further, that \$15,500 shall be expended for patrols along state highway route 88 in the town of Westport; provided further, that \$18,500 shall be expended for patrols along state highway route 18 in the city of New Bedford; provided further, that the station commanders who

have been allocated funding under this item may utilize any special operations units necessary to further the public safety goals of their districts; provided further, that notwithstanding the provisions of any general or special laws to the contrary, all funds appropriated herein shall be scheduled in the AA subsidiary, so-called; provided further, that \$31,000 shall be expended for the purpose of assigning 1 State Trooper to Fort Revere in the town of Hull during the hours of peak nefarious activity of the summer months; provided further, that \$20,000 shall be expended for the purpose of a state police patrol in the Willow street area, so-called, of Yarmouth; and provided further, that not less than \$125,000 shall be expended for state police service at Salisbury Beach between Memorial Day, May 27, 2002 and Labor Day, September 2, 2002 \$2,328,946
Local Aid Fund 100.00%

Criminal Justice Training Council.

8200-0200 For the operation of veteran, reserve and in-service training programs conducted by the Massachusetts criminal justice training council; provided, that said council shall expend not less than \$250,000 in accordance with the provisions of chapter 30B of the General Laws, for training and technical assistance for chiefs of police and administrative or command personnel by: a) a combination of training manuals, seminars, computer based training and distance learning; b) research, drafting and mailing of monthly articles and presentations on legal and administration topics; c) training presentations during and following monthly meetings of policy chiefs; d) e-mail, toll-free consultation to chiefs on administrative issues and follow-up on seminar topics; e) a state-wide three-day training conference on management, legal and leadership issues; provided further, that said training council shall inform chiefs of police of the requirements pursuant to the provisions of section 20 of chapter 90 of the General Laws that a \$30 surcharge shall be added to fines assessed against any person convicted or found responsible of a violation of the provisions of section 17 of chapter 90 of the General Laws or a violation of a special regulation lawfully made under the authority of section 18 of said chapter 90 and that 100 per cent of said \$30 surcharge be deposited into the head injury trust fund; provided further, that all chiefs of police shall be

instructed to enforce said provisions in their respective departments; provided further, that the executive director of said council shall submit a report not later than January 1, 2003 to the house and senate committees on ways and means on police chief training offered by said council that shall include, but not be limited to, the ongoing need for specialized training of chiefs of police, the identification of the estimated cost of providing such training to said chiefs of police, a detailed breakdown of all expenditures related to chief of police training by date, event, publication, amount expended and number of chiefs of police benefiting from said training, and that said breakdown shall be made for fiscal years 2001, 2002 and the first quarter of fiscal year 2003; provided further, that under no circumstances shall any expenditures authorized by this item be charged to item 8200-0222; and provided further, that no expenditures shall be made, on or after the effective date of this act, which would cause the commonwealth's obligation for the purpose of this item to exceed the amount appropriated herein \$2,703,086

Local Aid Fund 100.00%

8200-0222 The criminal justice training council may collect and expend an amount not to exceed \$1,161,500 for the purposes of providing training to new recruits; provided, that the council shall charge \$2,300 per recruit for said training; provided further, that notwithstanding any general or special law to the contrary, the criminal justice training council shall charge a fee of \$2,300 per person for training programs operated by the council for all persons who begin training on or after July 1, 2002; provided further, that said fee shall be retained and expended by said council; provided further, that the trainee, or, if the trainee is a recruit, the municipality in which the recruit shall serve, shall provide said fee in full to the council no later than the first day of orientation for the program in which such trainee or recruit has enrolled; provided further, that no recruit or person shall begin training unless said municipality or said person has provided said fee in full to said council; provided further, that for recruits of municipalities, upon the completion of said program, the municipality shall deduct said fee from said recruit's wages in 23 equal monthly installments, unless otherwise negotiated between said recruit

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and the municipality in which said recruit shall serve; provided further, that if a recruit withdraws from the training program before graduation, said council shall refund the municipality in which the recruit was to have served a portion of said fee according to the following schedule: if a recruit withdraws from said program before the start of week two, 75 per cent of said payment shall be refunded; if a recruit withdraws from said program after the start of week two but before the start of week three, 50 per cent of said fee shall be refunded; if a recruit withdraws from said program after the start of week three but before the start of week four, 25 per cent of said fee shall be refunded; if a recruit withdraws after the start of week four, the fee shall not be refunded; provided further, that a recruit who withdraws from said program shall pay the municipality in which he was to have served the difference between said fee and the amount forfeited by said municipality according to said schedule; provided further, that said schedule shall also apply to trainees other than recruits who enroll in said program; provided further, that no expenditures shall be charged to this item that are not directly related to new recruit training; provided further, that no expenditures shall be charged to this item that are related to chief, veteran, in-service, or reserve training, or any training not directly related to new recruits; provided further, that the council shall submit a report on the status of recruit training, including the number of classes, start and end dates of each class, total number of recruits enrolled and graduating in each class, cost per recruit and cost per class for fiscal years 2000, 2001, 2002 and 2003; provided further, that said report shall be submitted to the house and senate committees on ways and means no later than January 1, 2003; and provided further, that for the purposes of accommodating discrepancies between the receipt of retained revenues and related expenditures, the council may incur expenses and the comptroller may certify for payments not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system, prior appropriation continued. \$1,161,500

Department of Public Safety.

8311-1000 For the administration of the department of public safety; in-

cluding the board of building regulations and the architectural access board; provided, that the department of public safety shall expend \$14,000 for proper training, inspection and certification of amusement park inspectors, and to support the Department's participation in the National Council for Amusement and Recreational Equipment Safety; provided further, that 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 permitting the operation of amusement devices and amusement operator certification; and provided further, that the salaries of the commissioner and the deputy commissioner of the department of public safety shall be paid out of this account \$1,285,204

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 fees for inspections performed during overtime hours shall be determined by the commissioner of administration; provided further, that no funds shall be expended from this item for the salaries of the commissioner or deputy commissioner of public safety; provided further, that the department shall employ 2 additional elevator inspectors in fiscal year 2003 in excess of any such positions approved as of February 1, 1998 and an additional engineer inspector; provided further, that such additional engineer inspector's duties shall include, but not be limited to, administering pipefitter license examinations; provided further, that such an additional engineer inspector and elevator inspectors shall be regular state employees compensated from the AA subsidiary of this item; provided further, that such additional engineer inspector position shall be in addition to any such positions added during fiscal year 1995; provided further, that the fee for inspections performed during overtime hours shall be not less than \$100; provided further, that the division shall inspect all elevators in the state house and the McCormack office building; provided further, that the commissioner shall submit monthly reports to the house and senate committees on ways and means detailing the elevator

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and building inspection case loads; provided further, that the report shall outline any inspections that will not be completed by the required due date; and provided further, that the first such report shall be filed not later than December 15, 2002; and provided further, that the commissioner shall submit monthly reports to the house and senate committees on ways and means detailing the investigator caseloads in each division of inspection, without disclosing names or other personal identifiers of such investigators; and provided further, that the first such report shall be filed not later than December 15, 2002 \$3,846,238

8315-1020 The department of public safety may expend for the salary and employee-related costs of not more than 14 elevator inspectors an amount not to exceed \$700,000; provided, that the department may expend an amount not to exceed \$250,000 for the salary and employee-related costs of not more than 1 additional engineering inspector and for the retention of current building and engineering inspectors whom shall be compensated at a rate comparable to a job grade 28 classification; provided further, that such additional engineering inspector position shall be in addition to any such positions added during fiscal year 1995; provided further, that engineering inspector positions and current building and engineering inspector compensation adjustments shall be paid from fees charged for elevator inspections pursuant to sections 62 and 62A of chapter 143 of the General Laws, in addition to funds available for this purpose in item 8315-1000; provided, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate therefore as reported in the state accounting system \$900,000

8315-1025 The department of public safety may collect and expend an amount not to exceed \$80,000 for the purposes of providing state building code training and courses for instruction; provided, that said agency may charge fees for the classes and education materials associated with administering training; provided further, that no costs in the AA subsidiary, shall be

charged to this line item; and provided further, that for the purposes of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payments amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system \$80,000

Department of Fire Services.

8324-0000 For the administration of the department of fire services; provided, that notwithstanding any general or special law to the contrary, 100 per cent of the amount appropriated in this item shall be assessed upon insurance companies writing fire, homeowners multiple peril or commercial multiple peril policies on property situated in the commonwealth and paid within 30 days after receiving notice of such assessment from the commissioner of insurance \$2,158,622

8324-1000 For the operation of the state fire marshal's office; provided, that \$100,000 shall be expended for a Suffolk county arson prevention program; provided further, that notwithstanding any general or special law to the contrary, the amount appropriated herein shall be assessed upon insurance companies writing fire, homeowners multiple peril or commercial multiple peril policies on property situated in the commonwealth and paid within 30 days after receiving notice of said assessment from the commissioner of insurance; provided further, that not more than 10 per cent of the amount designated for the arson prevention program shall be expended for the administrative cost of the program; provided further, that the expenses of the board of fire prevention regulations, pursuant to section 4 of chapter 22D of the General Laws, shall be paid from this item; provided further, that the expenses of the fire safety commission shall be paid from this item; provided further, that not less than \$100,000 be expended for the administration of a statewide program to provide for critical incident stress intervention for the fire departments of the cities, towns, and fire districts of the commonwealth, including, but not limited to, consultant services, training, equipment, and supplies; provided further, that not less than \$100,000 shall be appropriated for a western

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	Massachusetts office for the state fire marshal at the former Northampton state hospital; provided further, that the fire marshal shall establish a course for municipal fire personnel in blasting technologies and safety; provided further, that the fire marshal may establish fees to cover the cost of said course; and provided further, that \$25,000 shall be expended for the costs of operating the Fire Starters program by the Plymouth County juvenile court, including, but not limited to, the costs of leasing space	\$1,146,490
8324-1007	For the operation of the hazardous materials emergency response program; provided, that notwithstanding any general or special law to the contrary, funds scheduled in the PP subsidiary, so-called, pursuant to section 27 of chapter 29 of the General Laws for this item in fiscal year 2003, shall not be transferred to any other subsidiary in said fiscal year; and provided further, that notwithstanding the provisions of any general or special law to the contrary, an amount up to \$2,291,446 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 document filed with the commissioner of insurance and known as: "Exhibit of Premiums and Losses, Business in the State of Massachusetts during the year 2000"	\$2,291,446
8324-1101	For the costs of the department for the enforcement of underground storage tank compliance standards set forth in sections 38B to 38I, inclusive, of chapter 148 of the General Laws and the rules and regulations promulgated pursuant thereto	\$176,453
	Underground Storage Tank	
	Petroleum Product Clean-Up Fund	100.00%
8324-1500	For the fire training program utilizing the split days option, so-called, including the Massachusetts fire training council certification program, municipal and non-municipal fire training, and expenses of the council; provided, that notwithstanding the provisions of any general or special law to the contrary, the estimated expenses of the administration of the academy, including the estimated expenses of training facilities and curriculum for firefighting personnel and training programs, shall not exceed \$3,607,697 in fiscal year	

2003; provided further, that the funds necessary to support this item shall be assessed upon insurance companies writing fire, homeowners multiple peril or commercial multiple peril policies on property situated in the commonwealth and paid within 30 days after receiving notice of said assessment from the commissioner of insurance; provided further, that not less than \$100,000 shall be expended for the Tiered Training Program for Call and Volunteer Firefighters; provided further, that not less than \$48,992 shall be available for the community-based fire prevention program in the Fall River area; and provided further, that not less than \$42,500 shall be provided for the community based fire prevention program in the City of Malden \$3,607,697
Local Aid Fund 100.00%

Registry of Motor Vehicles.

8400-0001 For the administration and operation of the registry of motor vehicles, including the title division and including all rent and related parking and utility expenses of the registry; provided, that the positions of administrative assistant to the registrar, legislative assistant, executive assistant to the registrar and the director of employee relations shall not be subject to civil service laws and rules; provided further, that all expenditures related to computer automation shall be subject to satisfactory quarterly reviews by the information technology division and pursuant to schedules by the division; provided further, that 40 per cent of the costs of personnel services associated with the registry computer, which reflects the proportionate use of the computer by the merit rating board, shall be assessed to insurance companies doing motor vehicle insurance business within the commonwealth, pursuant to section 183 of chapter 6 of the General Laws; provided further, that the registry of motor vehicles may print and distribute to the various police departments and agencies of the commonwealth speeding citation forms containing notice that a conviction or a finding of responsibility of a violation of section 17 of chapter 90 of the General Laws or a violation of any special regulation relative to the speed of motor vehicles will result in a \$30 surcharge pursuant to section 20 of said chapter 90; provided further, that the registry may operate a full-service branch in Southbridge; provided further, that the registry shall operate

an office in the city of Fall River; provided further, that the registry may run a license express office in Lynn; provided further, that the registry may operate a full service office in Milford to be operated 5 days a week; provided further, the registry shall operate a license express office in Walpole; provided further that the registry shall operate a license express office in Falmouth; provided further, that said registry may operate a full-service office in the city of Lowell; provided further, that said registry may operate a license express office in the Grove Hall neighborhood in the city of Boston; provided further, that the registry may operate an office in the city of Taunton which shall handle license business, learner's permits, road testing and full service registration business to the general public, as provided through April 24, 1998; provided further, that the registry shall establish and maintain a record of all vehicles leased within the commonwealth for a period longer than 30 days; provided further, that such record shall include, but not be limited to, the names and addresses of the lessor and the lessee; provided further, that the registry shall have an employee or other such person answering all initial incoming telephone calls at the customer phone information center between the hours of 9:00 a.m. and 5:00 p.m.; provided further, that the registry may operate within the Springfield branch a one stop international registration plan office for truck registrations to serve the former counties of Hampden, Hampshire, Franklin and Berkshire; provided further, that the registry shall take all steps necessary to improve customer service within existing resources; and provided further, that said registry shall submit a report to the house and senate committees on ways and means not later than April 1, 2003 detailing the steps taken and the resultant change in customer service \$47,656,972

Highway Fund 100.00%
 8400-0016 For the operation of the motorcycle safety program previously operated under the direction of the governor's highway safety bureau; provided, that not more than \$100,000 shall be expended on the one-time expansion initiatives to further the reach and benefit of the motorcycle safety program; and provided further, that the comptroller shall not permit any ex-

penditure from this item that would result in a negative balance in the motorcycle safety fund as of June 30, 2003 \$289,866

Motorcycle Safety Fund 100.00%

8400-0024 Notwithstanding section 2 of chapter 280 of the General Laws, the registry of motor vehicles may expend not more than \$3,000,000 of revenue collected pursuant to chapter 90C of the General Laws from assessments for civil motor vehicle infractions; provided, that the amount of this expenditure shall be subtracted from the amount that otherwise would be credited to the Highway Fund pursuant to said section 2 of said chapter 280 and shall not affect nor alter the amounts of payments made to cities and towns pursuant to said section 2 of said chapter 280; provided further, that the registry of motor vehicles shall work with the office of the state comptroller to begin participating in the state's intercept program; and provided further, that no costs payable in the AA subsidiary shall be charged to this item \$3,000,000

8400-0033 The registry of motor vehicles may expend revenues collected up to a maximum of \$3,500,000 from the fees charged for driver record access, operating under the influence reinstatement and registration reinstatement; provided, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the registry may incur expenses and the comptroller may certify for payments amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system; provided further, that all expenditures related to computer automation shall be subject to satisfactory quarterly reviews by the information technology division and pursuant to schedules prepared by the division; provided further, that 40 per cent of the costs of personnel services associated with the registry computer, which reflects the proportionate use of said computer by the merit rating board, shall be assessed to insurance companies doing motor vehicle insurance business within the commonwealth, pursuant to section 183 of chapter 6 of the General Laws; and provided further, that no costs payable in the AA subsidiary shall be charged to this item \$3,500,000

Merit Rating Board.

8400-0100 For the operation of the safe driver insurance plan authorized pursuant to chapter 6 of the General Laws, including the rent,

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related parking and utility expenses of the merit rating board; provided, that notwithstanding the provisions of any general or special law to the contrary, no safe driver insurance plan shall require the payment of an unsafe driver point surcharge for the first offense for non-criminal, motor vehicle traffic violations as described in chapter 90C of the General Laws . . . \$8,686,610
Highway Fund 100.00%

Committee on Criminal Justice.

8600-0001 For the administration of the committee on criminal justice; provided, that the executive director of the committee shall submit a report which shows the amounts of all grants awarded to municipalities by the committee in fiscal year 2002; provided further, that the report shall identify the exact amount of required state match for all federal programs; and provided further, that the report shall be submitted to the house and senate committees on ways and means no later than February 1, 2003 \$260,093
8600-0060 For the purchase and distribution of sexual assault evidence collection kits \$55,861

Military Division.

8700-0001 For the operation of the military division, including the offices of the adjutant general and state quartermaster, the operation of the armories, the camp Curtis Guild rifle range and certain national guard aviation facilities; provided, that notwithstanding the provisions of chapter 30 of the General Laws, certain military personnel in the military division may be paid salaries according to military pay grades, so-called; and provided further, that said adjutant general shall maintain a roster of Massachusetts veterans as directed by section 15 of chapter 33 of the General Laws \$5,597,481
General Fund 50.00%
Local Aid Fund 50.00%

8700-1140 The state quartermaster may expend an amount not to exceed \$500,000 from revenues collected for the purposes described herein; provided, that the state quartermaster may expend from fees collected for the non-military rental or use of armories for the costs of utilities and maintenance; and provided further, that the state quartermaster may expend an amount not to exceed \$250,000 for salaries, subsistence, quarters, and associated costs for national guard soldiers ordered to perform

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state missions pursuant to chapter 33 of the General Laws, from revenues resulting from the acceptance of funds from any person, governmental entity or non-governmental entity to defray such expenses \$500,000

Massachusetts Emergency Management Agency.

8800-0001 For the operations of the Massachusetts emergency management agency; provided, that expenditures from this item shall be contingent upon the prior approval of the proper federal authorities \$763,162

Local Aid Fund 100.00%

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 telecommunications and energy shall develop an equitable method of apportioning such assessments among such licensees; and provided further, that such assessments shall be paid during the current fiscal year as provided by the department \$361,328

Local Aid Fund 100.00%

8800-0200 For the Seabrook nuclear safety preparedness program; provided, that the cost of the program shall be assessed on electric companies in the commonwealth which own, in whole or in part, or purchase power from, nuclear power plants located outside the commonwealth whose nuclear power plant areas, as defined in section 2B of chapter 639 of the acts of 1950, include communities located within the commonwealth and shall be credited to the General Fund; provided further, that for the purposes of this item, "electric companies" shall mean all persons, firms, associations and private corporations which own or operate works or a distributing plant for the manufacture and sale or distribution and sale of electricity within the commonwealth; and provided further, that the term "electric company" shall not include municipalities or municipal light plants \$269,473

Governor's Highway Safety Bureau.

8850-0001 For the highway safety program to provide matching funds for a federal planning and administration grant pursuant to 23 U.S.C. section 402 (d); provided, that the bureau shall devel-

op a master plan to increase the usage of motor vehicle safety belts in the commonwealth, including, but not limited to, enhanced drivers' education, public awareness campaigns, and enforcement; and provided further, that the master plan shall not consider primary enforcement of the law requiring the use of safety belts \$249,056
Highway Fund 100.00%

Department of Correction.

8900-0001 For the operation of the commonwealth's department of corrections, including the administration of the department; provided, that employees in the prisoners classification division shall not be subject to civil service law and rules; and provided further, that notwithstanding any general or special law to the contrary, the director of civil service shall certify to the commissioner of correction, upon receipt of permanent requisitions, names of correction officers to fill permanent vacancies; and for inmate health services; provided, that the commissioner of correction shall file quarterly reports detailing expenditures from this item with the house and senate committees on ways and means; and for the educational services department, and for the operation of the correctional residential services and for the payment of charges assessed to the department of correction for the payment of workers' compensation, unemployment insurance, Medicare taxes, medical security plan and the group insurance commission extended leave chargeback; provided further, that before closing any correctional facility, the Commissioner of Corrections and the Secretary of Public Safety shall report to the House and Senate Committees on Ways and Means and Public Safety 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, that the Commissioner of Corrections and the Secretary of Public Safety shall report to the Committees on Ways and Means and Public Safety before January 1 of each year the point score compiled by the department's objective classification system for all prisoners confined in each prison operated by the department and said report shall be for a particular date and shall not include prisoner's names; provided further, that before January 31, 2003, the commissioner shall seek assistance

from the National Institutes of Correction to perform a revalidation of the department's classification system, with the goals of promoting safety of staff and inmates in the correction institutions, public safety after inmates' release, and potential savings in state spending; provided further that said study shall be at no cost to the state; provided further, that said commissioner shall, with the approval of the Secretary of Public Safety, conduct a study in order to determine the feasibility of modifying and improving the facilities at MCI Lancaster for use as a regional lockup facility within Worcester County; provided further, that the department shall expend not less than \$997,000 to cities and towns hosting facilities; provided further, that one-half of the number of inmates incarcerated at Souza-Baranowski correctional center shall be deemed to be incarcerated within a correctional facility in the town of Shirley and one half shall be deemed to be incarcerated within a correctional facility in the town of Lancaster; provided further, that \$300,000 shall be provided for the Aid to Incarcerated Mothers organization; provided further, that the department shall implement a statewide post-conviction victim and witness advocacy program; provided further, funds may be expended for salaries and employee benefits of said victim and witness advocates; provided further, that training and technical assistance shall be provided and the program shall be coordinated, monitored and evaluated; provided further, that \$40,000 shall be provided for the Dismas House; and provided further, that the number of victim and witness advocate positions funded from this item in fiscal year 2003 shall be not less than the number funded from this item in fiscal year 2002 \$417,014,915

General Fund 99.78%
 Local Aid Fund 0.22%

8900-0010 For prison industries and farm services; provided, that the commissioner of correction shall determine the cost of manufacturing motor vehicle registration plates and certify to the comptroller the amounts to be transferred from the Highway Fund to the General Fund; and provided further, that the commissioner of correction shall submit quarterly financial reports detailing revenues generated and expended, to the house and senate committees on ways and means \$1,901,019

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- 8900-0011 For a prison industries and farm services revenue retention account; provided, that the department may expend an amount not to exceed \$2,600,000 from revenues collected from the sale of products, for materials, supplies, equipment, maintenance of facilities and compensation of employees of the program; and provided further, that all expenditures from this item shall be subject to chapter 29 of the General Laws and recorded on the Massachusetts management accounting and reporting system \$2,600,000
- 8900-0045 The Department of Correction is hereby authorized to expend for the operation of the department, including personnel-related expenses, an amount not to exceed \$6,624,000 from revenues received from federal inmate reimbursements; provided, that \$900,000 from said reimbursements shall not be available for expenditure and shall be deposited in the General Fund prior to the retention by the department of any said reimbursements; and provided further, that notwithstanding the provisions of any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate therefore as reported in the state accounting system \$6,624,000

County Corrections.

- 8910-0000 For a reserve to fund county correctional programs; provided, that the funds appropriated in this item shall be distributed among the sheriffs departments of Barnstable, Bristol, Dukes, Nantucket, Norfolk, Plymouth and Suffolk counties by the county government finance review board upon prior notification to the house and senate committees on ways and means; provided further, that funds appropriated here-in shall be in addition to and contingent on the provisions of line item 1599-7092; provided further, that funds made available to Plymouth county can be expended for operating and debt service costs associated with state inmates housed in the Plymouth county facility, pursuant to the provisions of clauses 3 and 4 of the Memorandum of Agreement signed May 14, 1992; provided further, that Suffolk county may re-

ceive additional funding from the balance for county correction maintenance and operation expenses; provided further, that funds distributed from this item shall be paid to the treasurer of each county who shall place such funds in a separate account within the treasury of each such county; provided further, that the treasurer shall authorize temporary transfers into this account for operation and maintenance of jails and houses of correction in advance of receipt of the amount distributed by the commonwealth under this item; provided further, that upon receipt of the state distribution, the treasurer may transfer out of such account an amount equal to the funds so advanced; provided further, that all funds deposited in such accounts and any interest accruing thereto shall be used solely for the functions of the sheriffs' departments of the various counties including, but not limited to, maintenance and operation of jails and houses of correction, without further appropriation; provided further, that the sheriff's department of each county shall reimburse the county treasurer of each county for personnel-related expenses, with the exception of salaries, attributable to the operations of the sheriff's department of each county heretofore paid by the county including, but not limited to, the cost of employee benefits; provided further, that the spending plans required by this item shall be developed by the county government finance review board, in consultation with the Massachusetts Sheriffs' Association; provided further, that in accordance with section 247 of chapter 38 of the acts of 1995, all spending plans shall be detailed by subsidiary and object code in accordance with the expenditure classification requirements promulgated by the comptroller; provided further, that such spending plans shall be accompanied by a delineation of all personnel employed by each county correctional facility including, but not limited to, position, title, classification, rank, grade, salary and full-time or part-time status; provided further, that such spending plans shall be accompanied by a delineation of all vehicles leased, owned or operated by each county sheriff; provided further, that such delineation shall include vehicle make and model, year, mileage, condition, date purchased or leased and vehicle primary use; provided further, that no sheriff shall purchase any new vehicles or major equipment in fiscal year 2003 unless such

purchase is made pursuant to a multicounty or regionalized collaborative procurement arrangement or unless such purchase is directly related to significant population increase or is otherwise necessary to address an immediate and unanticipated public safety crisis and is approved by the county government finance review board and the executive office of public safety; provided further, that notwithstanding the provisions contained in this item, sheriffs may purchase "marked" prisoner transportation vans, so-called, upon notification to the county government finance review board; provided further, that notwithstanding the provisions of any special law to the contrary, no county treasurer shall retain revenues derived by the sheriffs from commissions on telephone service provided to inmates or detainees; provided further, that said revenues shall be retained by the sheriffs not subject to further appropriation for use in a canteen fund, so-called; provided further, that the county government finance review board and the executive office of public safety shall identify and develop county correction expenditures which shall be reduced through shared contracts, regionalized services, bulk purchasing and other centralized procurement savings programs; provided further, that documentation of such expenditures and savings shall be submitted to the house and senate committees on ways and means not later than December 30, 2002 and shall make provision for such system of shared contracts, regionalized services, bulk purchasing and other centralized procurement savings to take effect not later than June 30, 2003; provided further, that the daily count sheet for county facilities, so-called, compiled by the executive office of public safety, shall be filed with the Massachusetts Sheriffs' Association not less than monthly; provided further, that all revenues including, but not limited to, revenue received from housing federal prisoners, United States Marshals, canteen revenues, inmate industries and work-crew revenues shall be tracked and reported quarterly to the house and senate committees on ways and means and the Massachusetts Sheriffs' Association; provided further, that on or before August 15, 2002, each county sheriff shall submit a final spending plan for fiscal year 2003 to the county government finance review board and the house and senate commit-

tees on ways and means detailing the level of resources deemed necessary for the operation of each county correctional facility and the expenditures which shall be reduced to remain within the appropriation; provided further, that failure by a county sheriff to comply with any provision of this item shall result in a reduction of subsequent quarterly payments to amounts consistent with a rate of expenditure of 95 per cent of the rate of expenditure for fiscal year 2002, as determined by the county government finance review board; provided further, that each sheriff shall submit to the executive office of public safety and the house and senate committees on ways and means copies of such spending plans not later than August 15, 2002; provided further, that on or before September 15, 2002, the county government finance review board shall have approved final fiscal year 2003 county correction budgets; provided further, that the county government finance review board shall provide the executive office of public safety and the house and senate committees on ways and means with copies of such approved budgets not later than October 15, 2002; provided further, that such budgets shall include distribution schedules for the final two quarters of fiscal year 2003 and such plans shall be used to make all subsequent quarterly distributions; provided further, that services shall be provided to the extent determined to be possible within the amount appropriated in this item and each sheriff shall make all necessary adjustments to ensure that expenditures do not exceed the appropriation; provided further, that each county shall expend during fiscal year 2003, for the operation of county jails and houses of correction and other statutorily authorized facilities and functions of the office of the sheriff, in addition to the amount distributed from this item, not less than 102.5 per cent of the amount expended in fiscal year 2002 for such purposes from own-source revenues, which shall not be less than 5 per cent of total county revenues including, but not limited to, amounts levied pursuant to sections 30 and 31 of chapter 35 of the General Laws and amounts provided pursuant to sections 11 to 13, inclusive, of chapter 64D of the General Laws; provided further, that in fiscal year 2003, those counties which have not met maintenance of effort obligations in prior fiscal years shall expend not less than the minimum contribu-

tion, as defined above from own-source revenues; provided further, that notwithstanding the provisions stated in this item, the maintenance of effort obligations for Suffolk county shall be 5 per cent of the total fiscal year 2003 Suffolk county correction operating budget as approved by the county government finance review board; provided further, that notwithstanding the provisions of any general or special law to the contrary, the deputy commissioner of local services shall certify on or before May 15, 2003 that all municipalities have appropriated and transferred to their respective county treasuries, not less than 102.5 per cent of the municipality's prior year obligations or minimum contributions as defined above, whichever is greater, for county corrections; provided further, that if a municipality fails to transfer such obligation, said deputy commissioner shall withhold an amount equal to the shortfall in the obligation due to the county from such municipality's fourth quarter local aid "cherry sheet" distribution, so-called, authorized from item 0611-5500 of section 2 and from funds made available from the State Lottery Fund distribution in section 3; provided further, that on or before August 1, 2002, said deputy commissioner shall report all such withholdings to the house and senate committees on ways and means; provided further, that in fiscal year 2003, notwithstanding the provisions of section 20A of chapter 59 of the General Laws, any county except Suffolk and Nantucket may increase its county tax for said fiscal year by an additional amount if the total amount of such additional county tax is approved by two-thirds of the cities and towns in the county, in towns by a majority vote of the town meeting or town council, and in cities by a majority vote of the city council or board of aldermen, with the approval of the mayor or manager; provided further, that each sheriff shall continue to report all expenditures on the Massachusetts management accounting reporting system, so-called, in accordance with the latest expenditure classification requirements promulgated by the comptroller pursuant to section 27 of chapter 29 of the General Laws; and provided further, that each sheriff funded from this item shall report on a monthly basis to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than September 30, 2002 \$126,818,218

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Local Aid Fund 100.00%

8910-0010 For the purpose of funding expenses for services provided to inmates of county correctional facilities by the department of public health Lemuel Shattuck hospital in fiscal year 2003; provided, that said department shall notify the county government finance review board and the comptroller of all such expenses; provided further, that not more than 30 days after receiving such notification, the board shall certify to the comptroller the amount of such expenses to be charged to this item; provided further, that upon receiving such certification, the comptroller shall effect the transfer of such amount from this item to item 4590-0903 in section 2B; and provided further, that such actual and projected payments shall be considered expenditures within each county spending plan and shall be reflected as such in proposed spending plans required by 8910-0000 in section 2 \$1,300,000

Local Aid Fund 100.00%

Sheriffs.

8910-0102 For the operation of the jail, house of correction and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of the former Hampden county; provided, that 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 1, 2002; provided further, that \$110,000 shall be provided for the purpose of funding expenses for a contract between the Pioneer Valley Regional Transit Authority and the Hampden county sheriff's department; and provided further, that the Pioneer Valley Regional Transit Authority shall enter into contract with the Hampden county sheriff's department and shall maintain an express bus route from the city of Springfield to the former Hampden county house of correction \$52,729,395

8910-0105 For the operation of the jail, house of correction and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of the former Worcester county; provided, that said sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in said county starting not later than August 1, 2002 \$37,101,225

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8910-0107	For the operation of the jail, house of correction and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of the former Middlesex county; provided, that the sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in said county starting not later than August 1, 2002	\$47,428,007
8910-0108	For the operation of the jail, house of correction and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of the former Franklin county; provided, that said sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in said county starting not later than August 1, 2002	\$5,985,545
8910-0110	For the operation of the jail, house of correction and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of the former Hampshire county; provided, that said sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in said county starting not later than August 1, 2002	\$10,079,670
8910-0145	For the operation of a jail, house of correction, and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of the former Berkshire county; provided, that the sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in said county starting not later than August 1, 2002	\$11,450,390
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 and for renovation of a new training facility and one-time capital maintenance issues at the Billerica house of correction an amount not to exceed \$850,000 from revenues collected from the incarceration of federal inmates; and provided further, that all expenditures from this item shall be subject to chapter 29 of the General Laws and recorded on the Massachusetts management accounting and reporting system, so-called	\$850,000

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- 8910-0188 The Franklin sheriff's department may expend for the operation of the department an amount not to exceed \$650,000 from revenues received from federal inmate reimbursements; provided, that \$500,000 from the reimbursements shall not be available for expenditure and shall be deposited in the General Fund prior to the retention by the department of any said 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 therefore as reported in the state accounting system \$650,000
- 8910-0619 For the operation of the jail, house of correction and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of the former Essex county; provided, that the sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in said county starting not later than August 1, 2002 \$38,727,022
- 8910-1000 For a prison industries revenue retention account for the Hampden sheriff's department; provided, that the department may expend any amount not to exceed \$543,963 from revenues collected from the sale of products, for materials, supplies, equipment, maintenance of facilities and compensation of employees of the program; and provided further, that all expenditures from this item shall be subject to chapter 29 of the General Laws and recorded on the Massachusetts management accounting and reporting system \$543,963
- 8910-1100 For a prison industries revenue retention account for the Middlesex sheriff's department; provided, that the department may expend an amount not to exceed \$75,000 for 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 \$75,000
- 8910-1111 The Hampshire sheriff's department may expend for the opera-

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- tion of the department an amount not to exceed \$163,000 from revenues received from federal inmate reimbursements; provided, that \$150,000 from the reimbursements shall not be available for expenditure and shall be deposited in the General Fund prior to the retention by the department of any the 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 therefor as reported in the state accounting system \$163,000
- 8910-2222 The Hampden sheriff's department may expend for the operation of the department an amount not to exceed \$200,000 from revenues received from federal inmate reimbursements; provided, that \$312,000 from these reimbursements shall not be available for expenditure and shall be deposited in the General Fund prior to 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 therefor as reported in the state accounting system \$200,000
- 8910-6619 The Essex sheriff's department may expend for the operation of the department an amount not to exceed \$400,000 from revenues received from federal inmate reimbursements; provided, that \$600,000 from the 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 therefor as reported in the state accounting system \$400,000

Parole Board.

8950-0001 For the operation of the parole board	\$13,728,501
8950-0002 For the victim and witness assistance program of the parole board, in accordance with chapter 258B of the General Laws	\$277,745
Victim Witness Assistance Fund	100.00%

EXECUTIVE OFFICE OF ELDER AFFAIRS.

Office of the Secretary.

9110-0100 For the operation of the executive office; provided, that the secretary of elder affairs shall collaborate with the commissioner of medical assistance and the deputy purchasing agent of the operational services division to identify and seek federal reimbursement for all home care services meeting the definition of personal care services in 42 CFR 440.170(f) and case management in 1915(g) of Title XIX, furnished to persons eligible for medical assistance under the provisions of chapter 118E of the General Laws; provided further, that said executive office shall enter into an interagency service agreement with the department of veterans' services to maximize revenues by identifying individuals who are eligible for veterans' pensions and are currently receiving home care and home health services; provided further, that the secretary shall continue to support community care ombudsman services; provided further, that the executive office of elder affairs shall report to the house and senate committees on ways and means no later than November 15, 2002 on all state services that are eligible for federal financial participation under the terms of the 2176 waiver, eligible state services for which the state is not currently claiming federal financial participation, and the steps currently being taken to begin claiming federal financial participation on these eligible services; and provided further, that the special commission to study the future of long term health care in the commonwealth, established by this item in fiscal year 2002, shall meet until December 31, 2003 and shall release its first recommendations July 31, 2003	\$1,963,804
9110-0102 For the regulation of assisted living facilities; provided, that the executive office of elder affairs shall report quarterly to the house and senate committees on ways and means the number of assisted living units certified and the total revenues generated from application and certification fees for such units	\$318,292

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- Assisted Living Fund 100.00%
- 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 not less than \$250,000 shall be made available for the operation of the pharmacy outreach program established by section 4C of chapter 19A; 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 said chapter 19A shall be the payor of last resort for such program for eligible persons with regard to any other third party prescription coverage or benefits available to such eligible persons; provided further, that all federal reimbursement received for expenditures from this item shall be credited to the Tobacco Settlement Fund, established under section 2XX of chapter 29 of the General Laws; provided further, that said executive office shall notify the house and senate committees on ways and means within seven days of approval a federal waiver regarding the availability of federal financial participation for benefits paid for specific populations out of said program; provided further, that said executive office shall include with said notification an estimate of revenue resulting from said approval to be credited in fiscal year 2003; and provided further, that said 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 on the number of enrollees in said program \$99,000,000
- Tobacco Settlement Fund 100.00%
- 9110-1500 For the provision of enhanced home care services, including case management to elders who meet the eligibility requirements of the home care program and who need services above the level customarily provided under the program to remain safely at home, including elders previously enrolled in the managed care in housing, enhanced community options, and

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chronic care enhanced services programs; provided further, that the secretary, in collaboration with the commissioner of medical assistance, shall actively seek to obtain federal financial participation for any and all services provided to seniors who qualify for Medicaid benefits pursuant to the section 2176 waiver; and provided further, that such reimbursement shall be deposited in the Tobacco Settlement

Fund \$37,488,337
Tobacco Settlement Fund 31.93%
General Fund 68.07%

9110-1604 For the operation of the supportive senior housing program \$2,025,000

9110-1630 For contracts with aging service access points or other qualified entities for the home care program, including home care, health aides, home health and respite services and other services provided to the elderly; provided, that a sliding fee shall be charged to qualified elders; provided further, that the secretary of elder affairs may waive collection of sliding fees in cases of extreme financial hardship; provided further, that not more than \$5,800,000 in revenues accrued from sliding fees shall be retained by the individual home care corporations without 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 fees; provided further, that the executive office shall report monthly to the house and senate committees on ways and means and the executive office for administration and finance on the amount expended from this item for purchase of service expenditures by category of service as set forth in 651 C.M.R. 3.01 and 651 C.M.R. 3.06; provided further, that no rate increase shall be awarded in fiscal year 2003 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 herein to item 9110-1633

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	for case management services and the administration of the home care program	\$94,158,158
9110-1633	For contracts with aging service access points, so-called, or other qualified entities for home care case management services and the administration of the home care corporations funded through item 9110-1630 and item 9110-1500; provided, that such contracts shall include the costs of administrative personnel, home care case managers, travel, rent and other costs deemed appropriate by the executive office of elder affairs; 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	\$36,044,804
9110-1636	For the elder protective services program, including protective services case management, money management services, the statewide elder abuse hotline, guardianship services and the elder-at-risk program	\$10,045,848
9110-1660	For congregate and shared housing services for the elderly; provided, that not less than \$50,000 shall be expended for congregate housing services at the Tuttle House facility in Dorchester; and provided further, that not less than \$125,000 shall be allocated to the Committee to End Elder Homelessness, Inc	\$1,444,984
9110-1700	For residential assessment and placement programs for homeless elders	\$250,000
9110-1900	For local services; provided, that all funds appropriated under this item for an elder service corps shall be for corpsmen stipends, for the cost of mailing corpsmen stipends and for corpsmen participation in group insurance programs, as set forth in chapter 1168 of the acts of 1973; provided further, that the stipend for full-time corpsmen shall not exceed the maximum allowed under earnings limitation sections of the Social Security Act and the stipend for part-time corpsmen shall not exceed \$130 per month; provided further, that not less than \$3,954,441 shall be obligated for the administration of a meals program for elderly persons; provided further, that the executive office of elder affairs shall maximize federal reimbursement for meals funded in this item; provided further, that the secretary shall submit to the house and senate	

committees on ways and means, not later than February 1, 2003, a detailed account of the elder lunch program's functional operations, including, but not limited to, the number of vendors participating in the program, contract amounts per vendor, number of meals delivered per site, fee schedule per meal, revenue generated from any such fees collected, and the number of elders served monthly at each site; provided further, that \$30,000 shall be obligated for a youth/elder outreach position at the Roche Family Community Center in West Roxbury; and provided further, that not less than \$15,000 shall be expended for the Grandparents as Parents Initiative \$4,457,158

Local Aid Fund 100.00%

9110-9002 For the local services program 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; and provided further, that such distribution schedules shall be submitted to the house and senate committees on ways and means \$6,260,000

Local Aid Fund 100.00%

LEGISLATURE.

Senate.

9500-0000 For the operation of the senate \$16,620,035

House of Representatives.

9600-0000 For the operation of the house of representatives \$30,872,678

Joint Legislative Expenses.

0950-0000 For the commission on the status of women \$145,000

9700-0000 For the joint operations of the legislature \$6,767,859

NO SECTION 2A.

SECTION 2B. Notwithstanding the provisions of any general or special law to the contrary, the agencies listed in this section may expend such amounts as are listed in this section for the provisions of services to agencies listed in section 2; provided, that all expenditures made pursuant to this section shall be accompanied by a corresponding transfer of funds from an account listed in section 2 to the Intragovernmental Service Fund, established by section 2Q of chapter 29 of the General Laws; provided further, that no expenditures shall be made from the Intragovernmental Service Fund which would cause said

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fund to be in deficit at the close of fiscal year 2003; provided further, that all authorizations in this section shall be charged to the Intragovernmental Service Fund; and provided further, that any balance remaining at the close of fiscal year 2003 shall be transferred to the General Fund.

Office of the Secretary of State.

- 0511-0003 For the costs of providing electronic and other publications purchased from the state bookstore, for commission fees, notary fees and for direct access to the secretary's computer library \$25,000
- 0511-0235 For the costs of obsolete records destruction incurred by the office of the secretary of state; provided, that state agencies, including the judicial branch, may be charged for the destruction of their obsolete records by the records center where appropriate; provided further, that the secretary of state may expend revenues not to exceed \$100,000 of such funds received for the costs of such obsolete record destruction; and provided further, that such fees shall be charged on an equitable basis \$100,000

Office of Dispute Resolution.

- 1100-1108 For the office of dispute resolution for the costs of mediation and other services provided to certain agencies \$300,000

Central Business Office.

- 1100-1141 For the central business office, including the costs of personnel; provided, that the central business office shall set a schedule of fees to be charged for services provided to agencies of the commonwealth; provided, that the agencies may elect to contract with the central business office for services provided in exchange for fees determined by the schedule \$996,400

Bureau of State Office Buildings.

- 1102-3333 For the operation and maintenance of state buildings, including reimbursement for overtime expenses, materials and contract services purchased in performing renovations and related services for agencies occupying state buildings or for services rendered to approved entities utilizing state facilities \$150,000
- 1102-3336 For the operation and maintenance of the space occupied by the division of employment and training in the Hurley state office building \$1,000,000

Reserves.

- 1599-2040 For the payment of prior year deficiencies, so-called, based upon schedules provided to the house and senate committees on ways and means; provided, that the comptroller may charge departments' current fiscal year appropriations and transfer to such item amounts equivalent to the amounts to any prior year deficiency, so-called, subject to the conditions stated in this item; provided further, that the comptroller shall only assess chargebacks to those current fiscal year appropriations when the account to which the chargeback is applied is the same account to which the prior year deficiency pertains or, if there is no such account, to the current fiscal year appropriation for the general administration of the department that administered the account to which the prior year deficiency pertains; provided further, that no chargeback shall be made which would cause a deficiency in any current fiscal year item of appropriation; provided further, that the comptroller shall report with such schedule a detailed reason for the prior year deficiency on all chargebacks assessed that exceed \$1,000 including the amount of the chargeback, the item of appropriation and subsidiary charged; and provided further, that the comptroller shall report on a quarterly basis on all chargebacks assessed, including the amount of the chargeback, the item of appropriation, subsidiary charged and the reason for the prior year deficiency \$7,000,000
- 1599-3100 For the cost of the commonwealth's employer contributions to the Unemployment Compensation Fund and the Medical Security Trust Fund; provided, that the secretary of administration and finance shall authorize the collection, accounting and payment of such contributions; and provided further, that in executing these responsibilities the state comptroller may charge in addition to individual appropriation accounts certain non-appropriated funds in amounts that are computed on the same basis as the commonwealth's contributions are determined, including expenses, interest expense or related charges \$13,000,000

Division of Human Resources.

- 1750-0101 For the cost of goods and services rendered in administering training programs, including the cost of training unit staff; provided, that the human resources division may collect a \$75 administrative fee from vendors who submit proposals in re-

sponse to requests for proposals for the commonwealth master service agreement for specialized training and consultation services at the time of proposal submission; provided, that any vendor who fails to deliver the appropriate administrative fee with its submission shall be deemed nonresponsive and its proposal shall not be considered for contract award; provided further, that the division shall charge to other items of appropriation for the cost of participants enrolled in programs sponsored by the division or to state agencies employing such participants; and provided further, that the division may collect from participating state agencies a fee sufficient to cover administrative costs of the commonwealth's performance recognition programs and to expend such fees for goods and services rendered in the administration of these programs \$1,156,792

1750-0105 For the cost of workers' compensation paid to public employees; provided, that the secretary of administration and finance shall charge other items of appropriation or state agencies for costs incurred on behalf of said state agencies; provided further, that said secretary may transfer workers compensation-related fringe benefit assessments from federal grants and trust accounts to this item; provided further, that said secretary shall identify charges by said item of appropriation; provided further, that not more than \$1,500,000 shall be used for the compensation of employees; provided further, that said secretary shall file quarterly reports with the house and senate committees on ways and means detailing said items, including federal grants and trust accounts that have not yet paid their charges, and the reasons why, within three weeks of the close of each quarter; provided further, that no funds shall be expended from this item that would cause said item to be deficient; provided further, that said secretary shall provide projected costs of workers' compensation costs incurred by agencies in fiscal year 2003 to the house and senate committees on ways and means no later than February 27, 2003; 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 2003 as hereinafter provided for workers' compensation costs, including related administrative expenses incurred on behalf of the employees

of said agencies; provided further, that administrative expenses shall be allocated based on each agency's per cent of total workers' compensation benefits paid in fiscal year 2002; provided further, that the personnel administrator shall administer said charges on behalf of said secretary, and may establish such rules and procedures as deemed necessary to implement the provisions of this section; provided further, that the personnel administrator shall (1) notify agencies regarding the chargeback methodology to be used in fiscal year 2003, (2) notify agencies of the amount of their estimated worker's compensation charges for said fiscal year, and (3) require agencies to encumber funds in an amount sufficient to meet said estimated charges; provided further, that said estimated charges for each agency in said fiscal year shall be not less than the amount of the actual workers' compensation costs, including related administrative expenses, incurred by each such agency in fiscal year 2002, and may include such additional amounts as are deemed necessary under regulations promulgated pursuant to this section; provided further, that for any agency that fails within 30 days of the enactment of this act to encumber funds sufficient to meet said estimated charges, the comptroller shall so encumber funds on behalf of such agency, the personnel administrator shall (1) determine the amount of the actual worker's compensation costs incurred by each agency in the preceding month, including related administrative expenses, (2) notify each agency of said amounts, (3) charge said amounts to each agency's accounts as estimates of the costs to be incurred in the current month; provided further, that notwithstanding any general or special law to the contrary, any balance remaining in the workers' compensation Intergovernmental Service Fund, at the close of fiscal year 2002 shall be transferred to the General Fund; provided further, that any unspent balance at the close of fiscal year 2002 in an amount not to exceed 5 per cent of the amount authorized shall remain in the Workers' Compensation Intergovernmental Service Fund and is hereby re-authorized for expenditures for such item in fiscal year 2003; provided further, that the personnel administrator is hereby authorized to expend in fiscal year 2003 for hospital, physician, benefit, and other costs related to workers' compen-

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	sation for employees of state agencies, including administrative expenses; and provided further, that such expenditures may include payments for medical services provided to claimants in prior fiscal years, as well as compensation benefits and associated costs prior to fiscal years	\$56,355,860
1750-0106	For the workers' compensation litigation unit, including the costs of personnel	\$565,906
1750-0110	For the payment of fees by user agencies to arbitrators selected by the commonwealth to hear and decide final and binding arbitration cases for grievances filed pursuant to chapter 150E of the General Laws	\$10,000

Division of Operational Services.

1775-0800	For the purchase, operation and repair of certain vehicles and for the cost of operating and maintaining all vehicles that are leased by other agencies, including the costs of personnel	\$7,600,000
1775-1000	For the provision of printing, photocopying, and related graphic art or design work, including all necessary incidental expenses and liabilities; provided, that the commissioner of administration shall charge to other items of appropriation within the agencies of the executive branch for such services, including the costs of personnel	\$1,850,842

Division of Information Technology.

1790-0200	For the cost of computer resources and services provided by the information technology division in accordance with the policies, procedures and rates approved by the secretary for administration and finance, including the purchase, lease or rental of telecommunications lines, services and equipment, that are centrally billed to the commonwealth; provided, that 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 required for the analysis and development of appropriations bills shall not be charged to any item of appropriation of the house of representatives, the senate or any joint legislative account in fiscal year 2002; provided further, that the bureau shall submit quarterly reports to the house and senate com-	
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mittees on ways and means summarizing each agency's charges and payments for the preceding quarter for this item; and provided further, that the secretary for administration and finance may establish regulations, procedures and a schedule of fees to further implement this section including, but not limited to, the development and distribution of forms and instructions, including the costs of personnel \$26,047,810

1790-0400 For the purchase, delivery, handling of and contracting for supplies, postage and related equipment and other incidental expenses provided pursuant to the provisions of section 51 of chapter 30 of the General Laws \$2,190,343

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

2001-1002 For the costs of data processing and related computer and mapping services, the distribution of digital cartographic and other data, the review of environmental notification forms pursuant to sections 61 to 62H, inclusive, of chapter 30 of the General Laws and for the staff and printing of the Environmental Monitor \$350,000

Department of Fisheries, Wildlife and Environmental Law Enforcement.

2350-0102 For the costs of overtime and special details provided by the department of fisheries, wildlife and environmental law enforcement's division of law enforcement \$160,000

Metropolitan District Commission.

2410-1002 For the costs of operating the commission's telecommunications system; provided, that nothing in this section shall diminish or impair the rights of access or utilization of all current users of the system pursuant to agreements which have been entered into with the commission \$100,000

2410-1003 For the costs of the purchase of fuel, oil and other associated products for other state agencies \$50,000

Massachusetts Commission for the Deaf and Hard of Hearing.

4125-0122 For the costs of interpreter services provided by commission staff; provided, that the costs of personnel may be charged to this item; and provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the commission may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the

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most recent revenue estimate as reported in the state accounting system \$160,000

Department of Public Health.

4590-0901 For the costs of medical services provided at public health hospitals pursuant to a schedule of services and fees approved by the commissioner of public health, which may be expended for the purposes of hospital related costs, including capital expenditures and motor vehicle replacement \$150,000

4590-0903 For the costs of medical services provided at the department of public health Lemuel Shattuck hospital to inmates of the county correctional facilities; provided, that the costs shall be charged to items 8910-0000, 8910-0010, 8910-0102, 8910-0105, 8910-0107, 8910-0108, 8910-0110, 8910-0145, and 8910-0619, pursuant to the provisions thereof; provided further, that expenditures from this item shall be for hospital-related costs, including, but not limited to, capital repair and the maintenance and motor vehicle replacement; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenue and related expenditures, the department may incur expenses and the comptroller may certify for the payment amounts not to exceed the lower of this authorization or the most recent revenue estimate therefor as reported in the state accounting system \$2,800,000

Department of Mental Retardation.

5948-0012 For residential support services provided by the department for the purposes of supplementing educational services provided in item 7061-0012 of section 2 \$7,500,000

Massachusetts Aeronautics Commission.

6006-0010 For the cost of air transportation services, including the costs of personnel \$20,000

Department of Highways.

6030-7501 For the cost of the purchase of bulk fuel for certain vehicles under the authority of the operational services division and the cost of purchased fuel for other agencies and for certain administrative expenses related to purchasing and distributing the fuel \$500,000

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Department of Education.

7053-2121 For the costs of United States Department of Agriculture commodity foods pursuant to federal law requirements \$100,000

State Police.

8100-0002 For the costs of overtime associated with requested police detail; provided, that for the purpose of accommodating discrepancies between the receipt of revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate therefore as reported in the state accounting system \$6,481,127

8100-0003 For the costs associated with the use of the statewide telecommunications system for the maintenance of the system \$156,375

Criminal Justice Training Council.

8200-1121 For the cost of space rentals, utilities and maintenance at the criminal justice training council's training academies and computer labs \$35,000

Military Division.

8700-1145 For the costs of utilities and maintenance and for the implementation of energy conservation measures with regard to the state armories \$500,000

Department of Correction.

8900-0021 For the cost of products produced by the prison industries and farm program and for the cost of services provided by inmates, including the costs of moving, auto repair, culinary and renovation and construction services; provided, that the costs for renovation and construction services shall not exceed the amount established by the department of procurement and general services; and provided further, that such revenues may also be expended for materials, supplies, equipment, maintenance of facilities and compensation of employees and for the inmate employment and training program \$6,050,000

NO SECTION 2C.

SECTION 2D. The amounts set forth in this section are hereby appropriated from the General Federal Grants Fund. Federal funds received in excess of the amount appropriated in this section shall be expended only in accordance with the provisions of section 6B of chapter 29 of the General Laws. The amount of any unexpended balance of

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federal grant funds received prior to June 30, 2002, and not included as part of an appropriation item in this section, is hereby made available for expenditure during fiscal year 2003, in addition to any amount appropriated in this section.

JUDICIARY.

Supreme Judicial Court.

0320-1700 For the purposes of a federally funded grant entitled, State Court Improvement Program \$180,994

Trial Court.

0332-6410 For the purposes of a federally funded grant entitled, Judicial Oversight Project-Dorchester District Court \$159,638

DISTRICT ATTORNEYS.

Northern District Attorney.

0340-0219 For the purposes of a federally funded grant entitled, Middlesex Community Prosecution Partnership Program \$79,000

0340-0237 For the purposes of a federally funded grant entitled, Children's Advocacy Center National Network \$10,000

Eastern District Attorney.

0340-0319 For the purposes of a federally funded grant entitled, Community Prosecution Program Initiative \$14,738

Middle District Attorney.

0340-0434 For the purposes of a federally funded grant entitled, Juvenile Accountability Grant \$195,200

Plymouth District Attorney.

0340-0806 For the purposes of a federally funded grant entitled, Weed and Seed \$140,000

0340-0819 For the purposes of a federally funded grant entitled, Community Prosecution Enhancement \$90,921

Bristol District Attorney.

0340-0923 For the purposes of a federally funded grant entitled, Community Involvement Project \$148,284

Cape and Islands District Attorney.

0340-1034 For the purposes of a federally funded grant entitled, Juvenile Diversion Program \$140,000

SECRETARY OF STATE.

Office of the Secretary of State.

0526-0114	For the purposes of a federally funded grant entitled, Historic Preservation Survey and Planning	\$600,000
0526-0115	For the purposes of a federally funded grant entitled, Massachusetts Historical Commission - Federal Preservation Grants	\$400,000

Massachusetts Cultural Council.

0640-9716	For the purposes of a federally funded grant entitled, Folk and Traditional Arts Initiative	\$15,500
0640-9717	For the purposes of a federally funded grant entitled, Basic State Plan	\$398,700
0640-9718	For the purposes of a federally funded grant entitled, Arts Education	\$68,000
0640-9724	For the purposes of a federally funded grant entitled, Arts in Underserved Communities	\$76,400
0640-9729	For the purposes of a federally funded grant entitled, Challenge America	\$40,000

ATTORNEY GENERAL.

Office of the Attorney General.

0810-0026	For the purposes of a federally funded grant entitled, Crime Victim Compensation	\$1,000,000
0810-6658	For the purposes of a federally funded grant entitled, Weed and Seed	\$175,000

Victim Witness Assistance Board.

0840-0110	For the purposes of a federally funded grant entitled, Victims of Crime Assistance Programs	\$7,639,563
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EXECUTIVE OFFICE OF ADMINISTRATION AND FINANCE.

Office of Dispute Resolution.

1100-1117	For the purposes of a federally funded grant entitled, Agricultural Mediation Matching Grant	\$108,080
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Massachusetts Developmental Disabilities Council.

1100-1703	For the purposes of a federally funded grant entitled, Implementation of the Federal Developmental Disabilities Act; provided, that in order to qualify for said grant, this item shall be exempt from the first \$184,000 of fringe benefit and indirect cost charges pursuant to section 6B of chapter 29 of the General Laws	\$1,638,413
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1100-1710 For the purposes of a federally funded grant entitled, Massachusetts Developmental Disabilities Council Service Grant; provided, that in order to qualify for said grant, this item shall be exempt from the first \$65,000 of fringe benefit and indirect cost charges pursuant to section 6B of chapter 29 of the General Laws \$420,274

Office on Disability.

1107-2450 For the purposes of a federally funded grant entitled, Client Assistance Program \$241,336

Massachusetts Commission Against Discrimination.

1150-5118 For the purposes of a federally funded grant entitled, Fair Housing Partnership Private Enforcement Initiative \$75,000

Department of Revenue.

1201-0051 For the purposes of a federally funded grant entitled, Collaboration and Client Cooperation in Massachusetts \$80,000

1201-0053 For the purposes of a federally funded grant entitled, Collaboration between Child Support Enforcement and Criminal Justice Agencies in Massachusetts \$167,748

1201-0104 For the purposes of a federally funded grant entitled, Joint Federal-State Motor Fuel Tax Compliance Project \$50,000

1201-0109 For the purposes of a federally funded grant entitled, Access and Visitation - Parent Education Program \$222,469

1201-0117 For the purposes of a federally funded grant entitled, Child Care Custody Use and Self-Sufficiency Pathways of Low-Income Mothers \$32,363

1201-0163 For the purposes of a federally funded grant entitled, Private Share of Parents of Fragile Families \$375,000

1201-0412 For the purposes of a federally funded grant entitled, Child Support Enforcement Grants \$670,000

1201-2287 For the purposes of a federally funded grant entitled, Massachusetts Community Preservation Trust Fund \$357,909

Department of Veterans Services.

1410-0252 For the purposes of a federally funded grant entitled, Veterans Reintegration, Training, and Placement \$135,000

1410-0253 For the purposes of a federally funded grant entitled, Homeless Veterans Urban Reintegration Program \$165,000

1410-0254 For the purposes of a federally funded grant entitled, Women Veterans Workforce Investment Project \$200,000

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1410-0255 For the purposes of a federally funded grant entitled, Veterans
Workforce Investment Project \$850,000

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Office of the Secretary.

2000-0130 For the purposes of a federally funded grant entitled, Marina
Technical Assistance and Managed Measurement \$30,000

2000-0141 For the purposes of a federally funded grant entitled, Coastal
Zone Management Development \$3,069,068

2000-0148 For the purposes of a federally funded grant entitled, National
Estuary Program - Operation \$510,000

2000-0154 For the purposes of a federally funded grant entitled, Wetlands
Ecological Assessment \$55,000

2000-0156 For the purposes of a federally funded grant entitled, Coastal
2000 Monitoring \$12,000

2000-0161 For the purposes of a federally funded grant entitled, Thermotrex
Corporation High Temperature Materials Application \$45,420

2000-0166 For the purposes of a federally funded grant entitled, Pollution
Prevention Training on Hazardous Wastes for Municipal
Officials \$5,000

2000-0171 For the purposes of a federally funded grant entitled, Smart
Growth on the South Shore \$35,000

2000-0173 For the purposes of a federally funded grant entitled, Aquatic
Nuisance Species Management Plan \$15,000

2000-0175 For the purposes of a federally funded grant entitled, Massachu-
setts Coastal 2000 Monitoring \$290,053

2000-9516 For the purposes of a federally funded grant entitled, Joppa Flats
Salt Marsh Restoration \$45,247

2000-9517 For the purposes of a federally funded grant entitled, Pollution
Prevention Information Network \$26,497

2000-9736 For the purposes of a federally funded grant entitled, Buzzards
Bay Project Management Plan \$550,000

2000-9760 For the purposes of a federally funded grant entitled, Inventory of
Navy Shipwrecks in Massachusetts Waters \$3,962

2030-9701 For the purposes of a federally funded grant entitled, Outdoor
Recreation Projects - Political Subdivisions \$750,000

Department of Environmental Management.

2100-9720 For the purposes of a federally funded grant entitled, Blackstone
Heritage Corridor Commission Cooperative Agreement, Na-
tional Park Service \$124,975

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2100-9725	For the purposes of a federally funded grant entitled, National Dam Safety Program - Federal Emergency Management Administration	\$128,356
2100-9726	For the purposes of a federally funded grant entitled, Recreation Programs for Individuals with Disabilities, U.S. Department of Education	\$50,000
2100-9727	For the purposes of a federally funded grant entitled, Pier Repair - Gallops Island, Boston Harbor Islands Partnership Co-operative	\$153,563
2100-9730	For the purposes of a federally funded grant entitled, State Parks for Everyone, U.S. Department of Education	\$226,573
2120-9702	For the purposes of a federally funded grant entitled, Rural Community Fire Protection	\$140,189
2121-9705	For the purposes of a federally funded grant entitled, USFS Shade Tree and Health	\$655,939
2121-9706	For the purposes of a federally funded grant entitled, Urban Resource Partnership- United States Forest Service	\$122,818
2121-9709	For the purposes of a federally funded grant entitled, Forestry Planning	\$2,500,000
2121-9711	For the purposes of a federally funded grant entitled, USFS Rural Fire Prevention	\$276,723
2121-9712	For the purposes of a federally funded grant entitled, Forest Health Research	\$10,883
2121-9713	For the purposes of a federally funded grant entitled, Wildland-Urban Interface Fuels Management in Southeastern Massachusetts, USDA Forest Service	\$623,511
2121-9718	For the purposes of a federally funded grant entitled, Forestry Incentives Program- United States Forest Service	\$3,254
2121-9722	For the purposes of a federally funded grant entitled, Forest Resource Management - United States Forest Service	\$26,580
2121-9726	For the purposes of a federally funded grant entitled, USFS Forest Health Management	\$108,342
2140-9709	For the purposes of a federally funded grant entitled, WBNERR Operation and Management	\$878,000
2140-9714	For the purposes of a federally funded grant entitled, WBNERR Land Acquisition, US Department of Commerce NOAA	\$518,000
	<i>Department of Environmental Protection.</i>	
2200-9706	For the purposes of a federally funded grant entitled, Water Quality Management Planning	\$588,655

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2200-9712	For the purposes of a federally funded grant entitled, Cooperative Agreement-Leaking Underground Storage Tank Program	\$1,077,890
2200-9717	For the purposes of a federally funded grant entitled, D.O.D. Environment Restoration Program	\$1,640,636
2200-9721	For the purposes of a federally funded grant entitled, Charles George Landfill - Operable Unit III Operations and Maintenance	\$20,491
2200-9722	For the purposes of a federally funded grant entitled, Baird and McGuire	\$890,325
2200-9724	For the purposes of a federally funded grant entitled, Superfund Block Fund Cooperative Agreement	\$1,249,449
2200-9727	For the purposes of a federally funded grant entitled, Brownfields Assessment Demonstration Pilot Cooperative Agreement - Microfab	\$150,000
2200-9728	For the purposes of a federally funded grant entitled, Brownfields Assessment Program - multi-site	\$494,189
2200-9729	For the purposes of a Federally funded grant entitled, Brownfields Pilots Cooperative Agreement	\$82,901
2230-9702	For the purposes of a federally funded grant entitled, Performance Partnership Grant	\$14,789,499
2240-9710	For the purposes of a federally funded grant entitled, Construction Grants Program - Administration	\$33,627
2240-9726	For the purposes of a federally funded grant entitled, Non-Point Source Pollution - Cranberry Bog Total Maximum Daily Load	\$12,832
2240-9727	For the purposes of a federally funded grant entitled, Non-Point Source Pollution Section 319(H)	\$3,213
2240-9728	For the purposes of a federally funded grant entitled, Non-Point Source Pollution Management Plan (319H-7)	\$31,279
2240-9744	For the purposes of a federally funded grant entitled, Water Resources Protection Strategy	\$8,758
2240-9746	For the purposes of a federally funded grant entitled, Wetlands Protection - State Development Grant - BVW Training Video	\$5,861
2240-9747	For the purposes of a federally funded grant entitled, Wetlands Protection - State Development Grant - Small Docks and Piers Guidance	\$5,100
2240-9752	For the purposes of a federally funded grant entitled, Clean Water Act	\$31,000
2240-9760	For the purposes of a federally funded grant entitled, Categorical Charles River Grant	\$75,000

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2250-9712	For the purposes of a federally funded grant entitled, Clean Air Act	\$713,979
2250-9715	For the purposes of a federally funded grant entitled, Municipal Environmental Compliance Grant	\$132,856
2250-9716	For the purposes of a federally funded grant entitled, Ambient Air Toxics Pilot Project	\$100,000
2250-9717	For the purposes of a federally funded grant entitled, Evaluation Outcomes	\$35,000
2250-9718	For the purposes of a federally funded grant entitled, Environmental Results Automation	\$100,000
2230-9705	For the purposes of a federally funded grant entitled, National Environmental Readine	\$400,000
2230-9706	For the purposes of a federally funded grant entitled, National Environmental Network Challenge	\$895,264
2200-9730	For the purposes of a federally funded grant entitled, UST Fields	\$100,000

Department of Fisheries, Wildlife and Environmental Law Enforcement.

2330-9222	For the purposes of a federally funded grant entitled, Clean Vessel	\$926,400
2330-9709	For the purposes of a federally funded grant entitled, Commercial Fisheries Research and Development	\$35,000
2330-9712	For the purposes of a federally funded grant entitled, Commercial Fisheries Statistics	\$618,000
2330-9713	For the purposes of a federally funded grant entitled, Right Whale Preservation and Protection Program	\$156,000
2330-9714	For the purposes of a federally funded grant entitled, Commercial Fisheries Extension	\$91,000
2330-9721	For the purposes of a federally funded grant entitled, Anadromous Fisheries Management	\$4,797
2330-9725	For the purpose of a federally funded grant entitled, Boating Infrastructure	\$300,000
2340-9701	For the purposes of a federally funded grant entitled, Safe Boating Program	\$913,260
2350-0108	For the purposes of a federally funded grant entitled, Fisheries Enforcement Support Services	\$124,500

Metropolitan District Commission.

2440-9757	For the purposes of a federally funded grant entitled, Neponset Salt Marsh Restoration	\$425,000
2440-9758	For the purposes of a federally funded grant entitled, George's Island UST Removal	\$75,000

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2440-9760	For the purposes of a federally funded grant entitled, Minuteman Commuter Bikeway	\$150,000
2440-9761	For the purposes of a federally funded grant entitled, Arlington to Boston Bike Path	\$250,000

Department of Food and Agriculture.

2511-0011	For the purposes of a federally funded grant entitled, Specialty Corps Promotion and Support	\$276,750
2511-0310	For the purposes of a federally funded grant entitled, Pesticide Enforcement	\$173,100
2511-0320	For the purposes of a federally funded grant entitled, Certification of Pesticide Applicators	\$119,491
2511-0335	For the purposes of a federally funded grant entitled, Integrated Pest Management Schools Day Care Centers	\$200,000
2516-9002	For the purposes of a federally funded grant entitled, Development of Institutional Marketing	\$17,500
2516-9003	For the purposes of a federally funded grant entitled, Farmer's Market Coupon Program	\$504,000

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.

Office of the Secretary.

4000-0705	For the purposes of a federally funded grant entitled, Emergency Shelter Grants Program	\$2,306,767
4000-0707	For the purposes of a federally funded grant entitled, Supportive Housing	\$3,355,045
4000-0708	For the purposes of a federally funded grant entitled, Head Start Demonstration	\$315,000
4000-0709	For the purposes of a federally funded grant entitled, Homelessness Continuum of Care	\$1,630,805
4000-0713	For the purposes of a federally funded grant entitled, Youth Development State Collaboration	\$175,000
4000-0714	For the purposes of a federally funded grant entitled, Community Development Technical Assistance	\$38,347
4000-0715	For the purposes of a federally funded grant entitled, Better Access to Organizations Network (BATON)	\$220,000
4000-9300	For the purposes of a federally funded grant entitled, Real Choices Systems Change---Planning Grant	\$50,000
4000-9401	For the purposes of a federally funded grant entitled, Community Mental Health Services	\$8,964,109
4000-9402	For the purposes of a federally funded grant entitled, Substance Abuse Prevention and Treatment Block Grant	\$38,521,403

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4000-9404 For the purposes of a federally funded grant entitled, McKinney Shelter Plus Care \$1,100,000

Division of Medical Assistance.

4000-0314 For the purposes of a federally funded grant entitled, Welfare Reform Administration \$1,200,000

4000-0319 For the purposes of a federally funded grant entitled, HRSA State Planning Grant \$321,195

Office Refugees and Immigration.

4003-0804 For the purposes of a federally funded grant entitled, Refugee Targeted Assistance Grant \$2,411,283

4003-0805 For the purposes of a federally funded grant entitled, Refugee Resettlement Program \$2,412,000

4003-0806 For the purposes of a federally funded grant entitled, Refugee Cash, Medical, and Administration \$10,504,000

4003-0807 For the purposes of a federally funded grant entitled, State Legalization Impact Assistance Grant \$877,008

Massachusetts Commission for the Blind.

4110-3020 For the purposes of a federally funded grant entitled, Vocational Rehabilitation; provided, that no funds shall be deducted for pensions, group health and life insurance or any other such indirect cost of federally reimbursed state employees \$700,000

4110-3021 For the purposes of a federally funded grant entitled, Basic Support Grant \$7,454,241

4110-3023 For the purposes of a federally funded grant entitled, Independent Living - Adaptive Housing \$57,692

4110-3026 For the purposes of a federally funded grant entitled, Independent Living - Services to Older Blind Americans \$403,037

4110-3027 For the purposes of a federally funded grant entitled, Rehabilitation Training \$21,280

4110-3028 For the purposes of a federally funded grant entitled, Supported Employment \$146,250

Massachusetts Rehabilitation Commission.

4120-0020 For the purposes of a federally funded grant entitled, Vocational Rehabilitation; provided, that no funds shall be deducted for pensions, group health and life insurance or any other such indirect cost of federally reimbursed state employees \$39,500,000

4120-0187 For the purposes of a federally funded grant entitled, Supported Employment Program \$880,000

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4120-0189	For the purposes of a federally funded grant entitled, Special Projects and Demonstrations for providing Vocational Rehabilitation Services to individuals with severe disabilities in Massachusetts	\$350,000
4120-0191	For the purposes of a federally funded grant entitled, Informed Members Planning and Assessing Choices Together (IMPACT)	\$450,000
4120-0511	For the purposes of a federally funded grant entitled, Vocational Rehabilitation - Determination of Disability	\$31,900,000
4120-0605	For the purposes of a federally funded grant entitled, Minority Outreach for People With TBI in Massachusetts	\$266,105
4120-0606	For the purposes of a federally funded grant entitled, Recreational Services	\$150,000
4120-0760	For the purposes of a federally funded grant entitled, Independent Living	\$1,670,000

Massachusetts Commission for the Deaf and Hard of Hearing.

4125-0103	For the purposes of a federally funded grant entitled, Massachusetts Assistive Technology Partnership	\$394,796
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Office of Child Care Services.

4130-2010	For the purposes of a federally funded grant entitled, Child Care Inclusion Project	\$99,450
4130-2015	For the purposes of a federally funded grant entitled, Child Care Research Project	\$249,600
4130-9002	For the purposes of a federally funded grant entitled, Child Abuse Prevention Activities	\$407,727

Department of Transitional Assistance.

4400-3067	For the purpose of a federally funded grant entitled, Food Stamp Employment and Training	\$453,450
4400-3069	For the purpose of a federally funded grant entitled, Full Employment Food Stamp Cash-Out	\$50,000

Department of Public Health.

4500-1000	For the purposes of a federally funded grant entitled, Preventive Health Services Block Grant	\$5,735,278
4500-1050	For the purposes of a federally funded grant entitled, Rape Prevention and Education	\$932,861
4500-2000	For the purposes of a federally funded grant entitled, Maternal and Child Health Services Block Grant	\$13,784,442

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4502-1012	For the purposes of a federally funded grant entitled, Cooperative Health Statistics System	\$759,700
4510-0109	For the purposes of a federally funded grant entitled, State Loan Repayment Project	\$135,000
4510-0113	For the purposes of a federally funded grant entitled, Office of Rural Health	\$75,452
4510-0118	For the purposes of a federally funded grant entitled, Primary Care Cooperative Agreement	\$112,199
4510-0119	For the purposes of a federally funded grant entitled, Rural Hospital Flexibility Program	\$361,779
4510-0400	For the purposes of a federally funded grant entitled, Medicare and Medicaid Survey and Certification	\$7,545,733
4510-0403	For the purposes of a federally funded grant entitled, Mass Reporting System Evaluate Effects	\$1,620,185
4510-0500	For the purposes of a federally funded grant entitled, Clinical Laboratory Improvement Amendments	\$374,184
4510-0619	For the purposes of a federally funded grant entitled, FDA Inspection of Food Establishments	\$121,713
4510-0624	For the purposes of a federally funded grant entitled, Retail Food Regulators Instruction	\$42,058
4510-0636	For the purposes of a federally funded grant entitled, Childhood Lead Paint Poisoning Prevention	\$893,069
4510-9014	For the purposes of a federally funded grant entitled, Mammography Quality Standards Act Inspections	\$237,195
4510-9040	For the purposes of a federally funded grant entitled, Diabetes Control Program	\$811,290
4510-9043	For the purposes of a federally funded grant entitled, Demonstration Program to Conduct Toxic Waste Site Health Impact Assessments	\$790,453
4510-9048	For the purposes of a federally funded grant entitled, Indoor Radon Development Program	\$217,441
4510-9049	For the purposes of a federally funded grant entitled, Childhood Asthma and Hazardous Substances Applied Research and Development	\$143,838
4510-9052	For the purposes of a federally funded grant entitled, Tremolite Asbestos Exposure	\$45,030
4510-9053	For the purposes of a federally funded grant entitled, Beaches Environmental Assessment	\$58,675
4512-0102	For the purposes of a federally funded grant entitled, Sexually Transmitted Disease Control	\$1,564,642

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4512-0179	For the purposes of a federally funded grant entitled, Vaccination Assistance Project	\$4,468,304
4512-0180	For the purposes of a federally funded grant entitled, Epidemiology and Lab Surveillance	\$1,774,394
4512-0184	For the purposes of a federally funded grant entitled, Integration of Viral Hepatitis Prevention Services into Existing Prevention Programs	\$220,768
4512-9040	For the purposes of a federally funded grant entitled, Masscal - Mass Collaborative For Action	\$212,238
4512-9045	For the purposes of a federally funded grant entitled, Massachusetts State Treatment Needs Program	\$328,366
4512-9050	For the purposes of a federally funded grant entitled, State Treatment Outcomes and Performance Cooperative Agreement/Pilot Studies	\$77,884
4512-9060	For the purposes of a federally funded grant entitled, Substance Abuse Response to Terrorist Attack	\$143,750
4512-9426	For the purposes of a federally funded grant entitled, Uniform Alcohol and Drug Abuse Data Collection	\$81,176
4513-0111	For the purpose of a federally funded grant entitled, Housing Opportunities-People with AIDS	\$1,878,002
4513-9007	For the purposes of a federally funded grant entitled, Nutritional Status of Women, Infants, and Children (WIC)	\$61,493,463
4513-9018	For the purposes of a federally funded grant entitled, Augmentation and Evaluation of Established Health Education - Risk Reduction	\$10,438,433
4513-9021	For the purposes of a federally funded grant entitled, Program for Infants and Toddlers with Handicaps	\$7,935,085
4513-9022	For the purposes of a federally funded grant entitled, Prevention Disability State Based Project	\$450,510
4513-9027	For the purposes of a federally funded grant entitled, MassCare - Community AIDS Resource Enhancement	\$888,692
4513-9030	For the purposes of a federally funded grant entitled, Planning a Comprehensive Primary Care System for All Mass Children and Youth	\$192,034
4513-9035	For the purposes of a federally funded grant entitled, AIDS Surveillance and Seroprevalence Project	\$1,111,028
4513-9037	For the purposes of a federally funded grant entitled, Ryan White Comprehensive AIDS Resources	\$19,972,299
4513-9038	For the purposes of a federally funded grant entitled, Shelter Plus Care - Worcester	\$190,512

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4513-9046	For the purposes of a federally funded grant entitled, Congenital Anomalies Center of Excellence	\$912,621
4513-9050	For the purposes of a federally funded grant entitled, Max Care - Maximizing Children's Health and Safety in Child Care	\$101,240
4513-9051	For the purposes of a federally funded grant entitled, Rural Domestic Violence and Children Victimization Project	\$398,795
4513-9053	For the purposes of a federally funded grant entitled, Strengthen HIV/AIDS and STD Prevention Through Behavioral Data and Program Decision Making	\$350,648
4513-9061	For the purposes of a federally funded grant entitled, Abstinence Education Project	\$871,925
4513-9062	For the purposes of a federally funded grant entitled, Alcohol Screening Assessment - Pregnancy	\$150,000
4513-9066	For the purposes of a federally funded grant entitled, Universal Newborn Hearing Screening-Enhancement Project	\$139,800
4513-9067	For the purposes of a federally funded grant entitled, Mass Family Connection Project Innovative Approaches Promoting Healthy Behaviors	\$165,000
4513-9068	For the purposes of a federally funded grant entitled, Community Health Worker Network Project	\$50,000
4513-9069	For the purposes of a federally funded grant entitled, HIV Intervention Care Demonstration - Incarcerated	\$1,442,441
4513-9071	For the purposes of a federally funded grant entitled, Early Hearing Detection and Intervention (EHDI) Tracking and Research	\$150,000
4513-9072	For the purposes of a federally funded grant entitled, Intimate Partner Violence Among Racial and Ethnic Minority Populations	\$460,922
4513-9073	For the purposes of a federally funded grant entitled, Massachusetts Medical Home Project	\$177,036
4513-9102	For the purposes of a federally funded grant entitled, Emergency Medical Services Children Partnership	\$160,876
4514-1001	For the purposes of a federally funded grant entitled, Cultural Perspective -Obesity Among Hispanic Participants	\$189,900
4514-1002	For the purposes of a federally funded grant entitled, WIC EBT Cooperative Agreement	\$35,769
4515-0113	For the purposes of a federally funded grant entitled, Health Program for Refugees	\$472,237
4515-0115	For the purposes of a federally funded grant entitled, Tuberculosis Control Project	\$2,508,281

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4515-0117	For the purposes of a federally funded grant entitled, Tuberculosis Epidemiological & Operational Research	\$72,868
4515-0121	For the purposes of a federally funded grant entitled, Tuberculosis Epidemiological Studies and Consortium	\$121,810
4515-0200	For the purposes of a federally funded grant entitled, STD/HIV Prevention Training Centers	\$427,862
4516-1018	For the purposes of a federally funded grant entitled, Lyme Disease Research and Education	\$528,697
4516-1019	For the purposes of a federally funded grant entitled, Laboratory Biomonitoring Planning	\$201,847
4516-1020	For the purposes of a federally funded grant entitled, Preparedness/Response for Bioterrorism	\$1,711,082
4518-0500	For the purposes of a federally funded grant entitled, National Program of Cancer Registries	\$1,322,522
4518-0505	For the purposes of a federally funded grant entitled, Tech Data & Mass Birth/Infant Death File Linkage/Analysis Assistive Reproductive	\$99,018
4518-0506	For the purposes of a federally funded grant entitled, Core Injury Surveillance Phase III	\$132,000
4518-0507	For the purposes of a federally funded grant entitled, Core Injury Surveillance Phase II	\$120,000
4518-0508	For the purposes of a federally funded grant entitled, Statewide Injury Surveillance Evaluation	\$134,625
4518-0509	For the purposes of a federally funded grant entitled, Occupational Health Surveillance Low Incomes	\$156,751
4518-0510	For the purposes of a federally funded grant entitled, Behavioral Risk Factor Surveillance	\$189,235
4518-0513	For the purposes of a federally funded grant entitled, Occupational Injuries to Under Age 18 Youth - Enhancement Surveillance	\$126,281
4518-0530	For the purposes of a federally funded grant entitled, State Assessment Initiatives Support by Cooperative Agreements ...	\$301,776
4518-0532	For the purposes of a federally funded grant entitled, Core Occupational Health Surveillance	\$239,653
4518-1000	For the purposes of a federally funded grant entitled, Procurement of Information for the National Death Index	\$29,176
4518-1002	For the purposes of a federally funded grant entitled, Massachusetts Death File - Social Security Administration	\$148,650
4518-1003	For the purposes of a federally funded grant entitled, Massachusetts Birth Records - Social Security Administration	\$370,101

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4518-9022	For the purposes of a federally funded grant entitled, Sentinel Event Notification System for Occupational Risks	\$169,000
4518-9023	For the purposes of a federally funded grant entitled, Census of Fatal Occupational Injuries	\$36,000
4518-9025	For the purposes of a federally funded grant entitled, Fatality Surveillance and Field Investigations	\$125,466
4570-1503	For the purposes of a federally funded grant entitled, Comprehensive Breast and Cervical Cancer Early Detection Program	\$2,910,512
4570-1506	For the purposes of a federally funded grant entitled, National Comprehensive Cancer Control	\$533,852
4570-1508	For the purposes of a federally funded grant entitled, Well-integrated Screening and Evaluation for Women Across the Nation	\$1,146,443
4570-1509	For the purposes of a federally funded grant entitled, Massachusetts Cardiovascular Disease Prevention	\$360,000
4570-1510	For the purposes of a federally funded grant entitled, Obesity Prevention through State Nutrition and Physical Activity Programs	\$452,269
4570-1511	For the purposes of a federally funded grant entitled, Massachusetts Pass Key to Women's Health	\$100,000
4590-0305	For the purposes of a federally funded grant entitled, Tobacco Use Prevention and Control	\$1,789,336
4590-0306	For the purposes of a federally funded grant entitled, Design & Characterization of Cigarettes	\$249,529

Department of Social Services.

4800-0005	For the purposes of a federally funded grant entitled, Children's Justice Act	\$364,235
4800-0007	For the purposes of a federally funded grant entitled, The Family Violence Prevention and Support Services Act	\$1,720,727
4800-0009	For the purposes of a federally funded grant entitled, Title IV-E Independent Living	\$2,719,020
4800-0013	For the purposes of a federally funded grant entitled, Family Preservation and Support Services	\$4,914,232
4899-0001	For the purposes of a federally funded grant entitled, Title IV-B Child Welfare Services	\$4,615,322
4899-0022	For the purposes of a federally funded grant entitled, Child Abuse and Neglect Prevention and Treatment	\$450,732

Department of Mental Health.

5012-9121	For the purposes of a federally funded grant entitled, Project for Assistance in Transition from Homelessness	\$1,100,000
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5012-9154 For the purposes of a federally funded grant entitled, Disaster Relief	\$575,000
5049-9102 For the purposes of a federally funded grant entitled, Shelter Plus Care Program	\$144,240

Department of Mental Retardation.

5947-0006 For the purposes of a federally funded grant entitled, Family Support Program	\$50,000
5947-0007 For the purposes of a federally funded grant entitled, Massachusetts Bridges to Community Project	\$350,000

EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.

Office of the Secretary.

6000-0018 For the purposes of a federally funded grant entitled, Rural Public Transportation Assistance	\$4,096,325
6000-0019 For the purposes of a federally funded grant entitled, Section 5307 Transportation Demand Management	\$696,606
6000-0020 For the purposes of a federally funded grant entitled, Jobs Access Reverse Commute	\$1,542,775
6000-0023 For the purposes of a federally funded grant entitled, Rural Public Transportation Planning Grant	\$2,178,150
6000-0049 For the purposes of a federally funded grant entitled, Elderly and Handicapped Transportation Capital Grant	\$2,349,232

Massachusetts Aeronautics Commission.

6006-0042 For the purposes of a federally funded grant entitled, Airport System Planning	\$400,000
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Board of Library Commissioners.

7000-9700 For the purposes of a federally funded grant entitled, Federal Reserve - Title I	\$198,481
7000-9702 For the purposes of a federally funded grant entitled, Library Service Technology Act	\$3,247,678

Department of Labor and Workforce Development.

7002-4202 For the purposes of a federally funded grant entitled, Tools for Schools Program Support	\$5,000
7002-4203 For the purposes of a federally funded grant entitled, Occupational Safety and Health Administration Statistics Program	\$131,931
7002-4204 For the purposes of a federally funded grant entitled, Adult Blood Lead Levels Surveillance	\$24,800

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7002-4212	For the purposes of a federally funded grant entitled, Asbestos Licensing and Monitoring	\$125,000
7002-4213	For the purposes of a federally funded grant entitled, Lead Licensing and Monitoring	\$269,021
7002-4215	For the purposes of a federally funded grant entitled, Occupational Illness and Injury	\$87,367
7002-4216	For the purpose of a federally funded grant entitled, Lead Enforcement Cooperation Agreement	\$45,000
7002-6627	For the purposes of a federally funded grant entitled, Occupational Safety and Health Administration Onsite Consultation Program	\$1,167,208
7002-9701	For the purposes of a federally funded grant entitled, Federal Bureau of Labor Statistics	\$2,114,830
7003-1010	For the purposes of a federally funded grant entitled, Trade Expansion Act Program	\$2,927,347
7003-1621	For the purposes of a federally funded grant entitled, Job Training Partnership Title II	\$127,377
7003-1623	For the purposes of a federally funded grant entitled, Dislocated Workers Title III	\$2,700,000
7003-1627	For the purpose of federally funded grant entitled, Welfare to Work	\$10,542,456
7003-1628	For the purpose of a federally funded grant entitled, Workforce Investment Act Title I-Year One	\$6,826,289
7003-1630	For the purpose of a federally funded grant entitled, Workforce Investment Act Title I-Adult Activities	\$11,235,182
7003-1631	For the purpose of a federally funded grant entitled, Workforce Investment Act Title I-Youth Formula Grants	\$16,005,091
7003-1632	For the purpose of a federally funded grant entitled, Workforce Investment Act Title I-Dislocated Workers	\$24,538,464
7003-2013	For the purposes of a federally funded grant entitled, Mine Safety and Health Training	\$62,386

Division of Employment and Training.

7002-6624	For the purposes of a federally funded grant entitled, Unemployment Insurance Programs Administration	\$77,295,107
7002-6626	For the purposes of a federally funded grant entitled, Employment Service Programs Administration	\$22,772,469
7002-6628	For the purposes of a federally funded grant entitled, Federal Disabled Veterans Outreach	\$2,246,089
7002-6629	For the purposes of a federally funded grant entitled, Local Veterans Employment Representative Program	\$1,550,882

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7002-6644 For the purposes of a federally funded grant entitled, Reed Act-State Unemployment Trust Fund Distribution from Employment Security \$2,810,322

Department of Housing and Community Development.

7004-0300 For the purposes of a federally funded grant entitled, Lead Safe Home \$600,000

7004-2030 For the purposes of a federally funded grant entitled, Weatherization Assistance for Low Income Persons; provided, that consistent with applicable federal regulations and the state plan, the department of housing and community development may provide monthly payments in advance to participating agencies \$7,738,295

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 . . . \$75,424,965

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 \$14,525,577

7004-3037 For the purposes of a federally funded grant entitled, Small Cities Community Development Block Grant Program; provided, that consistent with applicable federal regulations and the state plan, the department of housing and community development may provide monthly payments in advance to participating agencies \$64,000,000

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 \$6,100,000

7004-9011 For the purposes of a federally funded grant entitled, Supportive Housing Demonstration Program \$385,716

7004-9014 For the purposes of a federally funded grant entitled, Section 8 Federal Housing Voucher Program; provided, that the department of housing and community development may provide monthly payments in advance to participating agencies \$136,456,470

7004-9019 For the purposes of a federally funded grant entitled, Section 8

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	Moderate Rehabilitation; provided, that the department of housing and community development may provide monthly payments in advance to participating agencies	\$9,500,000
7004-9020	For the purposes of a federally funded grant entitled, Section 8 New Construction Program; provided, that the department of housing and community development may provide monthly payments in advance to participating agencies	\$4,300,000
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	\$24,500,000
7004-9039	For the purposes of a federally funded grant entitled, HOME Technical Assistance	\$50,000
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	\$43,000
7004-9052	For the purposes of a federally funded grant entitled, Shelter Plus Care-Boston; provided, that consistent with applicable federal regulations and the state plan, the department of housing and community development may provide monthly payments in advance to participating agencies	\$856,000
7004-9053	For the purposes of a federally funded grant entitled, Shelter Plus Care-Southbridge; provided, that consistent with applicable federal regulations and the state plan, the department of housing and community development may provide monthly payments in advance to participating agencies	\$120,000
7004-9054	For the purposes of a federally funded grant entitled, Shelter Plus Care-New Bedford; provided, that consistent with applicable federal regulations and the state plan, the department of housing and community development may provide monthly payments in advance to participating agencies	\$25,000
	<i>Division of Energy Resources.</i>	
7006-9201	For the purposes of a federally funded grant entitled, Automated CNG Fueling Station	\$18,800
7006-9204	For the purposes of a federally funded grant entitled, Better Building Project Phase III	\$112

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7006-9207	For the purposes of a federally funded grant entitled, Building on State Industries	\$20,000
7006-9208	For the purposes of a federally funded grant entitled, Rebuild Massachusetts Communities	\$190,730
7006-9209	For the purposes of a federally funded grant entitled, Clean Cities Rebate program	\$10,000
7006-9210	For the purposes of a federally funded grant entitled, Revitalizing Brockton	\$30,000
7006-9211	For the purposes of a federally funded grant entitled, South Yarmouth CNG Shuttle	\$25,752
7006-9212	For the purposes of a federally funded grant entitled, CNG Trash Haulers	\$150,000
7006-9213	For the purposes of a federally funded grant entitled, Supporting Advanced Energy Codes	\$378,651
7006-9214	For the purposes of a federally funded grant entitled, Industries of the Future	\$199,575
7006-9720	For the purposes of a federally funded grant entitled, State Heating Oil and Propane Program	\$22,168
7006-9743	For the purposes of a federally funded grant entitled, State Energy Plan	\$1,001,691
7006-9755	For the purposes of a federally funded grant entitled, String Ribbon Photovoltaic Manufacturing	\$8,249
7006-9757	For the purposes of a federally funded grant entitled, Northeast Regional Biomass Program	\$38,862

Department of Economic Development.

7007-0002	For the purposes of a federally funded grant entitled, Massachusetts Fisheries Initiative	\$540,000
7007-0211	For the purposes of a federally funded grant entitled, Massachusetts Modernization Partnership	\$2,356,000
7007-9007	For the purposes of a federally funded grant entitled, Urban Enterprise Program	\$900,000

Department of Education.

7010-0217	For the purposes of a federally funded grant entitled, Teacher Quality Enhancement Grants for State Partnerships	\$1,859,515
7010-2000	For the purposes of a federally funded grant entitled, Goals 2000 - Distribution	\$1,900,000
7010-2001	For the purposes of a federally funded grant entitled, Goals 2000 - Administration	\$395,954

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7010-8801	For the purposes of a federally funded grant entitled, Technology Literacy Challenge - Distribution	\$92,000
7010-8802	For the purposes of a federally funded grant entitled, Technology Literacy Challenge - Administration	\$150,617
7010-8888	For the purposes of a federally funded grant entitled, School Renovations Ideas and Technology - Distribution	\$150,617
7010-9095	For the purposes of a federally funded grant entitled, Massachusetts Parent Involvement- Administration	\$99,150
7010-9096	For the purposes of a federally funded grant entitled, Massachusetts Parent Involvement - Distribution	\$520,000
7010-9097	For the purposes of a federally funded grant entitled, Palms Phase II- Administration	\$535,03400
7010-9098	For the purposes of a federally funded grant entitled, Palms Phase II- Distribution	\$520,000
7010-9706	For the purposes of a federally funded grant entitled, Common Core Data Project	\$4,283
7010-9732	For the purposes of a federally funded grant entitled, Title IV Innovative Education Strategies Program - Administration . . .	\$2,023,254
7010-9999	For the purposes of a federally funded grant entitled, School Renovation Ideas and Technology Administration	\$200,000
7027-0210	For the purposes of a federally funded grant entitled, Partnerships in Character Education	\$284,500
7027-9113	For the purposes of a federally funded grant entitled, Technical Preparation - Administration	\$100,094
7027-9117	For the purposes of a federally funded grant entitled, Occupational Education - Distribution	\$18,142,290
7027-9125	For the purposes of a federally funded grant entitled, Technical Preparation - Board of Higher Education	\$1,720,000
7027-9126	For the purposes of a federally funded grant entitled, Occupational Education - Administration	\$1,865,014
7028-0601	For the purposes of a federally funded grant entitled, Education of the Handicapped - Administration	\$5,298,150
7030-0191	For the purposes of a federally funded grant entitled, Bilingual Education Programs - Technical Assistance by State Education Agencies	\$204,694
7030-2121	For the purposes of a federally funded grant entitled, Reading Excellence - Distribution	\$5,637,164
7030-2122	For the purposes of a federally funded grant entitled, Reading Excellence - Administration	\$185,344
7030-9737	For the purposes of a federally funded grant entitled, Chapter II Block Grant - Distribution	\$6,500,000

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7030-9780	For the purposes of a federally funded grant entitled, Dwight D Eisenhower Math and Science Education Act - Administration	\$349,341
7030-9791	For the purposes of a federally funded grant entitled, Dwight D Eisenhower Math and Science Education Act - Distribution . . .	\$3,500,000
7032-0190	For the purposes of a federally funded grant entitled, Class Size Reduction Project	\$23,800,000
7032-0217	For the purposes of a federally funded grant entitled, Robert C Byrd Honors Scholarship Program - Distribution	\$880,000
7032-0227	For the purposes of a federally funded grant entitled, Drug-Free Schools - Administration	\$988,932
7032-0228	For the purposes of a federally funded grant entitled, Massachusetts AIDS Education Program	\$1,154,880
7032-0231	For the purposes of a federally funded grant entitled, Drug-Free Schools - Distribution	\$5,817,328
7032-0402	For the purposes of a federally funded grant entitled, Local Education Agencies Education of Children of Low Income Families - Administration	\$2,205,798
7032-0403	For the purposes of a federally funded grant entitled, Chapter I Administrative Grants	\$655,200
7032-0405	For the purposes of a federally funded grant entitled, Title I Accountability	\$6,300,000
7033-9401	For the purposes of a federally funded grant entitled, Christa McAuliffe Fellowship Program - Administration	\$8,500
7033-9402	For the purposes of a federally funded grant entitled, Christa McAuliffe Fellowship Program - Distribution	\$41,000
7035-0013	For the purposes of a federally funded grant entitled, Education of the Handicapped - Distribution	\$12,406,124
7035-0020	For the purposes of a federally funded grant entitled, Massachusetts State Improvement Grant Project Focus	\$1,33,277
7035-0117	For the purposes of a federally funded grant entitled, Education Consolidation Innovative Act Distribution	\$166,000,000
7035-0127	For the purposes of a federally funded grant entitled, Neglected and Delinquent Children	\$650,000
7035-0137	For the purposes of a federally funded grant entitled, Children in Adult Correctional Institutions	\$178,825
7035-0147	For the purposes of a federally funded grant entitled, Migrant Education	\$2,700,000
7035-0152	For the purposes of a federally funded grant entitled, Homeless Children Youth Exemplary Grant	\$500,000

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7035-0155	For the purposes of a federally funded grant entitled, Chapter I Capital Expenses - Private Schools	\$1,100,000
7035-0158	For the purposes of a federally funded grant entitled, Massachusetts Educational Program for Homeless Children	\$143,000
7035-0166	For the purposes of a federally funded grant entitled, Even Start Family Literacy - Distribution	\$1,800,000
7035-0167	For the purposes of a federally funded grant entitled, Even Start Family Literacy - Administration	\$345,000
7035-0176	For the purposes of a federally funded grant entitled, Comprehensive School Demonstration - Distribution	\$3,200,000
7035-0177	For the purposes of a federally funded grant entitled, Comprehensive School Demonstration - Administration	\$480,500
7035-0210	For the purposes of a federally funded grant entitled, Advanced Placement Fee Payment Program	\$192,000
7035-0317	For the purposes of a federally funded grant entitled, Education of the Handicapped - Distribution	\$150,000,000
7035-0713	For the purposes of a federally funded grant entitled, Early Childhood Incentive	\$980,000
7035-0717	For the purposes of a federally funded grant entitled, Preschool Incentive - Distribution	\$7,955,000
7035-0718	For the purposes of a federally funded grant entitled, Preschool Incentive - Discretionary	\$1,800,000
7038-0002	For the purposes of a federally funded grant entitled, Adult Basic Education - Title III	\$1,950,000
7038-0107	For the purposes of a federally funded grant entitled, Adult Basic Education - Distribution	\$6,000,000
7038-0188	For the purposes of a federally funded grant entitled, Family Literacy Administration Phase II	\$200,175
7038-0192	For the purposes of a federally funded grant entitled, Adult Learning Disabilities New England Partnership - Administration	\$20,000
7038-9004	For the purposes of a federally funded grant entitled, School Based Programs - Distribution	\$320,000
7038-9005	For the purposes of a federally funded grant entitled, School Based Training	\$135,000
7038-9008	For the purposes of a federally funded grant entitled, Learn and Serve America, Higher Ed and Schools Partnership	\$320,000
7038-9724	For the purposes of a federally funded grant entitled, Emergency Immigrant Education Assistance	\$92,000
7038-9747	For the purposes of a federally funded grant entitled, Emergency Immigrant Assistance - Distribution	\$4,461,250

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7038-9748	For the purposes of a federally funded grant entitled, Refugee Children School Impact Grant Program	\$537,500
7043-1001	For the purposes of a federally funded grant entitled, Title I Basic Program	\$220,831,736
7043-1002	For the purposes of a federally funded grant entitled, Title I Reading First State Grants	\$15,301,143
7043-1003	For the purposes of a federally funded grant entitled, Title I Even Start	\$4,707,337
7043-1004	For the purposes of a federally funded grant entitled, Title I Migratory Children	\$2,415,330
7043-1005	For the purposes of a federally funded grant entitled, Title I Neglected and Delinquent Children	\$1,477,132
7043-1006	For the purposes of a federally funded grant entitled, Title I Comprehensive School Reform	\$4,899,653
7043-2001	For the purposes of a federally funded grant entitled, Title II Teacher Quality State Grants	\$52,504,307
7043-2002	For the purposes of a federally funded grant entitled, Title II State and Local Technology Grants	\$12,814,920
7043-3001	For the purposes of a federally funded grant entitled, Title III Language Instruction/LEP Immigrants	\$8,161,997
7043-4001	For the purposes of a federally funded grant entitled, Title IV Safe and Drug Free Schools	\$8,997,517
7043-4002	For the purposes of a federally funded grant entitled, Title IV 21st Century Community Learning Centers	\$6,359,594
7043-5001	For the purposes of a federally funded grant entitled, Title V Innovative Programs State Grants	\$7,695,341
7043-5002	For the purposes of a federally funded grant entitled, Title V Fund For Improvement of Education	\$1,518,815
7043-6001	For the purposes of a federally funded grant entitled, Title VI State Assessment Grants	\$7,345,671
7043-6501	For the purposes of a federally funded grant entitled, Title X Homeless Children/Youth	\$1,055,917
7043-7001	For the purposes of a federally funded grant entitled, Special Education Grants	\$191,890,947
7043-7002	For the purposes of a federally funded grant entitled, Preschool Grants	\$10,103,890
7043-8001	For the purposes of a federally funded grant entitled, Vocational Education Grants	\$18,101,085
7043-8002	For the purposes of a federally funded grant entitled, Tech-Prep. Education	\$1,697,959

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7043-9001	For the purposes of a federally funded grant entitled, Adult Education Grants	\$9,604,094
7043-9002	For the purposes of a federally funded grant entitled, Adult Education English Literacy and Civics Grants	\$1,565,948
7053-2105	For the purposes of a federally funded grant entitled, Special Food Distribution Cash	\$775,000
7053-2111	For the purposes of a federally funded grant entitled, Special Milk Program	\$725,625
7053-2112	For the purposes of a federally funded grant entitled, Special Assistance Funds	\$78,100,000
7053-2113	For the purposes of a federally funded grant entitled, Community School Lunch Program	\$25,188,000
7053-2114	For the purposes of a federally funded grant entitled, School Breakfast Program	\$29,166,500
7053-2117	For the purposes of a federally funded grant entitled, Child Care Program	\$53,680,000
7053-2126	For the purposes of a federally funded grant entitled, Temporary Emergency Food Assistance	\$920,000
7053-2202	For the purposes of a federally funded grant entitled, Special Summer Food Service Program for Children	\$6,000,000
7062-0008	For the purposes of a federally funded grant entitled, Office of School Lunch Programs - Child Care Program Administration	\$1,150,000
7062-0009	For the purposes of a federally funded grant entitled, Summer Feeding - Administration	\$100,000
7062-0010	For the purposes of a federally funded grant entitled, Two Percent Child Care- Administration	\$360,000
7062-0012	For the purposes of a federally funded grant entitled, Team Nutrition Training	\$26,600
7062-0016	For the purposes of a federally funded grant entitled, Charter Schools Assistance	\$250,000
7062-0017	For the purposes of a federally funded grant entitled, Charter Schools Assistance- Distribution	\$4,000,000
7062-0019	For the purposes of a federally funded grant entitled, Career Resource Network State Grant	\$230,000

Board of Higher Education.

7066-6022	For the purposes of a federally funded grant entitled, Gear Up - Board of Higher Education	\$3,956,463
7070-0016	For the purposes of a federally funded grant entitled, Special Leveraging Assistance- Tance Partnership	\$1,000,000

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7070-0017	For the purposes of a federally funded grant entitled, State Student Incentive Grant Program - Board of Higher Education	\$989,979
7110-6019	For the purposes of a federally funded grant entitled, Upward Bound Payroll and Benefits - Fitchburg State College	\$140,543
7110-6030	For the purposes of a federally funded grant entitled, Expanding Horizons Student Support Services - Fitchburg State College	\$185,962
7110-6046	For the purposes of a federally funded grant entitled, Co-Step Special Education Payroll and Benefits- Fitchburg State College	\$43,124
7110-6064	For the purposes of a federally funded grant entitled, USIA Community Connections Payroll- Fitchburg State College	\$40,629
7114-9714	For the purposes of a federally funded grant entitled, Special Services for Disadvantaged Students - Salem State College	\$320,000
7116-9760	For the purposes of a federally funded grant entitled, Community Oriented Policing Services - Worcester State College	\$50,000
7116-9761	For the purposes of a federally funded grant entitled, Cops More 98 - Worcester State College	\$25,000
7503-6555	For the purposes of a federally funded grant entitled, Title III Strengthening Institutions Program	\$373,744
7503-9711	For the purposes of a federally funded grant entitled, Special Services for Disadvantaged Students - Bristol Community College	\$331,424
7503-9714	For the purposes of a federally funded grant entitled, Upward Bound Program - Bristol Community College	\$316,863
7508-9760	For the purposes of a federally funded grant entitled, Student Support Services Program-Massasoit Community College	\$199,135
7509-9714	For the purposes of a federally funded grant entitled, Special Services for Disadvantaged Students - Mount Wachusett Community College	\$233,116
7509-9718	For the purposes of a federally funded grant entitled, Talent Search - Mount Wachusett Community College	\$147,329
7509-9721	For the purposes of a federally funded grant entitled, Gear-up - Payroll - Mount Wachusett Community College	\$211,032
7511-9711	For the purposes of a federally funded grant entitled, Special Services for Disadvantaged Students - North Shore Community College	\$399,637
7511-9740	For the purposes of a federally funded grant entitled, Upward Bound - North Shore Community College	\$343,327

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7518-6127 For the purposes of a federally funded grant entitled, College
Work Study Program - Bunker Hill Community College \$237,828

EXECUTIVE OFFICE OF PUBLIC SAFETY.

Department of State Police.

8100-0065 For the purposes of a federally funded grant entitled, COPS In
Car Video program \$250,000
8100-0207 For the purposes of a federally funded grant entitled, MCSAP
Program 2002 \$2,352,730
8100-0208 For the purposes of a federally funded grant entitled, MCSAP
Wireless Communications Program \$216,128
8100-0209 For the purposes of a federally funded grant entitled, Region 1
Training Academy Motor Carrier Safety Assistance \$105,880
8100-2058 For the purposes of a federally funded grant entitled, New
England State Police Administrator's Conference - Regional
Investigation \$2,900,000
8100-9703 For the purposes of a federally funded grant entitled, National
Incident Based Reporting System \$421,536
8100-9706 For the purposes of a federally funded grant entitled, Cannabis
Eradication Controlled Substance Prosecution DEA Coopera-
tive Agreement \$80,000
8100-9710 For the purposes of a federally funded grant entitled, State Police
- Boston Police Forensic DNA Lab Improvements \$784,746

Criminal Justice Training Council.

8200-0010 For the purposes of a federally funded grant entitled,
Massachusetts Police Corps \$2,793,086

Department of Fire Services.

8324-1503 For the purposes of a federally funded grant entitled, Terrorism
Preparedness Training \$80,000
8324-1505 For the purposes of a federally funded grant entitled, USFA/NFA
State Fire Training Program \$50,000
8324-9707 For the purposes of a federally funded grant entitled, Under-
ground Storage Tank Registry Program \$200,000

Registry of Motor Vehicles.

8400-0052 For the purposes of a federally funded grant entitled, Internation-
al Registration Plan \$6,250,000

Committee on Criminal Justice.

8600-0002 For the purposes of a federally funded grant entitled, Juvenile
Justice Delinquency and Prevention Act - Planning \$142,092

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8600-0003	For the purposes of a federally funded grant entitled, Juvenile Justice Delinquency and Prevention Act	\$1,209,472
8600-0008	For the purposes of a federally funded grant entitled, Drug-Free Schools and Communities Act of 1986	\$1,483,326
8600-0009	For the purposes of a federally funded grant entitled, Narcotics Control Assistance	\$8,809,199
8600-0010	For the purposes of a federally funded grant entitled, Statistical Analysis Center	\$52,697
8600-0019	For the purposes of a federally funded grant entitled, Title V - Delinquency Prevention	\$743,599
8600-0020	For the purposes of a federally funded grant entitled, Stop Violence Against Women Formula Grants Program	\$2,609,683
8600-0021	For the purposes of a federally funded grant entitled, Challenge Grants Programs	\$162,000
8600-0023	For the purposes of a federally funded grant entitled, Criminal History Improvement	\$1,209,263
8600-0024	For the purposes of a federally funded grant entitled, State Prisoner Residential Substance Abuse Treatment	\$632,780
8600-0025	For the purposes of a federally funded grant entitled, Local Law Enforcement Block Grants	\$805,202
8600-0033	For the purposes of a federally funded grant entitled, Motor Vehicle Theft Prevention Program	\$240,000
8600-0034	For the purposes of a federally funded grant entitled, Juvenile Accountability Incentive Block Grant	\$4,932,376
8600-0036	For the purposes of a federally funded grant entitled, Residential Substance Abuse Treatment Evaluation	\$9,496
8600-0042	For the purposes of a federally funded grant entitled, Bullet-proof Vest Partnership Program	\$1,250,000
<i>Massachusetts Emergency Management Agency.</i>		
8800-0003	For the purposes of a federally funded grant entitled, Emergency Management Assistance - Personnel and Administrative Expenses	\$2,831,770
8800-0009	For the purposes of a federally funded grant entitled, Emergency Management Training - State and Local Personnel	\$524,176
8800-0037	For the purposes of a federally funded grant entitled, Hazard Mitigation	\$3,769,074
8800-0042	For the purposes of a federally funded grant entitled, Hazardous Materials Transportation Act	\$352,308
8800-0048	For the purposes of a federally funded grant entitled, Flood Mitigation Assistance Program	\$525,230

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8800-0049	For the purposes of a federally funded grant entitled, National Flood Insurance	\$167,291
8800-0054	For the purposes of a federally funded grant entitled, Disaster Relief - October 1996 Floods	\$8,231,524
8800-0055	For the purposes of a federally funded grant entitled, Department of Housing and Urban Development Disaster Relief	\$1,500,000
8800-0068	For the purposes of a federally funded grant entitled, Preparedness Equipment - State and Local	\$1,072,229
8800-0069	For the purposes of a federally funded grant entitled, Comprehensive Environmental Response, Compensation, and Liability Act Grant	\$5,000
8800-0073	For the purposes of a federally funded grant entitled, March 5-7, 2001 Snowstorm - Snow Removal, Disaster Relief, Emergency Assistance	\$589,350

Governor's Highway Safety Board.

8850-0004	For the purposes of a federally funded grant entitled, State Agency Programs	\$6,556,751
8850-0027	For the purposes of a federally funded grant entitled, Massachusetts Occupant Protection Program	\$125,000
8850-0028	For the purposes of a federally funded grant entitled, Enforcing Underage Drinking Laws	\$200,000

Department of Correction.

8903-0019	For the purposes of a federally funded grant entitled, Life Skills for State and Local Prisoners	\$485,000
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Sheriffs.

8910-0118	For the purposes of a federally funded grant entitled, Life Skills for Offenders	\$881,092
8910-0280	For the purposes of a federally funded grant entitled, TRIAD	\$54,000
8910-0370	For the purposes of a federally funded grant entitled, HIV/STD/TB Applied Research Project	\$300,000
8910-0404	For the purposes of a federally funded grant entitled, Family Support Corrections and Law Enforcement	\$60,000
8910-0901	For the purposes of a federally funded grant entitled, Triad COPS	\$22,000
8910-0902	For the purposes of a federally funded grant entitled, Assault Research COPS	\$90,000

EXECUTIVE OFFICE OF ELDER AFFAIRS.

Office of the Secretary.

9110-1074	For the purposes of a federally funded grant entitled, Older Americans Assistance, Title III and Title VII; provided, that the executive office of elder affairs may provide periodic payments in advance to participating agencies	\$10,244,181
9110-1077	For the purposes of a federally funded grant entitled, Older Americans Act, Title III-E, National Family Caregiver Support Program; provided, that the executive office of elder affairs may provide periodic payments in advance to participating agencies	\$4,841,393
9110-1095	For the purposes of a federally funded grant entitled, Health Information Counseling and Assistance; provided that the executive office of elder affairs may provide periodic payments in advance to participating agencies	\$494,500
9110-1173	For the purposes of a federally funded grant entitled, Older Americans Act - Title III Nutrition Program; provided, that the executive office of elder affairs may provide periodic payments in advance to participating agencies	\$13,550,000
9110-1178	For the purposes of a federally funded grant entitled, Community Service Employment Program; provided, that the executive office of elder affairs may provide periodic payments in advance to participating agencies	\$2,028,792
9110-1181	For the purposes of a federally funded grant entitled, Cash in Lieu of Commodities Program; provided, that the executive office of elder affairs may provide periodic payments in advance to participating agencies	\$3,950,000
9110-2457	For the purposes of a federally funded grant entitled, Springfield Multicultural Alzheimer's Services Project; provided, that the executive office of elder affairs may provide periodic payments in advance to participating agencies	\$462,000
9110-2531	For the purposes of a federally funded grant entitled, Caregiver Resource Center for Deaf and Late Deafened Elders; provided, that the executive office of elder affairs may provide periodic payments in advance to participating agencies	\$157,604

SECTION 3. Notwithstanding the provisions of any general or special law to the contrary, except for section 12B of chapter 76 of the General Laws and section 89 of chapter 71 of the General Laws, for the fiscal year ending June 30, 2003 the distribution to cities and towns of the balance of the State Lottery Fund, as paid by the treasurer from the Local Aid Fund in accordance with the provisions of clause (c) of the second paragraph of section 35

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of chapter 10 of the General Laws, shall be \$778,091,951 and shall be apportioned to the cities and towns in accordance with this section; provided, that the amount of any balance in the State Lottery Fund at the end of the fiscal year shall be transferred to the Local Aid Fund; provided further, that the total amount of lottery distribution in fiscal year 2002 shall be considered "general revenue sharing aid received in the prior fiscal year" for purposes of calculating the municipal revenue growth factor pursuant to the provisions of chapter 70 of the General Laws; provided further, that the entire amount of the distribution made by this section shall be exempt from the provisions of section 5 of said chapter 70. If there exists a deficit in the State Lottery Fund at the end of fiscal year 2003, final adjustments of the lottery distribution to cities and towns shall be made by the state treasurer by adjusting downward the second quarterly payment of fiscal year 2004, through the lottery formula, so as to apportion the revenue shortfall.

Notwithstanding the provisions of any general or special law to the contrary, except for section 12B of chapter 76 of the General Laws and section 89 of chapter 71 of the General Laws, the total amounts to be distributed and paid to each city, town, regional school district, independent agricultural school and county maintaining an agricultural school from items 0611-5500 and 7061-0008 of section 2 shall be as set forth in the following lists; provided, that the specified amounts to be distributed from item 7061-0008 of said section 2 are hereby deemed to be in full satisfaction of the amounts due under the provisions of sections 76, 77, 78 and 195 of this act and sections 3, 6 and 7 of chapter 70 of the General Laws; provided further, that the amounts to be distributed from item 0611-5500 of said section 2 are hereby deemed to be in full satisfaction of the amounts due under section 37 of chapter 21 of the General Laws. No payments to cities, towns, or counties maintaining an agricultural school pursuant to this section shall be made after November 30 of the fiscal year by the state treasurer until she receives certification from the commissioner of revenue of said commissioner's acceptance of the prior fiscal year's annual financial reports submitted pursuant to the provisions of section 43 of chapter 44 of the General Laws.

Notwithstanding section 2 of chapter 70 of the general laws or any other general or special law to the contrary, for fiscal year 2003 all wage adjustment factors calculated within the foundation budget appearing below 1 shall be raised by 75% of the difference between the wage adjustment factor and 1.

Notwithstanding the definition of "Net school spending" in section 2 of chapter 70 of the General Laws, for the purpose of calculating the minimum required local contribution for fiscal year 2003, pursuant to said chapter 70, the department of education shall consider health care costs for retired teachers to be part of net school spending for any municipality in which health care costs for retired teachers were considered to be part of net school spending in fiscal year 1994. The department shall not consider health care costs for retired teachers to be part of net school spending for any district in which such costs were not considered part of net school spending in fiscal year 1994. If there is a conflict between the provisions of this section and the distributions listed below, the distribution below shall control.

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Notwithstanding any general or special law to the contrary, any Chapter 70 school aid amount allocated to any school district for fiscal year 2003 in excess of the amount that appeared in section 3 of House Bill 5100 shall be made available to the district's school committee for expenditure without further local appropriation upon the request of the school committee and the vote of the local appropriation authority as defined in section 21C of Chapter 59 of the General Laws, following a recommendation of the local appropriation, finance, or advisory committee, if any.

Base aid due under chapter 70 for fiscal year 2004 shall equal all fiscal year 2003 chapter 70 aid.

Notwithstanding the provisions of any general or special law to the contrary, the sum appropriated in item 7061-0022 of section 2 shall be for disbursement to certain cities and towns as provided in said item and in this section.

The state treasurer shall make advance payments for some or all of periodic local reimbursement or assistance programs to any city, town, regional school district, or independent agricultural and technical school that demonstrates an emergency cash shortfall, as certified by the commissioner of revenue and approved by the secretary of administration and finance, pursuant to guidelines established by said secretary.

Municipality	7061-0008 Chapter 70	7061-0022 Reduce Class Size	0611-5500 Additional Assistance	Lottery Distribution
ABINGTON	6,439,277	-	-	2,068,295
ACTON	2,668,321	-	37,368	1,406,217
ACUSHNET	5,241,382	-	30,043	1,587,971
ADAMS	-	-	44,096	2,024,211
AGAWAM	11,837,774	-	-	3,691,926
ALFORD	-	-	-	15,203
AMESBURY	9,978,669	-	-	2,074,864
AMHERST	5,854,709	54,456	280,503	8,097,758
ANDOVER	6,181,695	-	-	1,854,534
AQUINNAH	-	-	-	2,220
ARLINGTON	6,003,471	-	5,652,310	4,509,629
ASHBURNHAM	-	-	-	700,843
ASHBY	-	-	-	411,019
ASHFIELD	120,726	-	-	168,806
ASHLAND	2,897,888	-	366,937	1,069,482
ATHOL	-	-	5,507	2,264,632
ATTLEBORO	24,736,934	-	-	5,734,233
AUBURN	4,669,138	-	-	1,723,735
AVON	712,769	-	504,148	408,691
AYER	4,486,205	28,796	55,642	768,985

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Municipality	7061-0008 Chapter 70	7061-0022 Reduce Class Size	0611-5500 Additional Assistance	Lottery Distribution
BARNSTABLE	7,631,735	-	-	2,116,934
BARRE	9,851	-	-	796,940
BECKET	91,305	-	10,797	77,515
BEDFORD	2,419,485	-	609,391	823,146
BELCHERTOWN	8,379,052	-	-	1,548,703
BELLINGHAM	8,115,368	-	-	1,904,037
BELMONT	3,530,649	-	1,041,278	1,789,170
BERKLEY	4,661,765	-	-	562,870
BERLIN	617,571	-	-	223,968
BERNARDSTON	-	-	-	263,001
BEVERLY	7,634,024	-	3,086,077	4,100,613
BILLERICA	15,039,538	-	2,956,313	4,255,906
BLACKSTONE	147,096	-	-	1,329,931
BLANDFORD	-	-	-	119,013
BOLTON	-	-	-	186,026
BOSTON	205,643,453	3,784,420	206,638,214	63,492,321
BOURNE	3,716,271	-	443,645	1,220,684
BOXBOROUGH	1,394,072	-	-	243,393
BOXFORD	1,808,196	-	45,818	470,708
BOYLSTON	477,114	-	-	356,001
BRAINTREE	5,818,964	-	4,250,822	3,283,351
BREWSTER	1,026,159	-	-	397,625
BRIDGEWATER	140,512	-	-	3,285,540
BRIMFIELD	1,097,622	-	-	364,837
BROCKTON	112,706,501	839,018	5,424,063	18,396,664
BROOKFIELD	1,635,198	-	-	494,890
BROOKLINE	6,152,559	-	4,401,448	3,977,495
BUCKLAND	7,971	-	-	273,118
BURLINGTON	4,433,992	-	1,744,603	1,600,680
CAMBRIDGE	8,488,881	207,844	22,595,349	8,023,844
CANTON	3,140,912	-	1,104,851	1,482,910
CARLISLE	733,483	-	18,534	220,215
CARVER	8,991,119	-	-	1,477,290
CHARLEMONT	88,183	-	-	158,275
CHARLTON	-	-	-	1,282,797
CHATHAM	560,156	-	-	173,877
CHELMSFORD	8,241,820	-	3,190,395	3,246,972
CHELSEA	41,980,397	400,977	4,274,507	5,585,430
CHESHIRE	294,018	-	-	538,717

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Municipality	7061-0008 Chapter 70	7061-0022 Reduce Class Size	0611-5500 Additional Assistance	Lottery Distribution
CHESTER	-	-	-	164,739
CHESTERFIELD	143,523	-	-	124,346
CHICOPEE	35,663,525	311,795	1,504,526	10,041,559
CHILMARK	-	-	-	3,950
CLARKSBURG	1,455,353	-	16,502	359,293
CLINTON	9,094,344	50,008	220,865	2,252,984
COHASSET	1,434,091	-	209,013	429,536
COLRAIN	-	-	-	231,093
CONCORD	1,928,662	-	483,163	961,464
CONWAY	696,229	-	-	164,973
CUMMINGTON	40,597	-	-	72,482
DALTON	286,814	-	-	998,152
DANVERS	4,462,515	-	1,408,080	2,027,017
DART MOUTH	7,590,854	-	-	2,609,226
DEDHAM	3,817,342	-	1,950,847	2,233,487
DEERFIELD	762,515	-	-	496,399
DENNIS	-	-	-	554,312
DEVENS	410,000	-	-	-
DIGHTON	-	-	-	708,177
DOUGLAS	5,996,271	-	-	693,294
DOVER	414,875	-	-	210,764
DRACUT	13,707,947	-	-	3,630,717
DUDLEY	-	-	-	1,536,684
DUNSTABLE	-	-	37,846	195,939
DUXBURY	3,319,143	-	-	968,315
EAST BRIDGEWATER	8,908,542	-	-	1,519,078
EAST BROOKFIELD	27,380	-	-	281,675
EAST LONGMEADOW	4,098,133	-	-	1,368,440
EASTHAM	302,567	-	-	151,695
EASTHAMPTON	7,463,438	35,525	137,004	2,712,063
EASTON	6,985,651	-	-	2,216,364
EDGARTOWN	403,848	-	35,873	48,085
EGREMONT	-	-	-	65,796
ERVING	306,667	-	16,548	63,971
ESSEX	-	-	42,569	239,827
EVERETT	17,126,835	169,754	5,139,628	3,588,420
FAIRHAVEN	6,967,506	40,200	492,569	2,066,773
FALL RIVER	85,384,896	703,192	2,882,862	22,826,175
FALMOUTH	5,288,882	-	-	1,431,287

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Municipality	7061-0008 Chapter 70	7061-0022 Reduce Class Size	0611-5500 Additional Assistance	Lottery Distribution
FITCHBURG	36,645,805	311,282	270,312	8,506,440
FLORIDA	519,237	-	-	52,267
FOXBOROUGH	6,699,937	-	-	1,600,196
FRAMINGHAM	10,164,588	200,089	5,911,189	6,506,019
FRANKLIN	20,413,071	-	-	2,519,718
FREETOWN	1,115,300	-	-	994,472
GARDNER	16,575,971	66,887	151,944	4,106,707
GEORGETOWN	3,228,474	-	66,691	701,744
GILL	-	-	-	217,801
GLOUCESTER	6,554,127	79,032	2,419,911	2,664,595
GOSHEN	89,121	-	-	70,158
GOSNOLD	10,058	-	2,469	551
GRAFTON	5,078,322	-	-	1,603,750
GRANBY	3,232,103	-	-	851,779
GRANVILLE	832,839	-	-	141,332
GREAT BARRINGTON	-	-	-	801,673
GREENFIELD	9,512,771	84,506	-	3,124,995
GROTON	-	-	-	744,847
GROVELAND	-	-	-	674,022
HADLEY	742,139	-	174,084	329,841
HALIFAX	2,314,346	-	-	940,730
HAMILTON	-	-	53,967	627,297
HAMPDEN	-	-	-	605,061
HANCOCK	166,799	-	22,195	38,668
HANOVER	4,015,201	-	1,669,092	1,104,612
HANSON	-	-	-	1,289,820
HARDWICK	-	-	4,062	396,023
HARVARD	1,431,925	-	69,324	1,938,865
HARWICH	1,704,377	-	-	442,804
HATFIELD	672,227	-	-	316,141
HAVERHILL	33,849,328	178,307	3,149,881	8,032,601
HAWLEY	25,631	-	16,264	28,761
HEATH	-	-	-	64,382
HINGHAM	3,952,913	-	420,485	1,428,766
HINSDALE	96,654	-	-	211,241
HOLBROOK	4,464,776	-	5,987	1,611,943
HOLDEN	139,460	-	-	1,710,718
HOLLAND	818,518	-	-	180,635
HOLLISTON	7,251,411	-	518,826	1,280,179

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Municipality	7061-0008 Chapter 70	7061-0022 Reduce Class Size	0611-5500 Additional Assistance	Lottery Distribution
HOLYOKE	59,511,422	485,198	763,384	9,604,916
HOPEDALE	5,068,956	-	-	667,451
HOPKINTON	4,137,826	-	151,365	657,206
HUBBARDSTON	-	-	-	345,151
HUDSON	6,446,740	-	-	2,145,893
HULL	4,516,679	25,147	1,747,307	1,136,509
HUNTINGTON	-	-	-	313,583
IPSWICH	2,461,050	-	975,780	1,052,891
KINGSTON	3,115,759	-	-	950,339
LAKEVILLE	1,943,979	-	-	787,143
LANCASTER	-	-	-	910,125
LANESBOROUGH	622,597	-	-	366,381
LAWRENCE	110,389,271	937,495	239,970	19,915,827
LEE	1,852,895	12,716	-	677,606
LEICESTER	9,025,412	-	-	1,782,390
LENOX	1,342,091	-	90,787	560,193
LEOMINSTER	29,540,832	142,269	14,714	5,623,305
LEVERETT	271,789	-	-	180,835
LEXINGTON	6,119,692	-	-	1,638,770
LEYDEN	-	-	-	72,787
LINCOLN	573,671	-	367,459	488,352
LITTLETON	1,734,384	-	207,535	588,951
LONGMEADOW	4,231,500	-	-	1,390,886
LOWELL	109,418,078	837,935	7,978,998	20,560,564
LUDLOW	9,409,200	-	-	2,825,665
LUNENBURG	3,650,152	-	-	1,107,540
LYNN	98,243,576	832,518	11,926,220	15,119,725
LYNNFIELD	2,074,922	-	455,892	793,780
MALDEN	25,823,691	182,470	7,030,168	8,770,142
MANCHESTER	-	-	-	252,628
MANSFIELD	9,902,848	-	912,368	1,521,082
MARBLEHEAD	2,942,971	-	49,583	1,207,520
MARION	397,148	-	-	233,186
MARLBOROUGH	6,523,756	91,235	3,433,241	3,278,585
MARSHFIELD	11,768,546	-	255,142	2,156,088
MASHPEE	4,816,289	-	-	278,430
MATTAPOISETT	562,247	-	-	436,879
MAYNARD	2,682,260	-	738,519	1,181,220
MEDFIELD	3,339,769	-	937,000	894,157

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Municipality	7061-0008 Chapter 70	7061-0022 Reduce Class Size	0611-5500 Additional Assistance	Lottery Distribution
MEDFORD	12,495,563	77,264	8,094,393	7,532,599
MEDWAY	6,071,225	-	235,317	1,056,273
MELROSE	6,265,487	-	3,402,865	3,278,759
MENDON	-	-	-	391,787
MERRIMAC	-	-	-	767,453
METHUEN	25,018,938	130,352	205,147	5,415,812
MIDDLEBOROUGH	13,761,293	-	-	2,532,929
MIDDLEFIELD	-	-	-	43,386
MIDDLETON	1,067,839	-	159,272	360,177
MILFORD	11,643,468	-	-	3,224,119
MILLBURY	5,317,232	-	-	1,824,329
MILLIS	2,277,107	-	403,862	833,764
MILLVILLE	47,510	-	-	352,051
MILTON	4,024,758	-	1,566,851	2,450,433
MONROE	43,415	-	17,526	7,502
MONSON	5,312,612	-	-	1,268,544
MONTAGUE	-	-	-	1,235,980
MONTEREY	-	-	15,777	36,690
MONTGOMERY	-	-	-	84,516
MOUNT WASHINGTON	12,574	-	41,886	3,314
NAHANT	455,800	-	157,791	312,234
NANTUCKET	969,022	-	-	78,275
NATICK	4,931,682	-	2,444,348	2,435,049
NEEDHAM	4,504,997	-	259,216	1,669,029
NEW ASHFORD	68,543	-	9,203	9,445
NEW BEDFORD	95,808,151	873,459	901,313	23,850,333
NEW BRAINTREE	-	-	-	113,779
NEW MARLBOROUGH	-	-	-	56,734
NEW SALEM	-	-	-	92,984
NEWBURY	-	-	-	467,196
NEWBURYPORT	3,492,275	-	1,736,621	1,600,739
NEWTON	11,394,437	-	1,732,789	5,209,880
NORFOLK	3,072,385	-	-	991,299
NORTH ADAMS	13,678,354	91,235	233,872	4,448,636
NORTH ANDOVER	4,889,300	-	151,695	1,924,579
NORTH ATTLEBOROUGH	16,551,300	-	-	2,986,525
NORTH BROOKFIELD	4,219,846	-	-	832,766
NORTH READING	3,112,771	-	1,189,787	1,083,593
NORTHAMPTON	8,032,387	58,561	727,239	4,071,701

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Municipality	7061-0008 Chapter 70	7061-0022 Reduce Class Size	0611-5500 Additional Assistance	Lottery Distribution
NORTHBOROUGH	3,113,893	-	76,900	1,080,649
NORTHBRIDGE	11,514,324	51,833	3,865	2,335,382
NORTHFIELD	-	-	-	304,891
NORTON	10,776,284	-	-	2,111,234
NORWELL	2,269,077	-	680,878	687,784
NORWOOD	4,199,430	-	3,354,660	2,682,660
OAK BLUFFS	634,246	-	-	74,035
OAKHAM	63,589	-	-	172,392
ORANGE	5,367,303	52,631	2,661	1,639,733
ORLEANS	267,953	-	-	188,028
OTIS	-	-	-	30,029
OXFORD	7,952,326	-	-	2,175,061
PALMER	9,960,252	41,455	-	1,891,452
PAXTON	34,270	-	-	467,769
PEABODY	16,281,941	-	3,951,625	5,028,007
PELHAM	141,191	-	-	152,149
PEMBROKE	9,611,273	-	-	1,722,079
PEPPERELL	-	-	-	1,299,451
PERU	39,868	-	-	104,979
PETERSHAM	240,233	-	-	110,642
PHILLIPSTON	-	-	5,519	162,324
PITTSFIELD	28,941,235	207,844	1,107,722	7,892,067
PLAINFIELD	53,679	-	-	43,850
PLAINVILLE	2,217,346	-	-	770,825
PLYMOUTH	20,298,057	-	-	3,858,333
PLYMPTON	597,760	-	-	244,745
PRINCETON	-	-	-	304,912
PROVINCETOWN	309,126	-	27,912	146,532
QUINCY	15,165,279	189,996	14,555,556	10,627,940
RANDOLPH	11,260,936	92,033	2,297,597	3,895,298
RAYNHAM	375	-	-	1,135,242
READING	6,121,072	-	1,931,472	2,165,900
REHOBOTH	-	-	-	937,167
REVERE	23,067,165	221,587	6,712,698	6,254,836
RICHMOND	386,119	-	-	116,839
ROCHESTER	1,113,730	-	-	423,340
ROCKLAND	10,015,816	-	496,221	2,475,363
ROCKPORT	1,427,901	-	-	463,571
ROWE	53,056	-	-	4,344

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Municipality	7061-0008 Chapter 70	7061-0022 Reduce Class Size	0611-5500 Additional Assistance	Lottery Distribution
ROWLEY	-	-	143,746	461,136
ROYALSTON	-	-	-	146,055
RUSSELL	-	-	-	226,302
RUTLAND	11,119	-	-	777,460
SALEM	12,334,597	146,204	4,151,021	4,215,255
SALISBURY	-	-	-	632,081
SANDSFIELD	7,986	-	-	30,228
SANDWICH	5,016,623	-	111,247	957,403
SAUGUS	4,228,143	-	2,245,040	2,352,165
SAVOY	364,611	-	17,367	100,575
SCITUATE	3,814,081	-	1,101,119	1,449,261
SEEKONK	3,664,719	-	-	1,244,667
SHARON	6,072,229	-	78,642	1,407,947
SHEFFIELD	-	-	15,023	223,611
SHELBURNE	-	-	-	263,665
SHERBORN	395,414	-	26,364	211,166
SHIRLEY	4,366,506	19,673	233,500	1,168,490
SHREWSBURY	8,745,774	-	376,077	2,482,932
SHUTESBURY	573,004	-	-	149,760
SOMERSET	3,191,654	-	-	1,459,932
SOMERVILLE	24,302,486	320,348	20,410,649	12,579,548
SOUTH HADLEY	6,171,610	-	25,437	2,576,104
SOUTHAMPTON	2,303,974	-	-	579,205
SOUTHBOROUGH	2,322,228	-	-	432,404
SOUTHBRIDGE	14,564,180	114,329	-	3,552,517
SOUTHWICK	-	-	-	1,103,183
SPENCER	219,706	-	-	2,105,128
SPRINGFIELD	208,607,124	1,690,182	2,302,181	34,087,198
STERLING	-	-	-	700,512
STOCKBRIDGE	-	-	-	109,953
STONEHAM	3,284,829	-	2,553,177	2,253,662
STOUGHTON	9,415,846	-	129,781	3,410,309
STOW	-	-	8,776	432,823
STURBRIDGE	1,298,823	-	-	765,491
SUDBURY	3,005,942	-	807,321	915,572
SUNDERLAND	787,076	-	-	474,109
SUTTON	4,473,180	-	-	778,717
SWAMPSCOTT	2,431,038	-	443,359	1,049,552
SWANSEA	4,966,726	-	-	1,942,303

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Municipality	7061-0008 Chapter 70	7061-0022 Reduce Class Size	0611-5500 Additional Assistance	Lottery Distribution
TAUNTON	35,731,575	212,805	-	8,938,499
TEMPLETON	-	-	-	1,237,826
TEWKSBURY	11,476,069	-	-	2,989,060
TISBURY	355,233	-	-	107,346
TOLLAND	-	-	12,413	5,848
TOPSFIELD	728,900	-	318,725	434,808
TOWNSEND	-	-	-	1,185,279
TRURO	261,971	-	-	30,866
TYNGSBOROUGH	6,317,346	-	-	933,395
TYRINGHAM	36,592	-	-	13,448
UPTON	-	-	-	505,680
UXBRIDGE	8,231,670	-	-	1,457,887
WAKEFIELD	4,869,150	-	1,809,635	2,435,881
WALES	741,058	-	-	226,175
WALPOLE	5,393,468	-	1,112,115	1,954,587
WALTHAM	7,158,929	121,285	6,869,270	5,604,744
WARE	6,995,285	49,780	19,199	1,686,435
WAREHAM	11,597,828	109,140	-	2,146,747
WARREN	-	-	-	722,120
WARWICK	-	-	36,354	82,721
WASHINGTON	15,088	-	29,889	69,340
WATERTOWN	2,969,442	-	5,571,114	3,147,986
WAYLAND	2,863,219	-	352,813	719,666
WEBSTER	7,128,461	65,860	78,026	2,446,836
WELLESLEY	3,687,434	-	121,858	1,369,061
WELLFLEET	145,578	-	-	64,574
WENDELL	-	-	32,131	128,872
WENHAM	-	-	175,913	336,192
WEST BOYLSTON	2,723,155	-	85,259	700,233
WEST BRIDGEWATER	1,962,857	-	59,411	649,816
WEST BROOKFIELD	-	-	-	461,290
WEST NEWBURY	-	-	-	295,493
WEST SPRINGFIELD	13,179,351	109,140	-	3,354,930
WEST STOCKBRIDGE	-	-	-	107,749
WEST TISBURY	-	-	229,569	35,948
WESTBOROUGH	3,240,051	-	182,536	1,011,538
WESTFIELD	27,531,720	139,418	-	5,982,647
WESTFORD	10,615,861	-	1,126,887	1,407,229
WESTHAMPTON	348,019	-	-	139,763

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Municipality	7061-0008 Chapter 70	7061-0022 Reduce Class Size	0611-5500 Additional Assistance	Lottery Distribution
WESTMINSTER	-	-	-	633,132
WESTON	1,709,187	-	-	408,032
WESTPORT	3,601,648	-	-	1,323,387
WESTWOOD	2,635,628	-	45,632	747,149
WEYMOUTH	19,551,520	-	3,050,391	7,557,154
WHATELY	155,566	-	-	125,335
WHITMAN	-	-	-	2,266,320
WILBRAHAM	-	-	-	1,267,833
WILLIAMSBURG	437,793	-	-	319,042
WILLIAMSTOWN	1,101,138	-	-	982,576
WILMINGTON	4,134,916	-	1,578,564	1,465,245
WINCHENDON	10,441,224	37,862	31,919	1,608,398
WINCHESTER	3,692,026	-	433,387	1,323,349
WINDSOR	41,640	-	35,260	63,988
WINTHROP	4,932,699	-	2,878,558	2,645,493
WOBURN	5,628,191	-	4,513,710	3,305,356
WORCESTER	153,103,294	1,313,040	14,860,192	31,709,784
WORTHINGTON	-	-	-	111,688
WRENTHAM	3,201,122	-	-	995,663
YARMOUTH	-	-	-	1,265,057
Total Aid to Regional Schools	525,366,351	369,615		
Total	3,258,969,179	18,000,000	476,315,282	778,091,951

Regional School	7061-0008 Chapter 70	7061-0022 Reduce Class Size
ACTON BOXBOROUGH	3,543,199	-
ADAMS CHESHIRE	9,669,729	48,982
AMHERST PELHAM	9,419,188	-
ASHBURNHAM WESTMINSTER	8,540,744	-
ASSABET VALLEY	3,051,938	-
ATHOL ROYALSTON	15,959,986	70,764
BERKSHIRE HILLS	3,268,521	20,984
BERLIN BOYLSTON	962,915	-
BLACKSTONE MILLVILLE	10,632,254	-
BLACKSTONE VALLEY	5,635,627	-
BLUE HILLS	3,794,449	-

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Regional School	7061-0008 Chapter 70	7061-0022 Reduce Class Size
BRIDGEWATER RAYNHAM	18,684,258	-
BRISTOL COUNTY	1,461,167	-
BRISTOL PLYMOUTH	5,538,845	-
CAPE COD	2,220,714	-
CENTRAL BERKSHIRE	8,286,804	-
CHESTERFIELD GOSHEN	646,949	-
CONCORD CARLISLE	1,772,474	-
DENNIS YARMOUTH	7,424,130	110,679
DIGHTON REHOBOTH	10,945,014	-
DOVER SHERBORN	1,423,318	-
DUDLEY CHARLTON	19,564,453	-
ESSEX COUNTY	3,664,972	-
FARMINGTON RIVER	451,007	-
FRANKLIN COUNTY	2,346,963	-
FREETOWN LAKEVILLE	5,828,919	-
FRONTIER	2,483,459	-
GATEWAY	6,957,660	-
GILL MONTAGUE	6,450,351	38,091
GREATER FALL RIVER	11,046,557	-
GREATER LAWRENCE	14,163,663	-
GREATER LOWELL	15,565,037	-
GREATER NEW BEDFORD	18,294,926	-
GROTON DUNSTABLE	9,093,386	-
HAMILTON WENHAM	3,474,401	-
HAMPDEN WILBRAHAM	9,119,599	-
HAMPSHIRE	2,282,010	-
HAWLEMONT	758,481	-
KING PHILIP	5,394,807	-
LINCOLN SUDBURY	2,139,973	-
MANCHESTER ESSEX	1,646,605	-
MARTHAS VINEYARD	2,290,886	-
MASCONOMET	4,349,058	-
MENDON UPTON	7,059,786	-
MINUTEMAN	2,565,688	-
MOHAWK TRAIL	7,345,280	46,416
MONTACHUSETT	7,232,676	-
MOUNT GREYLOCK	2,044,500	-
NARRAGANSETT	7,386,291	-
NASHOBA	6,476,966	-

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Regional School	7061-0008 Chapter 70	7061-0022 Reduce Class Size
NASHOBA VALLEY	2,386,144	-
NAUSET	3,903,029	-
NEW SALEM WENDELL	744,144	-
NORFOLK COUNTY	742,722	-
NORTH MIDDLESEX	20,184,957	-
NORTH SHORE	1,758,805	-
NORTHAMPTON SMITH	915,417	-
NORTHBORO SOUTHBORO	1,891,353	-
NORTHEAST METROPOLITAN	6,502,464	-
NORTHERN BERKSHIRE	2,979,338	-
OLD COLONY	2,295,228	-
OLD ROCHESTER	1,837,325	-
PATHFINDER	2,533,302	-
PENTUCKET	11,908,949	-
PIONEER	3,977,734	18,133
QUABBIN	14,623,917	-
QUABOAG	7,585,764	-
RALPH C MAHAR	3,800,828	-
SHAWSHEEN VALLEY	3,843,071	-
SILVER LAKE	5,874,299	-
SOUTH MIDDLESEX	2,664,555	-
SOUTH SHORE	2,098,219	-
SOUTHEASTERN	8,731,300	-
SOUTHERN BERKSHIRE	2,109,780	15,567
SOUTHERN WORCESTER	4,956,043	-
SOUTHWICK TOLLAND	7,050,606	-
SPENCER EAST BROOKFIELD	11,410,927	-
TANTASQUA	6,355,987	-
TRI COUNTY	3,662,812	-
TRITON	8,845,837	-
UPISLAND	958,843	-
UPPER CAPE COD	2,314,954	-
WACHUSETT	17,602,075	-
WHITMAN HANSON	20,354,790	-
WHITTIER	5,600,250	-
Regional Total	525,366,351	369,615

SECTION 4. Section 28 of chapter 6 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the word "commissioners", in line 8,

the following words:- at the discretion of the attorney general.

SECTION 5. Chapter 6A of the General Laws, as so appearing, is hereby amended by inserting after section 16 the following section:-

Section 16½. The secretary of the executive office of health and human services shall convene interagency children's services teams to establish effective means of collaboration among and between human service agencies and other entities, including but not limited to school districts, for the provision of supports and services to children and to determine which agency or agencies within the jurisdiction of the secretary shall provide or contract for appropriate services to a child in cases when disputes arise among agencies over the delivery of services to a child or when such services are not being provided to a child. For purposes of this section, "agency" shall mean any department, office, commission, board, institution or other agency of the commonwealth within the executive office of health and human services. The teams shall be created on a local or regional basis in accordance with regulations to be developed by the secretary.

The secretary or his designee shall chair the local or regional interagency children's services teams and preside over meetings. Such interagency teams shall also include the commissioner or chief executive officer, or his designee, of the following agencies: the department of public health, the department of social services, the department of education, the department of transitional assistance, the department of mental retardation, the department of mental health, the commission on the deaf and hard of hearing, the Massachusetts rehabilitation commission, the commission for the blind or any other agency as deemed necessary by the secretary to ensure delivery of appropriate and needed services to a child.

The interagency teams shall review such cases on a local or regional basis; seek to identify the assessments and services that might be provided to a family; provide opportunities to receive testimony and evidence from the child, the child's family, the representative of the child or family or the representative or other employee of any agency; designate an agency or agencies to act as a lead agency and develop a plan for collaboration; if necessary, designate an agency or agencies to provide or contract for such services; and direct a designated agency or agencies to accept responsibility for the child and provide or contract for such services.

Students may be referred to the local interagency team by a school district, by any agency or department of the State, or by a parent, guardian, surrogate parent, other service provider of the child, educational advocate or legal advocate representing the child. Written consent of the parent or guardian shall be required prior to any sharing of information concerning a child and all federal and state laws and regulations regarding consent, confidentiality, and privilege shall apply. The child's parent(s), guardian, surrogate parent, educational advocate, or legal advocate shall be provided notice in their primary language of their rights pursuant to this section, including notice of any referral, the requirement for parental consent to the release of any information and records, and copies of all writings produced by the team; shall be part of the interagency team and shall be invited to interagency team meetings and participate actively in its work as it affects their child.

The interagency teams shall have full access to, and the agencies shall provide all information relevant to such cases provided that appropriate consent is provided by parents or students, as may be established by applicable statutes or regulations. All confidential information shall be returned to its originating source upon completion of the team's work and shall not be retained by the interagency team or any member thereof and no member of the interagency team shall disseminate any confidential information revealed to any other individual or entity.

The interagency teams shall keep written records concerning the work of the interagency team with respect to each child referred to it, including information as to the services or placement sought, alternatives considered, conclusions reached, any further recommendations and the membership of the team. The parents, local school district and all relevant agencies shall be promptly informed of the results of the interagency team's work. A student's parents, legal guardian, surrogate parent and educational advocate, and legal advocate shall have the right, upon request, to review or request copies of the written records maintained by the interagency team. Said written records maintained by the interagency team shall be kept by the secretary, shall be kept confidential and shall not be disseminated by any team member.

Nothing herein shall be construed to alter individual education plan development processes, service provision or placement processes applicable to school districts or to alter existing due process rights and procedures under state or federal law. Further, the child and his or her parent(s), legal guardian, or educational surrogate will retain all applicable rights to consent or not to consent to any offered service that might be offered or recommended by the interagency team. Nothing herein shall be construed to require presentation of any issue to the interagency team before using any of the remedies under federal and state law including complaints to the department of education and hearings and mediations before the bureau of special education appeals.

If no collaborative plan is developed and no decision is agreed upon by a majority of the interagency team, the secretary shall designate and require an agency to provide appropriate and needed services to such child. If a designated agency fails to provide services to a child in a manner consistent with the decision of the team, the secretary shall review the matter. If the secretary finds that such decision of the interagency team is reasonable and within the jurisdiction of the designated agency, he shall direct such agency to provide services in accordance with the decision of the interagency team and shall take any other action consistent with state law to ensure that appropriate services are provided to the child.

The secretary shall issue regulations as to the operation of the interagency teams. These regulations shall mandate that the entire team process, including notification to all parties of the team's decision, shall be completed in no less than thirty working days. Said regulations shall set forth an appeal pursuant to chapter 30A to a hearing officer appointed by the secretary.

For purposes of this section, "child" shall mean a person under the age of eighteen, or under the age of twenty-two if such person is disabled or has special needs.

The secretary shall issue an annual report summarizing the activities of the teams during the preceding fiscal year.

SECTION 6. Section 18 of said chapter 6A, as so appearing, is hereby amended by striking out, in lines 3 and 4, the words "; the board of building regulations and standards".

SECTION 7. The second paragraph of section 40G of chapter 7 of the General Laws, as so appearing, is hereby amended by adding the following 2 sentences:- The commissioner shall ensure that all possible efforts are taken to minimize cost to the commonwealth for a lease or rental agreement including, but not limited to, considering real estate markets throughout the commonwealth. The commissioner shall monitor rental market rates throughout the commonwealth and shall initiate renegotiation of lease or rental agreements on behalf of the agencies prior to the expiration of a lease or rental agreement if such renegotiation could reasonably be expected to result in a cost savings to the commonwealth.

SECTION 8. Chapter 7A of the General Laws is hereby amended by adding the following section:-

Section 18. (a) The comptroller may exclude from his certificate pursuant to section 3 any amount otherwise due to any person owing an overdue debt to a city or town or to an agency of a city or town or to a state authority as defined in section 1 of chapter 29; provided however, that the responsible officer for a city, town or for an agency of a city or town or for a state authority shall have filed with the comptroller an affidavit specifying that a debt exists, the amount due and the name of the debtor. A debt may be charged by the comptroller against an amount otherwise due from the commonwealth to a debtor, subject to procedures promulgated by the comptroller. Such procedures shall include, but not be limited to, the following requirements:

(1) that the city or town, agency of the city or town or state authority issue 4 written notices to the debtor over a 120-day period before requesting exclusion of the overdue debt from the certificate;

(2) that the notices advise the debtor of his right to a hearing before the agency or authority and the debtor's liability for interest and late fees which may be assessed;

(3) that, unless otherwise provided by law, the city or town, agency of the city or town or state authority shall hold a hearing pursuant to chapter 30A upon the timely written application of the debtor;

(4) that any costs incurred by the comptroller pursuant to section 3 or to this section on behalf of the city or town, agency of the city or town or state authority may be added to the debt as a late fee pursuant to section 29H of chapter 29 and may be recovered from the city or town, agency of the city or town or state authority;

(5) that any costs incurred pursuant to this section by the city or town, agency of the city or town or state authority may be recovered from the debtor; and

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(6) that, notwithstanding said section 29H of said chapter 29, the comptroller may establish late charge rates and flat fees as provided in said section 29H of said chapter 29 and retain and expend them, without appropriation, to defray the costs incurred pursuant to clause (4).

The procedures promulgated under this section may authorize the comptroller to waive requirements at the request of the city or town or the agency of the city or town or the state authority but all waivers shall be in writing and the reasons for the waiver shall be stated.

(b) A treasurer of a state authority and an appropriate financial officer as defined in section 2C of chapter 60 may avail themselves of this section's procedures.

(c) The comptroller shall report on an annual basis to the house and senate committees on ways and means the status of all intercept projects undertaken pursuant to this section. The comptroller shall report on these projects as part of his annual report pursuant to section 12 of chapter 7A of the General Laws.

SECTION 9. Section 35G of chapter 10 of the General Laws as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

All revenues credited under this section shall remain in the Motorcycle Safety Fund, subject to appropriation, to administer a motorcycle safety program, which shall include, but not be limited to, funding Motorcycle Safety Foundation approved rider education courses and instructor training, maintaining a policy manual that shall provide minimum requirements for instructors and businesses that offer approved rider education courses in the commonwealth, and public awareness efforts. The state treasurer shall not deposit such revenues in, or transfer such revenues to, the General Fund or any other fund other than the Motorcycle Safety Fund. The motorcycle safety program shall be administered by the registrar of motor vehicles.

SECTION 10. Said chapter 10 is hereby further amended by inserting after section 35W the following section:-

Section 35X. (a) There shall be established upon the books of the commonwealth a separate fund to be known as the Quality in Health Professions Trust Fund to be expended, without prior appropriation, by the department of public health. The fund shall consist of 50 per cent of the fee revenue collected in accordance with subsection (b) of this section or subsection (b) of section 35V by the various boards serving within the department under section 9 of chapter 13 excluding the board of registration in medicine. The fees shall be in addition to any existing fees collected for obtaining and renewing a license, certificate, registration, permit or authority as determined by the secretary of administration and finance under section 3B of chapter 7. The commissioner shall make necessary expenditures from this account for the shared administrative costs of the operations and programs of the department related to health board licensing. The commissioner shall further direct that funds from this account shall be expended to provide services in an amount reasonably related to the cost

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of each board's or unit's administrative and regulatory mandates with consideration to revenue generated from each board or unit. The department may incur expenses, and the comptroller may certify for payment, amounts in anticipation of expected receipts, but no expenditure shall be made from the fund that would cause the fund to be in deficit at the close of a fiscal year. Moneys deposited in the fund that are unexpended at the end of the fiscal year and that total not more than 20 per cent of the department's expenditures related to health board licensing for the previous fiscal year shall not revert to the General Fund. The commissioner shall report annually on March 1 to the house and senate committees on ways and means: (i) the revenue credited to the fund; (ii) the amount of fund expenditures that are attributable to the shared administrative costs of the department related to health board licensing and an explanation of why such administrative costs are necessary; (iii) an itemized list of the amount of funds expended by board or unit; and (iv) an analysis of the services provided based on fund expenditures by board or unit, including the manner in which the fund expenditures assist the department in meeting its regulatory mandates related to health board licensing.

(b) Notwithstanding any general or special law to the contrary, the secretary of administration and finance, as directed by a majority vote of each board within the department of public health following a public hearing, shall increase the fee for obtaining or renewing a license, certificate, registration, permit or authority issued by the board by an amount not to exceed 50 per cent, rounded to the nearest dollar, of the fees in effect as of July 1, 1996 to be expended by the commissioner of public health pursuant subsection (a). A board of registration established subsequent to July 1, 1996 may vote to increase a fee based on the amount of the fee at the time of its original promulgation by the secretary of administration and finance. A board that has increased its fees pursuant to subsection (b) of section 35V shall not be required to increase fees pursuant to this subsection. The secretary shall promulgate regulations to effect the changes in fees not later than 45 days following a majority vote of each board.

SECTION 11. Section 62 of said chapter 10 is hereby repealed.

SECTION 12. Chapter 11 of the General Laws is hereby amended by adding the following 2 sections:-

Section 16. There shall be in the office of the state auditor a bureau of special investigations, headed by a director, who shall be appointed by the state auditor, and who shall be a person of ability and experience and shall devote his entire time to the duties of the office. Said auditor may appoint such other experts and officers as he deems necessary to carry out the work of the bureau. Employees of the bureau shall not be members of a collective bargaining unit. The director may expend, subject to appropriation, for legal, investigative, clerical and other assistance and expenses such sums as may be available therefor by the general court. Nothing in this section shall be construed as extending the audit authority of the auditor.

Section 17. The director shall initiate investigations and investigate complaints, including complaints initiated by recipients, which indicate the possibility of either a fraudulent

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claim for payment or services under any assistance program administered by the department of transitional assistance, the department of social services, the division of medical assistance or any other program administered by said departments or the receipt of payment or services by a person not entitled thereto. The director, in conformity with the rules and regulations of the auditor, shall:

(1) initiate investigations and review procedures in order to discover any fraudulent claim or wrongful receipt under any assistance program administered by the department of transitional assistance or any program administered by the department of social services;

(2) examine the records and accounts of the department of transitional assistance, department of social services, the division of medical assistance, the division of industrial accidents, the state retirement board, the department of employment and training and the department of veterans' services and, for such purposes, the director shall have access to such records and accounts at reasonable times and may require the production of books, documents and vouchers relating to any matter within the scope of the investigation;

(3) examine, upon written request to the commissioner of revenue, the tax wage reports, papers or other documents on file with said commissioner, including information which appears in child support enforcement files maintained by the IV-D agency as set forth in chapter 119A concerning dates and amounts of income received, employer, last known address and other information relevant to the investigation of fraud concerning any person where there is reason to believe that such person has committed fraud under any assistance program administered by the department of transitional assistance or the department of social services, and may require the production of such returns, papers and other documents. Nothing herein shall be construed to authorize the examination or disclosure, directly or indirectly, of any information, returns or their records received from the Internal Revenue Service;

(4) examine the records and accounts of any vendor claiming or receiving payment for services rendered under any program administered by the department of transitional assistance or the department of social services insofar as such records and accounts relate to any matter within the scope of such investigation;

(5) examine any information contained on the warrant management system established by section 23A of chapter 276 and receive information from the department of transitional assistance in accordance with clause (e) of the last paragraph of subsection (D) of section 2 of chapter 18;

(6) report to the attorney general, a district attorney, the department of state police, or any of their agents, each case referred to the bureau of special investigations by the department of transitional assistance pursuant to said clause (e), and arrange for a proper place and time for the arrest of an applicant or beneficiary and refer any dependents of the applicant or beneficiary to the department of social services for appropriate action pursuant to chapter 18B and section 23A of chapter 119. The bureau shall not report any information other than the information referred to in this clause or on the warrant management system;

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

(8) report in writing to the governor and the general court the nature and extent of his activities for each month of the fiscal year, such report to be made not later than 30 days after the expiration of each month, which report shall be made available to the public;

(9) examine the records and accounts of any person domiciled or doing business in the commonwealth and any state, county or municipal department, agency, office, bureau, board, commission or division which employs or had employed an individual who is the subject matter of an investigation insofar as those records and accounts pertain to dates, hours and nature of employment or services rendered and the amounts of salary, wages, or other things of value paid and deductions therefrom, including information concerning the prior employment history of the individual who is the subject matter of the investigation;

(10) examine the records and accounts of any bank, as defined in section 1 of chapter 167, national bank, federal savings and loan association, benefit association, insurance company, safe deposit company or loan company authorized to do business in the commonwealth relative to individuals who are the subject matter of an investigation insofar as the records and accounts pertain to deposits, withdrawals, loans, insurance transactions, claims settlements and payments;

(11) examine the student records of any school or institution of higher education within the commonwealth relative to a student who is the subject matter of an investigation or the child, ward or dependent of the subject matter of an investigation insofar as those records pertain to enrollment, attendance, and family history but excluding academic, medical, and evaluative records; and

(12) a written request of the director, or of an authorized representative of the director, for examination of information, records or accounts as provided in clauses (4), (9), (10) and (11) shall be complied with within a reasonable period of time.

Nothing in this section shall be construed as extending the audit authority of the auditor.

SECTION 13. Chapter 13 of the General Laws is hereby amended by striking out section 9, as appearing in the 2000 Official Edition, and inserting in place thereof the following section:-

Section 9. (a) The following boards of registration shall serve in the department of public health: the board of registration in medicine; the board of registration in nursing; the board of registration in pharmacy; the board of registration of physician assistants; the board of registration of perfusionists; the board of registration of nursing home administrators, the board of registration in dentistry, and the board of registration of respiratory therapists.

(b) All other boards of registration and examination mentioned in this chapter shall serve in the division of professional licensure.

(c) Notwithstanding any general or special law to the contrary, all of the board members of the department of public health or the division of registration shall serve without

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compensation but shall be reimbursed for reasonable expenses incurred in the performance of their official duties.

SECTION 14. Section 10 of said chapter 13, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

There shall be a board of registration in medicine, in this section and section 11 called the board, consisting of 9 persons appointed by the governor, who shall be residents of the commonwealth, 5 of whom shall be physicians registered under section 2 of chapter 112, or corresponding provisions of earlier laws, 1 who shall be a nurse registered under chapter 112, 1 who shall be a pharmacist registered under section 24 of chapter 112 and 2 of whom shall be representatives of the public, subject to section 9B. Each member of the board shall serve for a term of 3 years.

SECTION 15. Section 10A of said chapter 13, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "director of consumer affairs and business regulation shall have authority to" and inserting in place thereof the following words:- commissioner of public health may.

SECTION 16. Said section 10A of said chapter 13, as so appearing, is hereby further amended by striking out, in line 5, the word "director" and inserting in place thereof the following word:- commissioner.

SECTION 17. Section 11B of said chapter 13, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

There shall be a board of respiratory care, hereinafter called the board, which shall consist of 7 members to be appointed by the governor and the appointments may be from among a list of nominations submitted by the Massachusetts Society for Respiratory Therapy or its successor. Members of the board shall be residents of the commonwealth and citizens of the United States. Two of such members shall be respiratory therapists licensed in accordance with section 23S of chapter 112 except that such members constituting the first board shall be persons eligible for licensing as practitioners of respiratory care; 2 of such members shall be physicians with pulmonary related specialties licensed in accordance with the provisions of section 2 of said chapter 112, 1 such member shall be a nurse with pulmonary related experience licensed in accordance with said chapter 112, and 2 of such members shall be consumers of respiratory care services selected from and representing the general public.

SECTION 18. Section 11C of said chapter 13, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "within the division of professional licensure in the office of consumer affairs and business regulation".

SECTION 19. Section 13 of said chapter 13 is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-

(a) The governor shall appoint 17 members to a board of registration in nursing, hereinafter called the board. When making such appointments the governor shall consider

persons suggested by nursing organizations in the commonwealth. Members shall be residents of the commonwealth. The composition of the board shall be as follows: 9 registered nurses; 4 licensed practical nurses; 1 physician registered pursuant to chapter 112; 1 pharmacist registered under section 24 of chapter 112 and 2 consumers.

SECTION 20. Section 19 of said chapter 13, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

There shall be a board of registration in dentistry in the following 2 sections called the board, consisting of 9 persons, each of whom shall be a legal resident of the commonwealth, to be appointed by the governor, 6 of whom shall be graduates of a reputable dental college and be reputable dentists who have maintained a license to practice dentistry in the commonwealth for the 8 years next preceding his appointment, 2 of whom shall be representatives of the public, subject to the provisions of section 9B, 1 of whom shall be a graduate of a reputable school of dental hygiene and a reputable dental hygienist who has maintained a license to practice dental hygiene in the commonwealth for the 5 years next preceding his appointment. No more than 1 member of the board who is a dentist may be a full time member of the faculty or a trustee of any institution engaged in educating dentists or having power to confer degrees in dentistry. The governor shall appoint annually in April, for a term of 5 years, a successor to those members of the board whose terms are expiring in that month. No member shall serve more than 2 full terms.

SECTION 21. Said chapter 13 is hereby further amended by striking out section 22, as so appearing, and inserting in place thereof the following section:-

Section 22. There shall be a board of registration in pharmacy, in the 3 following sections called the board, consisting of 11 persons, who shall be residents of the commonwealth. Five of these persons shall be registered pharmacists and shall have had at least 10 consecutive years of practical experience in the compounding and dispensing of physicians' prescriptions, and shall actually be engaged in the drug business. At the time of appointment to the board, at least 1 of such 5 members shall be an independent pharmacist employed in the independent pharmacy setting and at least 1 of 5 members shall be a chain pharmacist employed in the chain pharmacy setting, but not more than 2 pharmacists in any 1 practice setting may serve on the board at any one time. For the purposes of this section 'independent pharmacist' shall mean a pharmacist actively engaged in the business of retail pharmacy and employed in an organization of 9 or fewer registered retail drugstores in the commonwealth under the provisions of section 39 of chapter 112 and employing not more than 20 full time pharmacists, and 'chain pharmacist' shall mean a pharmacist in the employ of a retail drug organization operating 10 or more retail drug stores within the commonwealth under the provisions of said section 39; but an independent pharmacist and a chain pharmacist shall represent two distinct practice settings. One person shall be a registered pharmacist and shall have had at least 10 years of experience in the compounding and dispensing of physicians' prescriptions, and shall actually be engaged as a pharmacist in a non-profit hospital in the commonwealth. One person shall be a registered pharmacist and shall have had at least 10 years of experience employed in a long-term care pharmacy setting.

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Two members shall be representatives of the public, subject to the provisions of section 9B. One member shall be a physician registered pursuant to chapter 112 and 1 member shall be a nurse registered pursuant to chapter 112. No more than 1 member shall reside in the same senatorial district. One member shall annually in November be appointed by the governor, for 5 years from December first following.

SECTION 22. Section 73 of said chapter 13, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

There shall be a board of nursing home administrators, in this section and in sections 74 and 75 called the board, consisting of the commissioner of public health or his designee, the commissioner of public welfare or his designee, the secretary of elder affairs or his designee, and 11 members appointed by the governor. One member shall be an educator actively engaged in the field of health care administration, 1 shall be a medical doctor, 1 shall be a registered nurse, 1 shall be a hospital administrator actively engaged in long term health care administration, and 2 shall be representatives of the public, subject to section 9B. Five members shall be nursing home administrators who shall have been practicing for at least 5 years and who shall be eligible for licensure; and 1 of the 5 shall be the administrator of a nonproprietary nursing home. Not more than 5 members shall be administrators of nursing homes. Each appointive member of the board shall serve for a term of 3 years. Any vacancy shall be filled by the governor for the unexpired term. Members may be removed by the governor for cause after due notice and hearing.

SECTION 23. Section 1 of chapter 14 of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

There shall be within the department of revenue, but not subject to its control or supervision, the office of tax policy analysis established by section 1 of chapter 58B.

SECTION 24. Sections 10 and 11 of said chapter 14 are hereby repealed.

SECTION 25. Section 9 of chapter 15A of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in line 181, the words "subject to" and inserting in place thereof the following words:- without further.

SECTION 26. Said section 9 of said chapter 15A, as so appearing, is hereby further amended by striking out, in lines 190 and 191, the words "for the administration of the program without further appropriation" and inserting in place thereof the following words:- to provide the no interest loans and to provide for the administration of the programs without further appropriation; provided, however, that not more than \$775,000 of the monies shall be expended annually for the administration of the program.

SECTION 27. Section 2 of chapter 21J of the General Laws, as so appearing, is hereby amended by striking out, in line 5, the words "fifty dollars" and inserting in place the following figure:- \$85.

SECTION 28. Said section 2 of said chapter 21J, as so appearing, is hereby further amended by striking out, in line 19, the words "two hundred dollars" and inserting in place the following figure:- \$250.

SECTION 29. Section 5 of chapter 21K of the General Laws, as so appearing, is hereby amended by striking out, in line 120, the words "general fund" and inserting in place thereof the following words:- Department of Fire Services Hazardous Materials Emergency Mitigation Response Recovery Trust Fund.

SECTION 30. Section 3 of chapter 22 of the General Laws, as so appearing, is hereby amended by adding the following sentence:- There shall be in the department a board to be known as the board of building regulations, established under section 93 of chapter 143.

SECTION 31. Section 13A of said chapter 22, as so appearing, is hereby amended by striking out, in line 1, the words "executive office" and inserting in place thereof the following word:- department.

SECTION 32. Section 1 of chapter 24A of the General Laws, as so appearing, is hereby amended by striking out, in lines 25 to 28, inclusive, the words ", the board of registration in medicine and the approving authority established by section two of chapter one hundred and twelve, and the functions established by section two".

SECTION 33. Section 1 of chapter 29, as appearing in the 2000 Official Edition, is hereby amended by striking out the definition for "Balanced budget" and inserting in place thereof the following definition:-

"Balanced budget", a condition of state finance in which the following requirements are met:

(i) the consolidated net surplus at the end of the fiscal year is greater than or equal to one-half of 1 per cent of state tax revenues for such fiscal year; and

(ii) the amount transferred to the stabilization fund pursuant to subsection (a) of section 5C is greater than or equal to one per cent of state tax revenue for such fiscal year.

SECTION 34. Said chapter 29 is hereby further amended by striking out section 2H, as amended by section 13A of chapter 177 of the acts of 2001, and inserting in place thereof the following section:-

Section 2H. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Commonwealth Stabilization Fund, consisting of amounts transferred to the fund in accordance with the provisions of section 5C and income derived from the investment of amounts so transferred. The purpose of the fund shall be to create and maintain a reserve to which any available portion of a consolidated net surplus in the operating funds shall be transferred and from which appropriations may be made for the following purposes: (1) to make up any difference between actual state revenues and allowable state revenues in any fiscal year in which actual revenues fall below the allowable amount and (2) to replace the state and local loss of federal funds or (3) for any event which threatens the health, safety or welfare of the people or the fiscal stability of the commonwealth or any of its political subdivisions. Such event or events, as determined by the general court, shall include, but not be limited to, a substantial decline in economic indicators which result in severe reductions in state revenues or state financial assistance to local governmental units, or court ordered or otherwise mandated assumptions by the common-

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wealth of programs or costs of programs previously borne by local governmental units. The determination by the general court to transfer and appropriate for any such purpose shall be made, after a hearing before the joint committee on ways and means and a comprehensive analysis of alternative legislative action and revenue sources, upon a finding that the transfer and appropriation will not adversely affect the overall fiscal health of the commonwealth, taking into account indicators of future economic performance and conditions affecting state revenues.

In the event that the amount remaining in the fund at the close of a fiscal year exceeds 15 per cent of the budgeted revenues and other financial resources pertaining to the budgeted funds, as confirmed by the comptroller in the audited statutory basis financial report for the immediately preceding fiscal year, the amounts so in excess shall be transferred to the Tax Reduction Fund established by section 2I.

SECTION 35. Chapter 29 of the General Laws is hereby amended by striking out section 2U, as appearing in the 2000 Official Edition, and inserting in place thereof the following section:-

Section 2U. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Ponkapoag Recreational Fund. There shall be credited to the fund revenues generated from fees or any other revenue source at the Ponkapoag golf course in the Blue Hills Reservation in the town of Canton. Revenues credited to the fund shall be used, subject to appropriation, for capital improvements, equipment and maintenance of the golf course, including the costs of personnel, but no expenditure shall be made from the fund that shall cause the fund to be in deficit at the close of a fiscal year.

SECTION 36. Section 2Z of said chapter 29, as amended by section 14 of chapter 177 of the acts of 2001, is hereby further amended by inserting after the word "Metrowest Water Supply Tunnel" the following words:- and the Chicopee Valley Aqueduct Redundancy Project.

SECTION 37. Said chapter 29 is hereby further amended by striking out section 2II, as so appearing, and inserting in place thereof the following section:-

Section 2II. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Leo J. Martin Recreational Fund. There shall be credited to the fund revenues generated from fees or any other revenue source at the Leo J. Martin golf course in the town of Weston and the city of Newton. Revenues credited to the fund shall be used, subject to appropriation, for capital improvements, equipment and maintenance of the golf course, including the costs of personnel, but no expenditure shall be made from the fund that shall cause the fund to be in deficit at the close of a fiscal year.

SECTION 38. Section 2BBB of said chapter 29, inserted by section 13 of chapter 177 of the acts of 2001, is hereby amended by adding the following sentence:- Said fund shall also be credited all revenues or other financing sources directed to it in accordance with section 5B.

SECTION 39. Said chapter 29 is hereby further amended by inserting after section 2CCC the following section:-

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Section 2DDD. There shall be established and set up on the books of the commonwealth, a separate fund to be known as the Department of Fire Services Hazardous Materials Emergency Mitigation Response Recovery Trust Fund, consisting of any monies appropriated to the fund by the general court, any monies recovered pursuant to chapter 21K of the General Laws, any monies received from fines and any income derived from the investment of monies transferred, appropriated or recovered by the fund, not to exceed \$250,000 in any fiscal year. Amounts credited to the fund shall be available for expenditure, without prior appropriation, by the state fire marshal, as head of the department of fire services, who shall act as trustee, solely for the mitigation of hazardous materials emergency response incidents throughout the commonwealth and the reimbursement of all other reasonable related costs to hazardous materials mitigation emergency response member departments, cities, and towns responding to said incidents or for other reasonable expenditures necessary to implement the provisions of said chapter 21K. The department of fire services may incur expenses and the comptroller may certify amounts for payment in anticipation of expected receipts. Monies deposited in the trust fund that are unexpended at the end of the fiscal year, provided that said monies do not exceed \$250,000, shall not revert to the General Fund, any funds in excess of \$250,000 shall revert to the General Fund and be made available for appropriation. No expenditures from said fund shall be authorized that would cause said fund to be deficient at the end of any fiscal year.

SECTION 40. Said chapter 29 is hereby further amended by inserting after section 2DDD the following section:-

Section 2EEE. There is hereby established and set up on the books of the commonwealth a separate fund to be known as the Health Care Quality Improvement Trust Fund. There shall be credited to the fund: (a) amounts transferred pursuant to section 25 of chapter 118G; (b) amounts transferred pursuant to section 26 of said chapter 118G; (c) any appropriation, grant, gift or other contribution explicitly made to the fund; and (d) any income derived from investment of amounts credited to the fund. Amounts credited to the fund shall be expended pursuant to said sections 25 and 26 and any other special law. In conjunction with the preparation of the commonwealth's annual financial report, the comptroller shall prepare and issue an annual report detailing the revenues and expenditures of the fund.

SECTION 41. Said chapter 29 is hereby further amended by inserting after section 2EEE the following section:-

Section 2FFF. There is hereby established and set up on the books of the commonwealth a separate fund to be known as the Deficiency Escrow Fund. There shall be credited to said fund: (a) any amounts transferred pursuant to legislative action; (b) any appropriation, grant, gift or other contribution explicitly made to such fund; and any income derived from investments of amounts credited to said fund. Amounts credited to said fund shall be expended subject to appropriation.

SECTION 42. Section 5B of said chapter 29, as appearing in the 2000 Official Edition, is hereby amended by striking out the last paragraph and inserting in place thereof

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the following paragraph:-

On or before January 15, the commissioner shall meet with the house and senate committees on ways and means and shall jointly develop a consensus tax revenue forecast for the budget for the ensuing fiscal year which shall be agreed to by the commissioner and said committees. In developing such a consensus tax revenue forecast, the commissioner and said committees, or subcommittees of said committees, are hereby authorized to hold joint hearings on the economy of the commonwealth and its impact on tax revenue forecasts; provided, however, that in the first year of the term of office of a governor who has not served in the preceding year, said parties shall agree to the consensus tax revenue forecast not later than January 31. Said consensus tax estimate shall include an estimate of taxes collected pursuant to chapter 62 for capital gain income, as defined therein. The department of revenue shall report on a monthly basis to the house and senate committees on ways and means and the joint committee on taxation the amount of revenues estimated to be collected in that month from capital gains income. Said consensus tax revenue forecast shall be included in a joint resolution and placed before the members of the general court for their consideration. Such joint resolution, if passed by both branches of the general court, shall establish the maximum amount of tax revenue which may be considered for the general appropriation act for the ensuing fiscal year.

SECTION 43. Section 5C of said chapter 29, as amended by section 13 of chapter 177 of the acts of 2001, is hereby further amended by striking out clause (a) and inserting in place thereof the following clause:-

(a) an amount equal to one-half of one per cent of the total revenue from taxes in the preceding fiscal year shall be available to be used as revenue for the current fiscal year and one per cent of the total revenue from taxes in the preceding fiscal year shall be transferred to the Stabilization Fund.

SECTION 44. Section 1 of chapter 29D of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the word "action", in line 12, the following words:- and funds generated from the assessment established pursuant to section 25 and 26 of chapter 118G, including all federal financial participation resulting from MassHealth expenditures funded by said assessment and interest thereon.

SECTION 45. Subsection (a) of section 3 of said chapter 29D, as amended by section 16A of chapter 177 of the acts of 2001, is hereby amended by striking out, in line 10, the word "and",- and by inserting after the word "fund", in line 12, the following:- ; (v) any monies collected pursuant to sections 25 and 26 of chapter 118G; and (vi) any federal reimbursements received pursuant to Title XIX of the Social Security Act and 42 U.S.C. Section 1396b(w), or any successor statutes resulting from MassHealth service expenditures funded by the assessment established pursuant to said sections 25 and 26 of said chapter 118G.

SECTION 45A. Said section 3 of said chapter 29D, as most recently amended by section 16C of said chapter 177, is hereby further amended by adding the following subsection:-

(j) The comptroller shall transfer, on the first business day of each quarter, the amount determined to be necessary pursuant to sections 25 and 26 of said chapter 118G and any other special law to the Health Care Quality Improvement Trust Fund established by section 2EEE of chapter 29.

SECTION 46. Paragraph (a) of subdivision (2) of section 10 of chapter 32 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by adding the following sentence:- The retirement board shall require the employer of any employee applying for a termination retirement allowance to certify in writing, under the pains and penalties of perjury, that one of the following circumstances applies: (1) that the employee has failed of nomination or re-election, (2) that the employee has failed of reappointment, (3) that the employee's office or position has been abolished, or (4) that the employee has been removed or discharged from his position without moral turpitude on his part.

SECTION 47. Paragraph (d) of subdivision (1) of section 21 of chapter 32 of the General Laws, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The public employee retirement administration commission may review all accidental and ordinary disability pensions, and termination retirement allowances under section 10, granted by the retirement boards.

SECTION 48. Section 108L of chapter 41 of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

Notwithstanding any other provision of this section to the contrary, the board of higher education shall establish quality guidelines, including, but not limited to, standards and review processes, for programs pursued for police career incentive pay increases under this section. Any such degree shall have been earned through a program approved by the board of higher education as meeting or exceeding academic standards established by the above-mentioned guidelines. Under no circumstances, shall said board certify any program which grants credits for the following: life experience; courses taught by instructors lacking appropriate educational degrees as determined by said board; and courses lacking appropriate concentration on academic and scholarly research. For the purposes of fulfilling the duties and obligations set forth in this section, the board of higher education shall have the authority to conduct periodic reviews of criminal justice or law degree programs offered by independent regionally accredited colleges and universities. The board of higher education shall only certify career incentive pay increases earned through the completion of programs that meet the board's guidelines, but police officers enrolled, prior to the implementation of the quality guidelines, in degree granting programs in order to receive career incentive base salary adjustments shall, upon attainment of said degree, be eligible for certification by the board of higher education to receive career incentive base salary increases pursuant to the provisions of this section in effect prior to the quality guidelines established pursuant to this paragraph. Police officers receiving career incentive base salary adjustments prior to the implementation of the quality guidelines shall continue to receive such base salary adjustments, as certified by said board, pursuant to the provisions of this section in effect prior to the quality guidelines established pursuant to this paragraph.

SECTION 49. Section 72 of chapter 44 of the General Laws, as so appearing, is hereby amended by striking out the fifth sentence and inserting in place thereof the following sentence:- Notwithstanding the provision of any general or special law to the contrary, any funds received by a city, town or regional school district pursuant to the provision of this paragraph shall be considered unrestricted revenue of the city, town or regional school district; provided, however, that a city or town shall deposit in a separate account for expenditures by the school committee no less than 50 per cent of any such amount; provided, further, that no school committee shall receive a smaller percentage of such amount than it received during fiscal year 2002; provided, further, that a school committee may make expenditures from said separate account for any lawful educational purpose without further appropriation; provided further, that any expenditure from said account on items qualifying as net school spending shall supplement, and substitute for, the net school spending requirement of the district; and provided, further, that the receipt of such funds shall not affect the calculation of the minimum required local contribution and state school aid as defined in section 2 of chapter 70.

SECTION 50. The General Laws are hereby further amended by inserting after chapter 58A the following chapter:-

CHAPTER 58B.

Office of Tax Policy Analysis.

Section 1. There shall be within the department of revenue, but not subject to the control or supervision of said department, an office of tax policy analysis, in this chapter referred to as the office. Said office shall be a separate administrative unit within said department, operating independent of and apart from any division or unit therein, including, but not limited to, the operational state and local tax or finance units. The office shall be headed by a deputy commissioner appointed by a majority vote of the treasurer and receiver general, the state auditor and the governor. The person so chosen shall be selected without regard to political affiliation and solely on the basis of integrity and demonstrated ability and an advanced degree in accounting, financial management, business administration, economics, or statistics. Said deputy shall serve for a term of five years and may be removed for cause.

Section 2. The purposes of said office shall include, but not be limited to, analysis of the tax laws and regulations of the commonwealth, and when applicable, the tax laws and regulations of the federal government, the analysis and projection of the tax revenues of the commonwealth, cooperating with and assisting the commissioner of revenue with the estimates of revenues required pursuant to section 5B of chapter 29 including the estimation of income taxes generated from capital gains income, so-called, and cooperating with and assisting the governor in generating revenue estimates for the governor's annual budget proposal pursuant to section 7H of chapter 29. The department of revenue shall provide the office with such information technology resources as may be necessary for the office to implement the provisions of this chapter. Said department shall provide said office with access to all information, including, but not limited to, electronic files, databases and statistical files

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within its possession that are necessary for said office to perform its functions pursuant to this chapter, provided that said access is consistent with the provisions of section 21 of chapter 62C.

Section 3. The office shall respond to all written requests from the general court and the governor for information, projections and analysis of the tax laws and regulations currently in effect in the commonwealth, or proposed changes in said laws and regulations, and for information or analysis of the collection of the tax revenues of the commonwealth, or proposed changes in the collection of tax revenues. Written requests shall not include inquiries generated by electronic mail programs, so-called. Response to any such request by said office shall be made within three weeks of receipt of said request; provided, however, that said office may request more time to complete a response by submitting a written request for an extension of time in order to complete a response, but in no case shall such extension be for more than an additional 3 weeks.

Section 4. The office shall operate and maintain strict confidentiality regarding all information within its possession in accordance with all laws regarding confidentiality or disclosure of information that apply to the department of revenue including, but not limited to, chapters 62C and 66A. All fines, fees and penalties for breach of said laws that apply to the department of revenue including, but not limited to, subsection (c) of section 21 of chapter 62C, shall also apply to said office.

SECTION 51. Clause Forty-first C of section 5 of chapter 59 of the General Laws, as so appearing, is hereby amended by inserting after the first sentence the following sentence:- A city, by vote of its council and approval of its mayor, or a town, by vote of town meeting, may adjust the following factors contained in these provisions by: 1) reducing the requisite age of eligibility to any person age 65 years or older; 2) increasing either or both of the amounts contained in the first sentence of this clause, by not more than 100 per cent; 3) increasing the amounts contained in subclause (B) of said first sentence whenever they appear in said subclause from \$13,000 to not more than \$20,000 and from \$15,000 dollars to not more than \$30,000; 4) increasing the amounts contained in subclause (C) of said first sentence whenever they appear in said subclause from \$28,000 dollars to not more than \$40,000 and from \$30,000 to not more than \$55,000; and 5) by further excluding from the determination of whole estate up to 3 dwelling units.

SECTION 52. Section 5K of said chapter 59, as so appearing, is hereby amended, by striking out, in line 13, the figure "\$500" and inserting in place thereof the following figure:- \$750.

SECTION 53. Paragraph (g) of section 21C of said chapter 59, as so appearing, is hereby amended by adding the following 3 paragraphs:-

The local appropriating authority may vote to adopt the following exemption to the question:

For residential property whose owner is 65 years of age or older and who occupies said property as his principal residence and whose real estate tax payment exceeds 10 per cent of the taxpayers total income, provided, however, that the taxpayer's total income

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together with the total income of taxpayer's spouse shall not exceed \$60,000. For the purposes of this paragraph "residence" and "taxpayer's total income" shall have the same meaning as used in subsection (k) of section 6 of chapter 62.

Any person qualifying for the exemption shall apply for the same on or before July 1 of the fiscal year in question on a form provided by the assessors. In determining eligibility for an exemption the assessors shall review the income tax forms for the preceding year.

SECTION 54. Paragraph (h) of said section 21C of said chapter 59, as so appearing, is hereby amended by adding the following 3 paragraphs:-

The local appropriating authority may vote to adopt the following exemption to the question:

For residential property whose owner is 65 years of age or older and who occupies said property as his principal residence and whose real estate tax payment exceeds 10 per cent of the taxpayer's total income provided however, that the taxpayer's total income together with the total income of the taxpayer's spouse shall not exceed \$60,000. For the purposes of this paragraph "residence" and "taxpayer's total income" shall have the same meaning as used in subsection (k) of section 6 of chapter 62.

Any person qualifying for the exemption shall apply for the same on or before July 1 of the fiscal year in question on a form provided by the assessors. In determining eligibility for an exemption the assessors shall review the income tax forms for the preceding year.

SECTION 55. Paragraph (i½) of said section 21C of said chapter 59, as so appearing, is hereby amended by adding the following 3 paragraphs:-

The local appropriating authority may vote to adopt the following exemption to the question:

For residential property whose owner is 65 years of age or older and who occupies said property as his principal residence and whose real estate tax payment exceeds 10 per cent of the taxpayer's total income, provided however, that the taxpayer's total income together with the total income of the taxpayer's spouse shall not exceed \$60,000. For the purposes of this paragraph "residence" and "taxpayers total income" shall have the same meaning as used in subsection (k) of section 6 of chapter 62.

Any person qualifying for the exemption shall apply for the same on or before July 1 of the fiscal year in question on a form provided by the assessors. In determining eligibility for an exemption the assessors shall review the income tax forms for the preceding year.

SECTION 56. Paragraph (j) of said section 21C of said chapter 59, as so appearing, is hereby amended by adding the following 3 paragraphs:-

The local appropriating authority may vote to adopt the following exemption to the question:

For residential property whose owner is 65 years of age or older and who occupies said property as his principal residence and whose real estate tax payment exceeds 10 per cent of the taxpayers total income, provided however, that the taxpayer's total income together with the total income of taxpayer's spouse shall not exceed \$60,000. For the pur-

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poses of this paragraph "residence" and "taxpayer's total income" shall have the same meaning as used in subsection (k) of section 6 of chapter 62.

Any person qualifying for the exemption shall apply for the same on or before July 1 of the fiscal year in question on a form provided by the assessors. In determining eligibility for an exemption the assessors shall review the income tax forms for the preceding year.

SECTION 57. Paragraph (k) of said section 21C of said chapter 59, as so appearing, is hereby amended by adding the following 3 paragraphs:-

The local appropriating authority may vote to adopt the following exemption to the question:

For residential property whose owner is 65 years of age or older and who occupies said property as his principal residence and whose real estate tax payment exceeds 10 per cent of the taxpayers total income, provided however, that the taxpayer's total income together with the total income of taxpayer's spouse shall not exceed \$60,000. For the purposes of this paragraph "residence" and "taxpayer's total income" shall have the same meaning as used in subsection (k) of section 6 of chapter 62.

Any person qualifying for the exemption shall apply for the same on or before July 1 of the fiscal year in question on a form provided by the assessors. In determining eligibility for an exemption the assessors shall review the income tax forms for the preceding year.

SECTION 58. The second paragraph of section 2A of chapter 60A of the General Laws, as so appearing, is hereby amended by adding the following 4 sentences:- If the local tax collector, the commissioner of revenue or their designee, has notified the registrar of the exact amount owed, the registrar may renew the registration or license upon receipt by him of full payment of the amount of unpaid excise tax as listed in the notification of nonpayment and upon payment of the charge or charges due the registrar as authorized in this paragraph. The registrar shall provide a receipt of such payment to the registered owner and shall electronically notify the municipality for whom the excise was collected of the receipt of payment. The registrar shall electronically transmit the portion owing to the municipality within 12 working days. In the event that the registered owner has paid the excise tax or registrar's charges to the registrar by check, credit card, debit card or any other payment method and the amount is not duly paid, the registrar shall have the remedies available to him pursuant to paragraph (32) of section 33 of chapter 90 as if such excise tax and registrar's charges were unpaid fees.

SECTION 59. Paragraph (2) of subsection (a) of section 2 of chapter 62, as so appearing, is hereby amended by adding the following 5 subparagraphs:-

(L) Amounts, whether in a single sum or otherwise, paid by an employer by reason of the death of an employee who is a specified terrorist victim, as defined in section 25 of this chapter; provided, however, subject to such rules as the commissioner may prescribe from time to time, that this section shall not apply to (i) amounts which would have been payable after death if the individual had died other than as said specified terrorist victim; and (ii) incidental death benefits paid from a plan described in the provisions of section 401(a) of the Internal Revenue Code and exempt from tax under the provisions of section 501(a) of

the Internal Revenue Code. For purposes of this section, the term "employee" shall include a self-employed individual as defined under section 401 (c)(1) of the Internal Revenue Code.

(M) Any amount which, but for this section, would be included in gross income by reason of the discharge, in whole or in part, of indebtedness of any taxpayer if the discharge is by reason of the death of an individual incurred as the result of the terrorist attacks against the United States on September 11, 2001, or as the result of illness incurred as a result of an attack involving anthrax occurring on or after September 11, 2001, and before January 1, 2002.

(N) Any amount received by an individual as a qualified disaster relief payment.

(i) For purposes of this section, the term "qualified disaster relief payment" means an amount paid to or for the benefit of an individual (a) to reimburse or pay reasonable and necessary personal, family, living, or funeral expenses incurred as a result of a qualified disaster, (b) to reimburse or pay reasonable and necessary expenses incurred for the repair or rehabilitation, of a personal residence or repair or replacement of its contents to the extent that the need for such repair, rehabilitation, or replacement is attributable to a qualified disaster, (c) by a person engaged in the furnishing or sale of transportation as a common carrier by reason of the death or personal physical injuries incurred as a result of a qualified disaster, or (d) if such amount is paid by the United States or a state or local government, or agency or instrumentality thereof, in connection with a qualified disaster in order to promote the general welfare, but only to the extent any expense compensated by such payment is not otherwise compensated for by insurance or otherwise.

(ii) For purposes of this section, the term "qualified disaster" means (a) a disaster which results from a terroristic or military action as defined in section 692(c)(2) of the Internal Revenue Code as in effect for the current taxable year, (b) a Presidentially declared disaster as defined in section 1033(h)(3) of the Internal Revenue Code as in effect for the current taxable year, (c) a disaster which results from an accident involving a common carrier, or from any other event, which is determined by the commissioner to be of a catastrophic nature, or (d) with respect to amounts described in subclause (d) of clause (i) of this subparagraph, a disaster which is determined by the applicable United States or state authority to warrant assistance from the United States or a state or agency or instrumentality thereof.

(iii) This section shall not apply with respect to any individual identified by the attorney general of the United States to have been a participant or conspirator in a terroristic action as specified in section 25 of this chapter or a representative of such individual.

(O) Any amount received as payment under section 406 of the Air Transportation Safety and System Stabilization Act, so-called.

(P) Amounts received by an individual as disability income attributable to injuries incurred as a direct result of a terroristic or military action as defined in section 692(c)(2) of the Internal Revenue Code in effect for the current taxable year.

SECTION 60. Said chapter 62 is hereby amended by striking out section 25, as so appearing, and inserting in place thereof the following section:-

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Section 25. (a) Every individual who while an inhabitant of the commonwealth, and every executor, administrator, trustee or other fiduciary who while such an inhabitant or while acting under an appointment derived from a court in the commonwealth has received any income taxable under this chapter, and the estate of every deceased inhabitant of the commonwealth, shall be subject to the taxes imposed by this chapter.

(b) Any individual (i) who dies while in active service as a member of the Armed Forces of the United States and serving in a combat zone or while a military or civilian employee of the United States as a result of terroristic or military action; and (ii) who otherwise qualifies under the provisions of section 692 of the Internal Revenue Code, shall not be subject to taxation under this chapter to the same extent as that individual is exempt from federal income taxation under said section.

(c)(1) In the case of a specified terrorist victim, any tax imposed by this chapter shall not apply with respect to the taxable year in which falls the date of death, and with respect to any prior taxable year in the period beginning with the last taxable year ending before the taxable year in which the wounds, injury, or illness referred to in paragraph (3) were incurred.

(2) If, but for this paragraph, the amount of tax not imposed by paragraph (1) with respect to a specified terrorist victim is less than \$3,000, then such victim shall be treated as having made a payment against the tax imposed by this chapter for such victim's last taxable year in an amount equal to the excess of \$3,000 over the amount of tax not so imposed.

(3) Subject to such rules as the commissioner may prescribe, paragraph (1) shall not apply to the amount of any tax imposed by this chapter which would be computed by only taking into account the items of income, gain, or other amounts attributable to (i) deferred compensation which would have been payable after death if the individual had died other than as a specified terrorist victim, or (ii) amounts payable in the taxable year which would not have been payable in such taxable year but for an action taken after September 11, 2001.

(4) For purposes of this subsection, the term "specified terrorist victim" means any decedent (i) who dies as a result of wounds or injury incurred as a result of the terrorist attacks against the United States on April 19, 1995, or September 11, 2001, or (ii) who dies as a result of illness incurred as a result of an attack involving anthrax occurring on or after September 11, 2001 and before January 1, 2002. Such term shall not include any individual identified by the attorney general of the United States to have been a participant or conspirator in any such attack or representative of such an individual.

SECTION 61. Section 1 of chapter 62C of the General Laws, as so appearing, is hereby amended by inserting after the definition of "Code" the following definition:-

"Office", the office of tax policy analysis.

SECTION 62. Section 21 of said chapter 62C, as so appearing, is hereby amended by inserting after the word "commissioner", in line 1, the following words:- or the office.

SECTION 63. Subsection (b) of said section 21 of said chapter 62C, as so appearing, is hereby amended by inserting after clause (10) the following clause:-

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(10½) the disclosure to the office, established pursuant to chapter 58B, of all information necessary for the office to perform or formulate projections of tax revenues, analytical and statistical analysis of the various tax laws and regulations of the commonwealth currently in effect, or proposed changes in said laws and regulations.

SECTION 64. Section 49A of chapter 62C of the General Laws, as so appearing, is hereby amended by adding the following 2 subsections:-

(d) Any person who owns or leases a motor vehicle or trailer that is required to be registered in the commonwealth under chapter 90 and improperly registers the motor vehicle or trailer in another state or misrepresents the place of garaging of the motor vehicle or trailer in another city or town, shall be considered in violation of laws of the commonwealth relating to taxes under chapter 60A, chapter 64H or chapter 64I. The right, license or contract provided for in subsections (a) and (b) shall not be issued or renewed until the person or business entity has paid all taxes due at the time of application for such right, license or contract.

(e) Any person who, for the purpose of evading payment of a tax pursuant to chapters 59 to 64J, inclusive, willfully makes and subscribes any return, form, statement or other document pursuant to subsection (a), (b) or (d) that contains or is verified by a written declaration that is made under the penalties of perjury, and that contains information that he does not believe to be true and correct as to every matter material to his compliance with all laws of the commonwealth relating to taxes, shall be subject to section 73.

SECTION 65. Said chapter 62C is hereby further amended by adding the following section:-

Section 87. In the case of a taxpayer determined by the commissioner to be affected by a Presidentially declared disaster, as defined in section 1033(h)(3) of the Internal Revenue Code as in effect for the current taxable year, or a terroristic or military action, as defined in section 692(c)(2) of said Internal Revenue Code, the commissioner may specify a period of up to 1 year that may be disregarded in determining, under this chapter, in respect of any tax liability of such taxpayer (1) whether any of the acts described in paragraph (1) of subsection (a) of section 81 were performed within the time prescribed therefor, determined without regard to extension under any other provision of this chapter for periods after the date determined by the commissioner of such disaster or action, (2) the amount of any interest, penalty, additional amount, or addition to the tax for periods after such date, and (3) the amount of any credit or refund.

In the case of a pension or other employee benefit plan, or any sponsor, administrator, participant, beneficiary, or other person with respect to such plan, affected by a disaster or action described in subsection (a), the commissioner may specify a period of up to 1 year which may be disregarded in determining the date by which any action is required or permitted to be completed under this chapter. No plan shall be treated as failing to be operated in accordance with the terms of the plan solely as the result of disregarding any period by reason of the preceding sentence.

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SECTION 66. Section 1 of chapter 62D of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in lines 7 to 9, inclusive, the words "or the division of health care finance and policy in the exercise of its duty to administer the uncompensated care pool pursuant to chapter 118G" and inserting in place thereof the following words:- the division of health care finance and policy in the exercise of its duty to administer the uncompensated care pool pursuant to chapter 118G or the office of the state comptroller.

SECTION 67. Said section 1 of said chapter 62D, as so appearing, is hereby further amended by inserting after the figure "29", in line 24, the following words:- , any overdue debt certified by the comptroller as due or owing to a city or town of the commonwealth or any agency of the city or town or any state authority as defined in said section 1 of said chapter 29.

SECTION 68. Section 13 of said chapter 62D, as so appearing, is hereby amended by striking out, in line 10, the word "and", - and by inserting after the figure "118G", in line 13, the following words:- ; and (ix) any overdue debt certified by the comptroller as due and owing to a city or town or to an agency of a city or town or to a state authority as defined in section 1 of chapter 29.

SECTION 69. Section 2 of chapter 62F of the General Laws is hereby amended by inserting the following definitions:-

"Cumulative net state tax revenues," the sum of the net state tax revenues collected in each quarter of the fiscal year, year-to-date.

"Cumulative permissible tax revenues," the sum of the permissible tax revenues for each quarter of the fiscal year, year-to-date.

"Permissible revenue growth rate", growth rate of two percent over the rate of inflation. For this purpose, the rate of inflation shall be the percent increase in the implicit price deflator for state and local government purchases during the most recent twelve-month period for which data is available but shall not be less than 0 per cent.

"Permissible tax revenue," for any quarter or year, an amount equal to the cumulative net state tax revenues of the same period in the immediately preceding fiscal year, multiplied by the sum of one plus the permissible revenue growth rate.

SECTION 70. Section 5 of chapter 62F is hereby amended by adding the following subsection:-

(d) The commissioner shall calculate the permissible tax revenue, as defined in this chapter, on a quarterly basis, in accordance with the manner and fiscal year schedule with which the commissioner calculates tax revenues.

The commissioner shall calculate the year-to-date difference, if any, between cumulative net state tax revenues and cumulative permissible tax revenues. The commissioner shall report said amounts on a quarterly basis to the state comptroller, who shall, pursuant to the provisions of section 6A, adjust the balance in the temporary holding fund by the comptroller.

SECTION 71. Said chapter 62F is hereby further amended by inserting after section 6 the following section:-

Section 6A. For any quarter of a fiscal year in which cumulative net state tax revenues exceed cumulative permissible tax revenues as defined in this chapter, the comptroller shall transfer such amounts as necessary from the General Fund to the temporary holding fund established by the comptroller to ensure that for the end of each quarter of the fiscal year, the balance of the temporary holding fund shall reflect the year-to-date difference between cumulative net state tax revenues and cumulative permissible state tax revenues. If the balance in the temporary holding fund exceeds the year-to-date difference between cumulative net state tax revenues and cumulative permissible state tax revenues, the comptroller shall transfer the amount of the difference to the General Fund. The secretary of administration and finance may promulgate rules, regulations and guidelines to effectuate the purposes of this section.

For any fiscal year when expenditure from the Commonwealth Stabilization Fund is required to pay expenses of the commonwealth, the comptroller shall reimburse the Commonwealth Stabilization Fund from the temporary holding fund the amount of all such appropriations from the Commonwealth Stabilization Fund, provided that said reimbursement shall not exceed the balance in the temporary holding fund. After the determination and disposition of consolidated net surplus pursuant to section 5C of chapter 29 and reimbursement of the Commonwealth Stabilization Fund pursuant to this section, any balance in the temporary holding fund after the comptroller makes any transfer to or from the General Fund required for the fourth quarter of a fiscal year shall be transferred in the following proportions: 10 per cent to the Tax Reduction Fund established in section 2I of chapter 29; 35 per cent to the One-Time Capital Projects Improvement Fund established pursuant to section 2BBB of said chapter 29; 40 per cent to the Stabilization Fund established pursuant to section 2H of said chapter 29; and 15 per cent to the Open Space Acquisition Fund established in section 2CCC of said chapter 29. In the event that the amount of said transfer to the Commonwealth Stabilization Fund would cause the ending balance in the Stabilization Fund to exceed the limits defined in section 2H of said chapter 29, the amounts so in excess shall be transferred to the Tax Reduction Fund, established pursuant to section 2I of said chapter 29.

SECTION 72. Chapter 64H of the General Laws is hereby amended by inserting after section 2 the following section:-

Section 2B. Any city or town which accepts the provisions of this section may impose a local excise tax, as provided in this chapter, upon the sale of meals, as defined in this chapter, of 1 per cent of the total price of the meal. The local excise tax imposed under this section shall be paid by the vendor to the commissioner at the same time and in the same manner as the excise tax due the commonwealth. All sums received by the commissioner under this section as excise, penalties or forfeitures, interest, costs of suit and fines shall at least quarterly be distributed, credited and paid by the state treasurer upon certification of the

commissioner to each city or town that has adopted the provisions of this section in proportion to the amount of such sums received from the sale of meals in each such city or town. This section shall only take effect in a city or town accepting the provisions of this section by a majority vote of the city council with the approval of the mayor, in the case of a city with a Plan A, Plan B, or Plan F charter, by a majority vote of the city council, in the case of a city with a Plan C, Plan D, or Plan E charter, by a majority vote of the annual town meeting or a special meeting called for that purpose, in the called-for purpose, in the case of a municipality with a town meeting form of government; or by a majority of the town council, in the case of a municipality with a town form of government. The provisions of this section shall take effect on the first day of the first calendar month following days after such acceptance; provided further that if such day is at least 15 days after such acceptance; and provided further, that if such day is less than 15 days such acceptance it shall take effect on the first day of the second calendar month following such acceptance. The city or town, in accepting this section, may not revoke or reimpose the local excise tax provided for in this section more often than once in any 12 month period.

SECTION 73. Subsection (c) of section 3 of said chapter 64H, as appearing in the 2000 Official Edition, is hereby amended by inserting after the third sentence the following sentence:- On any form prescribed by the commissioner under this section, the purchaser shall be required to identify the place of his principal residence under the pains and penalties of perjury.

SECTION 74. The General Laws are hereby amended by inserting after chapter 64K the following chapter:-

CHAPTER 64L.

SIMPLIFIED SALES AND USE TAX ADMINISTRATION.

Section 1. This chapter shall be known as the "Simplified Sales and Use Tax Administration Act".

Section 2. As used in this chapter, the following words shall have the following meanings:-

"Agreement", the Streamlined Sales and Use Tax Agreement.

"Certified automated system", software certified jointly by the states that are signatories to the Agreement to calculate the tax imposed by each jurisdiction on a transaction, determine the amount of tax to remit to the appropriate state, and maintain a record of the transaction.

"Certified service provider", an agent certified jointly by the states that are signatories to the Agreement to perform all of the seller's sales tax functions.

"Person", an individual, trust, estate, fiduciary, partnership, limited liability company, limited liability partnership, corporation, or any other legal entity.

"Sales tax", the tax levied under chapter 64H.

"Seller", any person making sales, leases, or rentals of personal property or services.

"State", any state of the United States and the District of Columbia.

"Use tax", the tax levied under chapter 64I.

Section 3. The commonwealth finds that a simplified sales and use tax system will reduce and over time eliminate the burden and cost for vendors to collect this state's sales and use tax. The commonwealth further finds that this state should participate in multi-state discussions to review or amend the terms of the agreement to simplify and modernize sales and use tax administration in order to substantially reduce the burden of tax compliance for all sellers and all types of commerce.

Section 4. For the purpose of reviewing or amending the agreement embodying the simplification requirements as contained in section 7, the commonwealth shall enter into multi-state discussions. For purposes of such discussions, the commonwealth shall be represented by no more than 4 delegates, 2 of which shall be appointed by the governor, 1 of whom shall represent the department of revenue and 1 of whom shall represent the retailers association of Massachusetts, and 1 of whom shall be appointed by the president of the senate, and 1 of whom shall be appointed by the speaker of the house of representatives.

Section 5. The department of revenue shall enter into the Streamlined Sales and Use Tax Agreement with 1 or more states to simplify and modernize sales and use tax administration in order to substantially reduce the burden of tax compliance for all sellers and for all types of commerce. In furtherance of the agreement, the department of revenue may act jointly with other states that are members of the agreement to establish standards for certification of a certified service provider and certified automated system and establish performance standards for multi-state sellers. The department of revenue may take other actions reasonably required to implement the provisions set forth in this chapter or to otherwise substantially reduce the administrative burdens associated with sales and use tax compliance. Other actions authorized by this section include, but are not limited to, the adoption of rules and regulations and the joint procurement, with other member states of goods and services in furtherance of the cooperative agreement.

The department of revenue or the department of revenue's designee may represent the commonwealth before the other states that are signatories to the agreement.

Section 6. No provision of the agreement authorized by this chapter in whole or in part invalidates or amends any provision of laws of the commonwealth. Adoption of the agreement by the commonwealth does not amend or modify any other law. Implementation of any condition of the agreement in this state, whether adopted before, at, or after membership of this state in the agreement, must be by the action of the commonwealth.

Section 7. The department of revenue shall not enter into the Streamlined Sales and Use Tax Agreement unless the agreement requires each state to abide by the following requirements:

(a) Simplified State Rate. The agreement must set restrictions to limit over time the number of state rates.

(b) Uniform Standards. The agreement must establish uniform standards for the following:

- (1) The sourcing of transactions to taxing jurisdictions.
- (2) The administration of exempt sales.

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(3) Sales and use tax returns and remittances.

(c) Central Registration. The agreement must provide a central, electronic registration system that allows a seller to register to collect and remit sales and use taxes for all signatory states.

(d) No Nexus Attribution. The agreement must provide that registration with the central registration system and the collection of sales and use taxes in the signatory states will not be used as a factor in determining whether the seller has nexus with a state for any tax.

(e) Local Sales and Use Taxes. The agreement must provide for reduction of the burdens of complying with local sales and use taxes through the following:

(1) Restricting variances between the state and local tax bases.

(2) Requiring states to administer any sales and use taxes levied by local jurisdictions within the state so that sellers collecting and remitting these taxes will not have to register or file returns with, remit funds to, or be subject to independent audits from local taxing jurisdictions.

(3) Restricting the frequency of changes in the local sales and use tax rates and setting effective dates for the application of local jurisdictional boundary changes to local sales and use taxes.

(4) Providing notice of changes in local sales and use tax rates and of changes in the boundaries of local taxing jurisdictions.

(f) Monetary Allowances. The agreement must outline any monetary allowances that are to be provided by the states to sellers or certified service providers. The agreement must allow for a joint public and private sector study of the compliance cost on sellers and certified service providers to collect sales and use taxes for state and local governments under various levels of complexity to be completed July 1, 2002.

(g) State Compliance. The agreement must require each state to certify compliance with the terms of the agreement prior to joining and to maintain compliance, under the laws of the member state, with all provisions of the agreement while a member.

(h) Consumer Privacy. The agreement must require each state to adopt a uniform policy for Certified Service Providers that protects the privacy of consumers and maintains the confidentiality of tax information.

(i) Advisory Councils. The agreement must provide for the appointment of an advisory council of private sector representatives and an advisory council of non-member state representatives to consult with in the administration of the agreement.

Section 8. The agreement authorized by this chapter is an accord among individual cooperating sovereigns in furtherance of their governmental functions. The agreement provides a mechanism among the member states to establish and maintain a cooperative, simplified system for the application and administration of sales and use taxes under the duly adopted law of each member state.

Section 9. No provision of the agreement authorized by this chapter in whole or part

invalidates or amends any provision of the laws of the commonwealth. Adoption of the agreement by the commonwealth does not amend or modify any law of the commonwealth. Implementation of any condition of the agreement in the commonwealth, whether adopted before, at, or after membership of the commonwealth in the agreement, must be by the action of the commonwealth.

Section 10. The agreement binds and inures only to the benefit of the commonwealth and the other member states. No person is an intended beneficiary of the agreement.

Section 11. Any benefit to a person is established by the law of the commonwealth and the other member states and not by the terms of the agreement. No law of the commonwealth, or the application thereof, may be declared invalid as to any person or circumstance on the ground that the provision or application is inconsistent with the agreement. No person shall have any cause of action or defense under the agreement or by virtue of the commonwealth's approval of the agreement. No person may challenge, in any action brought under any provision of law, any action or inaction by any department, agency, or other instrumentality of this state, or any political subdivision of this state on the ground that the action or inaction is inconsistent with the agreement.

SECTION 75. Chapter 69 of the General Laws is hereby amended by inserting after section 11 the following section:-

Section 11½. The Massachusetts Comprehensive Assessment System multiple choice question results shall be made available to the public, school officials, parents and students no later than the third Wednesday in June. The results of the Massachusetts Comprehensive Assessment System essay questions shall be made available to the public no later than the first Tuesday of September to provide schools and parents with timely and valuable diagnostic information.

SECTION 76. Section 2 of chapter 70 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the definition of "Assumed in-school special education enrollment" and inserting in place thereof the following definition:-

"Assumed in-school special education enrollment", 3.75 per cent of total foundation enrollment in a district not counting vocational or preschool enrollment, plus 4.75 per cent of vocational enrollment.

SECTION 77. Said section 2 of said chapter 70, as so appearing, is hereby further amended by inserting after the definition of "Foundation health care staff" the following definition:-

"Foundation inflation index", in fiscal year 2003, the foundation inflation index shall equal 1.256286153. In fiscal year 2004 and in each fiscal year thereafter, the foundation inflation index shall equal the prior year's foundation inflation index multiplied by the minimum of (a) the ratio of the value of the implicit price deflator for state and local government purchases in the first quarter of the prior fiscal year to its value in the first quarter of the year 2 years prior, and (b) 1.045.

SECTION 78. Section 3 of said chapter 70, as so appearing, is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

The foundation budget shall be calculated using foundation enrollments for the respective fiscal years as estimated by the department according to the procedures outlined in section 2. The monetary factors used in calculating the foundation budget for such years shall be adjusted for inflation by multiplying each such factor by the foundation inflation index. The factors to be inflated shall be the monetary values for the foundation payroll, foundation nonsalary expenses, professional development allotment, expanded program allotment, extraordinary maintenance allotment and book and equipment allotment.

SECTION 79. Section 8 of chapter 70B of the General Laws, as so appearing, is hereby amended by inserting after the first paragraph the following paragraph:-

The board is directed to create a separate priority list for projects that have completed a project application after August 30, 2001. The board shall assign each project to a priority category and place each project on the list in order of priority category, pursuant to subsections 1 to 8, inclusive. Projects placed on the priority list shall not be re-ranked. The board shall provide funding for projects in the order of placement on the list first, by the year the board received the application, then by the application's priority category.

SECTION 80. Section 13 of said chapter 70B, as so appearing, is hereby amended by striking out, in line 11, the words "five years" and inserting in place thereof the following words:- 7 years; but the total period from the date of issue of the original temporary loan to the final maturity of all school construction project financing shall not exceed 25 years.

SECTION 81. The third paragraph of section 2 of chapter 71B of the General Laws, as so appearing, is hereby amended by adding the following 3 sentences:- Children in public schools shall be entitled to teaching at home and in the hospital if the child's physician determines the child will have to remain at home or in a hospital for more than 14 school days in any school year. Children in non-public schools shall be entitled to home and hospital services when deemed eligible under this chapter. An expedited evaluation, which shall be limited to a child's physician statement unless there is a clear indication of the need or unless the parents request additional evaluations, shall be conducted and services provided to eligible students by the school district within 15 calendar days of the school district's receipt of the child's physician statement.

SECTION 82. The twelfth paragraph of section 3 of said chapter 71B, as so appearing, is hereby amended by striking out the fourth sentence and inserting in place thereof the following:-

If any school district determines that any other public agency, including the department of social services, the department of mental retardation, the department of mental health, the department of public health, the department of youth services, the division of medical assistance or any other state agency or program is otherwise obligated under Federal or State law or assigned responsibility under state policy to provide or pay for any services that are also considered special education or related services including, but not limited to assistive technology devices, assistive technology services, related services, supplementary aids and services, and transition services, that are necessary for ensuring a free appropriate public education, a hearing officer may determine, in accordance with the rules, regulations

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and policies of the respective agencies, the financial responsibility for said services, provided that during the pendency of any such proceedings, the local school district shall be responsible for arranging for and paying for said services but shall be entitled to reimbursement by any agency found responsible by the hearing officer for expenses incurred. A hearing to determine agency financial responsibility shall be deferred until after resolution by the hearing officer or by agreement of all pending disputes as to the special education and related services required to meet the student's need for a free appropriate public education; in no event shall the student's placement be delayed due to a hearing of this nature and said hearing shall be limited solely to the issue of reimbursement.

SECTION 83. Section 3 of chapter 71B of the General Laws, as appearing in the 2000 Official Edition is hereby amended by adding the following paragraph:-

If a student's individual education plan necessitates special education services in a day or residential facility or an educational collaborative, the IEP team shall consider whether the child requires special education services and supports to promote the student's transition to placement in a less restrictive program. If the student requires such services, then the IEP shall include a statement of any special education services and supports necessary to promote the child's transition to placement in a less restrictive program.

SECTION 83A. Subsection (b) of section 5A of said chapter 71B, as appearing in section 171 of chapter 159 of the acts of 2000, is hereby amended by striking out the definitions of "In-district programs" and "Out-of-district programs".

SECTION 84. Said section 5A of said chapter 71B, as appearing in the 2000 Official Edition, is hereby further amended by striking out subsection (c) and inserting in place thereof the following subsection:-

(c) Instructional costs eligible for reimbursement under this program shall be reported by a school district to the department in a form and manner prescribed by the commissioner. For each such school district, the department shall review this report and approve those per pupil instructional costs that are eligible for reimbursement pursuant to the program within 30 days of submission. Based upon the approved costs, the department shall calculate the reimbursement due a municipality. The costs of programs shall be reimbursed at 75 per cent of all such approved costs that exceed 4 times the state average per pupil foundation budget, as defined in said chapter 70, for the current fiscal year.

SECTION 85. Chapter 90 of the General Laws is hereby amended by inserting after section 3 the following section:-

Section 3½. (a) Any person claiming to be a nonresident for purposes of section 3, shall be deemed to be a resident of the commonwealth during any period in which such person:

(1) obtained an exemption pursuant to clause Seventeenth, Seventeenth C, Seventeenth C ½, Seventeenth D, Eighteenth, 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 A, Forty-first B, Forty-first C, Forty-second or Forty-third of section 5 of chapter 59;

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(2) obtained an exemption pursuant to section 5C of said chapter 59;

(3) filed a Massachusetts resident income tax return pursuant to chapter 62;

(4) obtained a rental deduction pursuant to subparagraph (9) of paragraph (a) of Part B of section 3 of chapter 62;

(5) declared in a home mortgage settlement document that the mortgaged property located in the commonwealth would be occupied as his principal residence;

(6) obtained homeowner's liability insurance coverage on property that was declared to be occupied as a principal residence;

(7) filed a certificate of residency and identified his place of residence in a city or town in the commonwealth in order to comply with a residency ordinance as a prerequisite for employment with a governmental entity;

(8) paid on his own behalf, or on behalf of a child or dependent for whom the person has custody, resident in-state tuition rates to attend a state-sponsored college, community college or university;

(9) applied for and received public assistance from the commonwealth for himself or his child or dependent of whom he has custody;

(10) has a child or dependent of whom he has custody who is enrolled in a public school in a city or town in the commonwealth, unless the cost of such education is paid for by him, such child or dependent, or by another education jurisdiction;

(11) is registered to vote in the commonwealth;

(12) obtained any benefit, exemption, deduction, entitlement, license, permit or privilege by claiming principal residence in the commonwealth; or

(13) is a resident under any other written criteria under which the commissioner of revenue may determine residency in the commonwealth.

(b) Notwithstanding any general or special law to the contrary, the custodian of any records referred to in subsection (a) that are not accessible to the general public shall provide, upon request, to the registrar of motor vehicles, the commissioner of revenue, the local board of assessors, or a local or state police officer, access to certain information contained therein solely for purposes of enforcing chapters 59, 60A, 64H, 64I and 90. The disclosure of information contained in such records referred to in paragraphs (3) and (4) of subsection (a) shall be made by the commissioner of revenue pursuant to this section and shall be limited to: the taxpayer's name; the taxpayer's primary place of residence or domicile; the type of return filed; the taxpayer identification number; the determination of whether the taxpayer took the rental deduction on his income tax return; and an explanation of the factors that indicated said taxpayer's residency within the commonwealth.

If records maintained by a custodian indicate that a person is deemed to be a resident under subsection (a), the custodian may certify in writing as to the facts contained in those records and the certification shall be prima facie evidence of the person's residency within the commonwealth in any proceeding involving enforcement of said chapters 59, 60A, 64H, 64I and 90, including any proceedings under subsection (c).

(c) Any person who improperly registers a motor vehicle or trailer in another state or misrepresents the place of garaging of the motor vehicle or trailer within the commonwealth, for purposes of evading the payment of motor vehicle excise, sales and use taxes or insurance premiums, or to reduce the amount of such payment, shall be punishable by a fine of not less than \$200 nor more than \$1,000 for each offense. For purposes of this section, each taxable year that a motor vehicle or trailer is improperly registered shall be considered a separate offense, but no more than 3 years shall be the subject of prosecution. The fines imposed pursuant to this section shall be divided as follows: 75 per cent of the fines shall be paid over to the treasury of the city or town in whose jurisdiction the motor vehicle is customarily garaged; and 25 per cent of the fines shall be paid over to the treasurer of the commonwealth to be deposited in the highway fund to offset costs associated with the implementation of this section. The Massachusetts Collectors and Treasurers Association, in conjunction with the treasurer of the commonwealth, shall report quarterly to the house and senate committee on ways and means the total amount of fines imposed and collected pursuant to this section.

SECTION 86. Section 20 of said chapter 90, as appearing in the 2000 Official Edition, is hereby amended by striking out, in line 66, the figure "\$25" and inserting in place thereof the following figure:- \$30.

SECTION 87. The eighth paragraph of section 20A of said chapter 90, as so appearing, is hereby amended by adding the following 4 sentences:- If the parking clerk has notified the registrar of the exact amount owed, the registrar may renew the registration or license upon receipt by him of full payment of all outstanding fines and fees for unpaid parking tickets as listed in each notification of nonpayment of such fines and fees received from a city or town and upon payment of the charge or charges due the registrar as authorized in this paragraph. The registrar shall provide a receipt for such payment to the registered owner and shall electronically notify each municipal parking clerk for whom the registrar has collected unpaid parking fines and fees of the amount of payment and the identity of the vehicle registration. The registrar shall electronically transmit the portion owing to each municipality within 12 working days. In the event that the registered owner has paid the parking fines and fees or registrar's charges to the registrar by check, credit card, debit card or any other payment method and the amount is not duly paid, the registrar shall have the remedies available to him pursuant to paragraph (32) of section 33 of chapter 90 as if such parking fines and fees and registrar's charges were unpaid fees.

SECTION 88. The eighth paragraph of section 20A ½ of said chapter 90, as so appearing, is hereby amended by adding the following 4 sentences:- If the parking clerk has notified the registrar of the exact amount owed, the registrar may renew the registration or license upon receipt by him of full payment of all outstanding fines and fees for unpaid parking tickets as listed in each notification of nonpayment of such fines and fees received from a city or town and upon payment of the charge or charges due the registrar as authorized in this paragraph. The registrar shall provide a receipt for such payment to the registered owner and shall electronically notify each municipal parking clerk for whom the registrar has collected unpaid parking fines and fees of the amount of payment and the identity of the vehicle

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registration. The registrar shall electronically transmit the portion owing to each municipality within 12 working days. In the event that the registered owner has paid the parking fines and fees or registrar's charges to the registrar by check, credit card, debit card or any other payment method and the amount is not duly paid, the registrar shall have the remedies available to him pursuant to paragraph (32) of section 33 of chapter 90 as if such parking fines and fees and registrar's charges were unpaid fees.

SECTION 88A. Section 33 of said chapter 90, as so appearing, is hereby amended by striking out, in line 8, the figure "\$30" and inserting in place thereof the following figure:- \$36.

SECTION 88B. Said section 33 of said chapter 90, as so appearing, is hereby further amended by striking out, in line 143, the figure "\$33.75" and inserting in place thereof the following figure:- \$40.

SECTION 89. Section 2 of chapter 92B of the General Laws, as so appearing, is hereby amended by striking out fourth, fifth, sixth and seventh paragraphs and inserting in place thereof the following 4 paragraphs:-

The corporation shall be governed and its corporate powers exercised by the board, which shall consist of not more than 21 members. The commissioner or his designee shall serve as a board member ex-officio. The governor shall appoint 10 members of the board, 1 of whom shall be chosen from a list of 6 names, 3 of which shall be submitted by the Grove Hall Board of Trade and 3 of which shall be submitted by the Friends of Franklin Park Zoo, and 1 of whom shall be chosen from a list of 6 names, 3 of which shall be submitted by the Middlesex Fells Zoological Society and 3 of which shall be submitted by the Stoneham board of selectman, and 8 of whom shall be members representing the commonwealth's business, corporate, philanthropic and educational communities. The remaining 10 members shall be elected by the board other than the commissioner, the term of board service shall be not less than 1 year and not more than 4 years as determined by the governor. For members elected by the board, the term of board service shall be determined by the board.

All members of the board shall exercise full and equal voting privileges. A person appointed to fill a vacancy shall serve for the remainder of the term. Members shall be eligible for re-appointment or re-election. A member appointed by the governor may be removed by the governor for cause. A member elected by the board may be removed by the board for cause.

Nine board members shall constitute a quorum and the affirmative vote of a majority of the board members present shall be necessary for any action to be taken by the board. The members shall serve without compensation but each shall be reimbursed for necessary expenses incurred in the performance of the official duties of the corporation. Those expenses and duties shall be specified in the board's by-laws. Disbursement for the expenses shall be detailed and available for review in the account books of the corporation. The board shall meet at least once every 2 months and shall have authority over the activities of the corporation.

The board shall elect a chairperson of the board who shall serve for a term of not more than 4 years and shall be eligible for re-election. The board may remove the chairperson for cause. The board shall also designate a secretary who shall not be a member of the board. The secretary shall keep a record of the proceedings of the corporation and detailed minutes of each meeting, shall be the custodian of all the books, documents and papers of the corporation and shall certify the authenticity of copies of all the records. The board shall also appoint a treasurer from among its members who shall have authority over the books of account and accounting records of the corporation and shall be responsible, under the supervision of the president, for financial control of the corporation.

SECTION 90. Section 2 of chapter 111 of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

The commissioner, subject to the approval of the governor, may make such rules and regulations governing the conduct of written and oral examinations by the several boards of registration and examination under the department as shall be necessary to standardize procedures and protect the commonwealth and applicants for registration against fraud. Nothing in this section shall prevent a board from adopting, under authority of other provisions of law, specific rules and regulations that are not in conflict with the rules and regulations authorized by this section.

SECTION 91. Section 72Y of said chapter 111, as so appearing, is hereby amended by striking out the fifth paragraph and inserting in place thereof the following paragraph:-

The division of health care finance and policy, in cooperation with the department of public health, shall establish by regulation reasonable rates of payment pursuant to this section and section 7 of chapter 118G for services provided by nursing pools registered with the department of public health. A pool shall not bill or receive payments from health care facilities at a rate greater than the rate established pursuant to this section and section 7 of chapter 118G.

SECTION 92. Sections 2 and 3 of chapter 111H of the General Laws are hereby repealed.

SECTION 92A. Section 5 of said chapter 111H is hereby repealed.

SECTION 93. Chapter 112 of the General Laws, is hereby amended by striking out section 1, as appearing in the 2000 Official Edition, and inserting in place thereof the following section:-

Section 1. The director of professional licensure shall supervise the work of the several boards of registration and examination included in the division of professional licensure. He shall recommend changes in the methods of conducting examinations and transacting business and shall make such reports to the governor and council as they may require or as the director may deem expedient.

The commissioner of public health shall supervise the work of the board of registration in nursing, the board of registration in pharmacy, the board of registration of physician assistants, the board of registration of perfusionists, the board of registration of nursing home

administrators, the board of registration in dentistry and the board of registration of respiratory therapists. He shall recommend changes in the methods of conducting examinations and transacting business, and shall make such reports to the governor as he may require or the director may deem expedient.

The commissioner of public health shall consult with the chair of the board of registration in medicine concerning the operations of the board.

SECTION 94. Section 61 of said chapter 112, as so appearing, is hereby amended by striking out, in line 2, the word "and" and inserting in place thereof the following words:- each board of registration or examination in the department of public health in the executive office of health and human services and.

SECTION 95. Subsection (2) of section 9A of chapter 118E of the General Laws is hereby amended by striking out clause (g) and inserting in place thereof the following:-

(g) persons who: (i) are recipients of emergency assistance to the elderly, disabled, and children; or (ii) persons who are determined by the commissioner of the department of mental health to be classified as clients of the department of mental health; provided that such persons meet the eligibility requirements established under MassHealth and that their financial eligibility as determined by the division does not exceed 100 per cent of the poverty level.

SECTION 96. Said chapter 118E is hereby further amended by inserting after section 9C the following section:-

Section 9D. (a) As used in this section, the following words shall have the following meanings:-

"Aging services access point" or "ASAP", any agency designated by the executive office of elder affairs pursuant to section 4B of chapter 19A.

"Capitation", a set dollar payment per enrollee per month that the division pays to a senior care organization to cover a specified set of services and administrative costs without regard to the actual number of services provided.

"Complex care", care for an enrollee who is unable to independently perform, without human assistance or cueing, two or more activities of daily living or who is determined to be in need of continuous behavioral health or social services to maintain minimal daily independent functioning. Such care shall address enrollee needs, including any condition or situation that requires coordination of multiple senior care organization services.

"Dually eligible", any person, aged 65 or older, who is simultaneously qualified for full benefits under Title XIX of the Social Security Act, 42 U.S.C 1396 et seq., and Title XVIII of the Social Security Act, 42 U.S.C 1395 et seq.

"Enrollee", any dually eligible or MassHealth-only member, aged 65 or older, who is voluntarily enrolled in a senior care organization in accordance with the enrollment criteria as established by the division of medical assistance.

"Geriatric support services coordinator", a member of a senior care organization primary care team who is employed by an aging services access point, is qualified to conduct and is responsible for arranging, coordinating and authorizing the provision of appropriate

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community long-term care and social support services.

"MassHealth Senior Care Options", a program of medical, health and support services covered under Title XIX or Title XVIII of the Social Security Act, provided through senior care organizations. "Medically necessary", as defined by the division of medical assistance.

"Medicare", the federal health insurance program for elderly and disabled persons, and persons with kidney failure established pursuant to Title XVIII of the Social Security Act, 42 U.S.C 1395 et seq.

"Primary care team", a team of health and long-term care professionals established by the senior care organization. Primary care teams shall consist of a primary care physician working in conjunction with a nurse practitioner, registered nurse or physician's assistant, a geriatric support services coordinator, and other professionals designated by the senior care organization.

"Senior care organization" or "SCO", a comprehensive network of medical, health care and social service providers that integrates all components of care, either directly or through subcontracts. SCOs will be responsible for providing enrollees with the full continuum of Medicare and MassHealth covered services.

(b) Notwithstanding any general or special law to the contrary, the division may, subject to appropriation and the availability of federal financial participation and pursuant to a memorandum of understanding with the federal Health Care Financing Administration, establish a program of medical and long-term care benefits, known as the MassHealth senior care options initiative for Massachusetts residents, aged 65 and over, who are dually eligible or only eligible for benefits under Title XIX of the Social Security Act. The division may contract with entities, to be known as senior care organizations or SCOs, to provide or arrange to provide a comprehensive network of medical, health care and social services that integrates all components of care, either directly or through subcontracts.

(c) The division shall ensure that enrollment in the program is voluntary. No disincentives for selecting a fee-for-service delivery system shall be included as part of any agreement or waiver regarding the program. The division shall ensure that all enrollees in a SCO have the right to disenroll from the program in any month upon submitting a notice of disenrollment to the division or contracted entity. Disenrollment notices received by the division or contracted entity by the twentieth day of the month shall be effective the first day of the following month.

(d) The benefits provided to persons considered eligible to enroll in the SCO shall include those services covered by Medicare Part A and Part B; the amount, duration and scope of Medicaid-covered services shall be at a minimum no more restrictive than the scope of services provided under MassHealth standard coverage, and shall include services covered under the home and community-based services waiver program; and services necessary for the treatment of mental health or substance abuse.

(e) (1) During the first 3 years of the demonstration project, a SCO shall conform to the minimum medical loss ratio as established by the division for its category. At the end of each fiscal year, the SCO shall provide to the division an audited statement of its medical

loss ratio for the past year. Two years after the implementation of the SCO demonstration project, the division shall have 6 months to review the data and audited statements and shall have an additional 6 months to implement revised loss ratios. Beginning the fourth year of the demonstration project and upon renewal of the contract with the division, a SCO shall conform to the revised minimum medical loss ratio as established by the division for its category. Beginning the fourth year of the demonstration project and upon renewal of the contract with the division, if a SCO's audited medical loss ratio is below the minimum as determined by the division for its category, the SCO shall provide additional benefits or services to its enrollees in the following contract year in an amount that would raise its medical loss ratio to the minimum level established by the division for its category, and shall submit a plan to the division detailing how such benefits or services shall be provided to its plan enrollees.

(2) Not later than the end of the first year of operation as a SCO, the division shall require that all SCOs, with whom the division contracts to deliver such services, establish SCO consumer advisory councils. Such councils shall monitor and make recommendations for the SCOs services delivered under this program and shall be represented by members of its enrolled population, or family members or unpaid caregivers of its enrolled population. The chair or his designee of the SCO consumer advisory council shall have a seat on the board of the SCO and a seat on the division of medical assistance's SCO advisory committee as created under subsection (m).

(3) The division shall educate consumers and their families as to their enrollment choices under MassHealth senior care options and other available alternatives under Medicare and Medicaid. Neither SCOs nor the division shall offer gifts, payments or other inducements to enroll seniors in a SCO. The division shall also perform outreach services to local councils on aging and other related organizations to educate those councils and organizations on the details of the SCO demonstration project, including, but not limited to, providing the councils and organizations with the SCO educational materials listed in paragraph (4).

(4) The division shall deliver to all prospective enrollees SCO educational materials that shall include, but not be limited to: a definition of a SCO and how it functions; enrollment eligibility standards; the location of SCOs; a complete list of their participating providers; the range of available services; consumer rights under Medicare and Medicaid; an assistance worksheet for determining health care options under MassHealth senior care options, Medicare and Medicaid; and quality of care measurements reported to the division.

(5) The SCO shall be required to evaluate all its enrollees to determine if an enrollee has complex care needs within 30 days of initial enrollment, as well as on an annual basis, or as requested by the enrollee's primary care physician, or as requested by the enrollee or his authorized representative. If it is determined that an enrollee has complex care needs, the enrollee may receive the ongoing services of a primary care team. If the primary care team determines that the complex care enrollee requires the ongoing services of a primary care team, the primary care team shall develop and monitor a plan of care for said enrollee, and

arrange for and deliver all services called for in the plan of care. If an enrollee is deemed to have complex care needs, but the primary care team determines the complex care enrollee does not require the services of a primary care team, the enrollee shall receive the services of a primary care physician and may appeal to the SCO to receive primary care team services. The SCO shall conduct a standard review and make a decision following receipt of all required documentation and, if requested by the primary care physician, the SCO shall conduct an expedited review. The timeline for standard and expedited reviews shall meet the requirements established under 42 C.F.R. 422.568 and 422.572. The SCO shall develop criteria for the primary care team to employ when determining whether the complex care enrollee requires the ongoing services of a primary care team. The SCO shall submit the criteria to the division of medical assistance for its approval.

(f) The division shall develop and issue a document for consumers to be known as the "SCO report card" containing information and data providing a basis upon which SCOs may be evaluated and compared by consumers. The document shall be made available to residents of the commonwealth, upon request. In preparing that report card, the division shall, to the extent possible, use information already reported by the SCO. The division shall consult with the department of public health and the division of insurance in determining the content and format of the report card, and shall make the report card available on the internet web site established by the division. The division shall issue its proposed methodology for the preparation of the SCO report card. The division shall issue the initial report card 1 year from the announcement of the methodology and annually thereafter.

(g) The division shall measure a SCO's performance using a variety of objective quality assurance measures, including, but not limited to, ongoing provider education, consumer satisfaction surveys, outcome measures and practice guidelines.

(h)(1) Each SCO shall be required to contract with 1 or more ASAPs in its geographic service area unless otherwise provided by this section. The division, in concurrence with the executive office of elder affairs, shall develop procedures and criteria for assessing the circumstances under which a SCO may choose not to contract with any specific ASAP operating in the SCO's service area and shall make those procedures and criteria available to the SCOs and ASAPs. The procedures and criteria shall include a requirement that any SCO so choosing shall demonstrate its reasons to the division, including, but not limited to, specific contractual, performance, administrative or clinical deficiencies for each ASAP with which the SCO chooses not to contract. The division, in consultation with the executive office of elder affairs, shall determine whether the SCO requesting not to contract with a given ASAP has met the criteria for such a request. The division shall share with the executive office of elder affairs all documentation provided by the SCO regarding its reasons not to contract with an ASAP.

(2) ASAPs under contract with SCOs shall employ geriatric support service coordinators, who shall be members of the primary care team and shall be responsible for:

(i) arranging, coordinating and authorizing the provision of community long-term

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care and social support services with the agreement of other primary care team members designated by the SCO;

(ii) coordinating non-covered services and providing information regarding other elder services, including, but not limited to, housing, home-delivered meals and transportation services;

(iii) monitoring the provision and outcomes of community long-term care and support services, according to the enrollee's service plan, and making periodic adjustments to the enrollee's service plan as deemed appropriate by the primary care team;

(iv) tracking enrollee transfer from one setting to another; and

(v) scheduling periodic reviews of enrollee care plans and assessment of progress in reaching the goals of an enrollee's care plan.

(3) SCOs and ASAPs shall be responsible for developing processes for assessing all enrollees upon enrollment to determine the need for involvement of the ASAPs and to assure appropriate ongoing monitoring of the enrollee's need for medically necessary services.

(4) SCOs shall grant geriatric support services coordinators authorizing responsibility over a range and amount of services for specific conditions or circumstances for which agreement of the primary care team would not be required. In cases where the primary care team members cannot reach agreement regarding an enrollee's service plan or the authorization thereof, any team member may request that the SCO conduct a clinical review within 3 working days of receiving a request for that review. Clinical reviewers shall not be members of the primary care team presenting the case, and all decisions by the clinical review team shall be final. SCOs shall be required to report the results of all clinical reviews to the division and to the executive office of elder affairs. Such reports shall be a component of a SCO's performance review by the division.

(i) The division shall develop a capitation system for payment for Medicaid services in which the SCOs shall be at full or partial financial risk for any services that they authorize and purchase on behalf of an enrollee. Capitation rates shall be adequate to ensure the provision of quality health and long-term care services to all enrollees regardless of physical or mental health conditions. The division shall ensure that Medicaid rates are no greater than what the division would pay for an actuarially equivalent unenrolled population. The division may permit a risk-sharing relationship between the SCO and the ASAP, in which the two entities share the financial risk of providing coordinated services to enrollees under a system of capitated or sub-capitated rate payments.

(j) The division shall ensure that enrollees have a choice of at least 2 senior care organizations within their geographic area, where available. The division also shall ensure that enrollees have a choice of at least 2 primary care physicians and nursing facilities within each SCO network. Furthermore, when there is more than 1 home health agency within a SCO's network, enrollees shall have a choice of home health agencies among those within the SCO's network.

(k) A SCO shall meet all privacy standards set by the regulations established by the federal Department of Health and Human Services under the Healthcare Insurance Portability

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and Accountability Act of 1996.

(l) Enrollees in any SCO shall have access to the appropriate ombudsperson within the executive office of elder affairs, and shall have access to the SCO ombudsperson or like person within the SCO. The contacts and method of contact shall be provided, at a minimum, to each SCO enrollee upon enrollment.

(m) The division shall promulgate regulations to enforce the provisions of this chapter, and shall establish a senior care options advisory committee to advise the division regarding the ongoing operations of MassHealth senior care options. The advisory committee shall advise the division with regard to the appropriate outreach, enrollment and disenrollment policies for eligible persons. The SCO advisory committee shall include the chairs of the SCO advisory councils and 51 per cent of the advisory committee shall be SCO enrollees or representatives from elderly consumer groups and aging services organizations chosen by the division and the executive office of elder affairs.

(n) The division shall enter into an interdepartmental service agreement with the executive office of elder affairs in a manner that ensures that any and all coordinated care services are provided pursuant to the requirements specified in this section.

(o) The commissioner, in consultation with the secretary of the executive office of elder affairs, shall semi-annually submit to the house and senate committees on ways and means a report detailing the name and number of entities participating as senior care option organizations and expenditure data, including, but not limited to, an analysis of the program's aggregate budget neutrality. Furthermore, the division shall collect detailed information on the functioning of the SCO demonstration project, including: enrollment and disenrollment rates, including detailed reasons for enrolling and disenrolling; the number of SCO enrollees in nursing homes, community settings and other settings; and other information to assist the special commission in completing various studies.

(p) A SCO shall meet standards established by 42 U.S.C. section 1395w-22 (f) and (g) and 42 U.S.C. section 1396u-2(b).

SECTION 97. Subsection (4) of section 16C of said chapter 118E, as appearing in the 2000 Official Edition, is hereby amended by striking out the third sentence.

SECTION 98. Section 25 of said chapter 118E, as so appearing, is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph:-

Notwithstanding the first paragraph of this section, the division may require medicaid recipients to pay enrollment fees, premiums, deductibles, coinsurance, copayments or similar cost-sharing charges as participants in managed care plans implemented by the division, so long as any waivers of Title XIX provisions regarding recipient cost-sharing are obtained from the secretary in conjunction with any other federal approvals and waivers necessary to implement these managed care plans. In the absence of managed care plans, the division shall require, to the extent permitted by federal law, that recipients, if eligible for such benefits, be liable for a copayment of \$2 toward the purchase of each pharmaceutical product, including prescription drugs and over-the-counter drugs, and to require the copayment of \$3

for the use of emergency room services in acute care hospitals for the treatment of nonemergency conditions. The division may also require, to the extent permitted by federal law, that recipients be liable for a copayment of \$1 for all other covered services.

SECTION 99. Section 7 of chapter 118G of the General Laws, as so appearing, is hereby amended, by striking out, in line 23, the word "January" and inserting in place thereof the following word:- July.

SECTION 100. Section 7 of said chapter 118G, as so appearing, is hereby amended by striking out the tenth paragraph and inserting in place thereof the following paragraph:-

In establishing rates for nursing pools pursuant to section 72Y of chapter 111, the division shall establish annually the limit for the rate for service provided by nursing pools to licensed facilities. The division shall establish industry-wide class rates for such services and shall establish separate class rates for services provided to nursing facilities and hospitals. The division shall establish separate rates for registered nurses, licensed practical nurses and certified nursing assistants. The division may establish rates by geographic region. The rates shall include an allowance for wages, payroll taxes and fringe benefits, which shall be based upon, and shall not exceed, median wages, payroll taxes and fringe benefits paid to permanent medical personnel of the same type at health care facilities in the same geographic region. The rates shall also include an allowance for reasonable administrative expenses and a reasonable profit factor, as determined by the division. The division may exempt from the rates certain categories, as defined by the division, of fixed-term employees that work exclusively at a particular health care facility for a period of at least 90 days and for whose services there is a contract between a facility and a nursing pool registered with the department of public health. The division shall establish procedures by which nursing pools shall submit cost reports, which may be subject to audit, to the division for the purpose of establishing rates. The division shall determine the nursing pool rate contained in this paragraph by considering wage and benefit data collected from cost reports received from nursing pools and from health care facilities, and other relevant information gathered through other collection tools or reasonable methodologies.

SECTION 101. Said chapter 118G is hereby further amended by adding the following 2 sections:-

Section 25. (a) For the purposes of this section, the following words shall have the following meanings:-

"Assessment", the user fee imposed pursuant to this section. For all nursing homes, the user fee shall be imposed per non-Medicare reimbursed patient day. A Medicare-reimbursed patient day is a Medicare Part A patient day paid for under either an indemnity fee-for-service arrangement or a Medicare health maintenance organization contract.

"Nursing home", a nursing home or a distinct part of a nursing unit of a hospital or other facility licensed by the department of public health pursuant to section 71 of chapter 111.

"Patient day", a day of care provided to an individual patient by a nursing home.

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(b) Each nursing home shall pay an assessment per non-Medicare reimbursed patient day. The assessment shall be sufficient in the aggregate to generate \$145 million in each fiscal year. The assessment shall be implemented as a broad-based health care-related fee as defined in 42 U.S.C. § 1396b(w)(3)(B). The assessment shall be paid to the division quarterly. The division may promulgate regulations that authorize the assessment of interest on any unpaid liability at a rate not to exceed an annual percentage rate of 18 per cent and late fees at a rate not to exceed 5 per cent per month. The receipts from the assessment, any federal financial participation received by the commonwealth as a result of expenditures funded by these assessments and interest thereon shall be credited to the Health Care Security Trust Fund established by chapter 29D.

(c) The commissioner shall prepare a form on which each nursing home shall report quarterly its total patient days and shall calculate the assessment due. The commissioner shall distribute the forms to each nursing home at least annually. The failure to distribute the form or the failure to receive a copy of the form shall not stay the obligation to pay the assessment by the date specified in this section.

(d) The division shall have the authority to inspect and copy the records of a nursing home for purposes of auditing its calculation of the assessment. In the event that the division determines that a nursing home has either overpaid or underpaid the assessment, the division shall notify the nursing home of the amount due or refund the overpayment. The division may impose per diem penalties if a nursing home fails to produce documentation as requested by the division.

(e) In the event that a nursing home is aggrieved by a decision of the division as to the amount due, the nursing home may file an appeal to the division of administrative law appeals within 60 days of the date of the notice of underpayment or the date the notice was received, whichever is later. The division of administrative law appeals shall conduct each appeal as an adjudicatory proceeding pursuant to chapter 30A, and a nursing home aggrieved by a decision of the division of administrative law appeals shall be entitled to judicial review pursuant to section 14 of said chapter 30A.

(f) The commissioner may enforce the provisions of this section by notifying the department of public health of unpaid assessments. Within 45 days after notice to a nursing home of amounts due, the department shall revoke licensure of a nursing home that fails to remit delinquent fees.

(g) The division, in consultation with the division of medical assistance, shall promulgate regulations necessary to implement this section.

Section 26. (a) For the purposes of this section, the following terms shall have the following meanings:

"Assessment", for all pharmacies, an amount assessed upon each non-Medicare and non-Medicaid prescription dispensed by the pharmacies.

"Pharmacy", any retail drug business registered by the board of registration in pharmacy in accordance with chapter 112 that is authorized to dispense controlled substances, including, retail drug businesses as defined in section 1 of chapter 94C.

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(b) Each pharmacy shall pay an assessment upon each non-Medicare and nonmedicaid prescription dispensed to the division quarterly. The assessment shall be sufficient in the aggregate to generate \$36 million in each fiscal year. The assessment shall be implemented as a broad-based health care-related fee as defined in 42 U.S.C. § 1396b(w)(3)(B). The division may promulgate regulations that authorize the assessment of interest on any unpaid liability at a rate not to exceed an annual percentage rate of 18 per cent and late fees at a rate not to exceed 5 per cent per month. The receipts from the assessment, any federal financial participation received by the commonwealth as a result of expenditures funded by these assessments and interest thereon shall be credited to the Health Care Security Trust Fund established by chapter 29D.

(c) The commissioner shall prepare a form on which each pharmacy shall report quarterly its total prescriptions dispensed and shall calculate the assessment due. The commissioner shall distribute the forms to each pharmacy at least annually. The failure to distribute the form or the failure to receive a copy of the form shall not stay the obligation to pay the assessment by the date specified herein.

(d) The division shall have the authority to inspect and copy the records of a pharmacy for purposes of auditing its calculation of the assessment. In the event that the division determines that a pharmacy has either overpaid or underpaid the assessment, the division shall notify the pharmacy of the amount due or refund the overpayment. The division may impose per diem penalties if a nursing home fails to produce documentation as requested by the division.

(e) In the event that a pharmacy is aggrieved by a decision of the division that an assessment was underpaid by such pharmacy, the pharmacy may file an appeal to the division of administrative law appeals within 60 days of the date of the notice of underpayment or the date the notice was received, whichever is later. The division of administrative law appeals shall conduct each appeal as an adjudicatory proceeding pursuant to chapter 30A and a pharmacy aggrieved by a decision of the division of administrative law appeals shall be entitled to judicial review pursuant to section 14 of chapter 30A.

(f) The commissioner may enforce the provisions of this section by notifying the department of public health of unpaid assessments. Within 45 days after notice to a pharmacy of amounts due, the department may revoke licensure of a pharmacy that fails to remit delinquent fees.

(g) The division shall quarterly determine the amount of MassHealth services to be funded by the assessment and shall provide written notice of such amount to the comptroller before the first business day of each quarter. The comptroller shall transfer from the Health Care Security Trust Fund, established pursuant to section 1 of chapter 29D, to the Health Care Quality Improvement Trust Fund, on the first business day of each quarter the amount indicated by the division, but in no event shall such transfer exceed \$72,000,000 in fiscal year 2003.

(h) The division, in consultation with the division of medical assistance, shall promulgate regulations necessary to implement this section.

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SECTION 102. Section 93 of chapter 143 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in line 1, the words "executive office" and inserting in place thereof the following word:- department.

SECTION 103. Section 100 of said chapter 143, as so appearing, is hereby amended by striking out, in line 1, the words "executive office" and inserting in place thereof the following word:- department.

SECTION 104. Section 6 of chapter 150 of the General Laws, as so appearing, is hereby amended by striking out, in line 8, the words "four hundred dollars," and inserting in place thereof the following figure:- \$600.

SECTION 105. Said section 6 of said chapter 150, as so appearing, is hereby amended by striking out, in line 18, the words "eight hundred dollars," and inserting in place thereof the following figure:- \$1200.

SECTION 106. Said section 6 of said chapter 150, as so appearing, is hereby amended by striking out, in line 28, the words "one hundred dollars," and inserting in place thereof the following figure:- \$150.

SECTION 107. Section 11 of chapter 161B of the General Laws is hereby repealed.

SECTION 108. Said chapter 161B is hereby further amended by the following section:-

Section 26. The regional transit authorities shall establish a stabilization fund into which the authorities shall deposit revenues in excess of expenditures. Said stabilization fund shall have a fund balance no greater than 15 per cent of total revenues for all regional transit authorities for the fiscal year most recently ended. Monies from said fund shall be subject to appropriation and used for capital improvements and expenditures, to offset the unforeseen and dramatic loss of revenues within a fiscal year, and to pay current expenses after implementing all efficiencies and savings possible. The authorities may not assume draws from said stabilization fund in preparing their annual budgets. In the event that an authority requires a draw from said fund, it shall file with the secretary of administration and finance, secretary of transportation and construction, joint committee on transportation and the house and senate committees on ways and means a financial plan that projects to produce in the following fiscal year an excess of revenues over expenses, all measures taken to implement efficiencies and savings, the amount necessary to offset operating losses, and any other information that said secretaries or committees may require.

SECTION 109. Section 177 of chapter 175 of the General Laws, as most recently amended by section 37 of chapter 106 of the acts of 2002, is hereby further amended by striking out the last sentence and inserting in place thereof the following sentence:- Whoever knowingly violates any provision of this section shall be punished by a fine of not less than \$50 nor more than \$500.

SECTION 110. Section 1 of chapter 185C of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the first sentence and inserting in the place thereof the following sentence:- The housing court department, established under

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section 1 of chapter 211B, shall be composed of a western division, consisting of the cities and towns of Berkshire, Franklin, Hampden and Hampshire counties; a division for Worcester county, including the town of Bellingham in Norfolk county, the city of Marlborough and the towns of Ashby, Hudson and Townsend in Middlesex county, and the jurisdiction known as Devens established under chapter 498 of the acts of 1993; a northeastern division, including the cities and towns of Essex county and the city of Lowell and the towns of Acton, Ayer, Billerica, Boxborough, Carlisle, Chelmsford, Concord, Dracut, Dunstable, Groton, Littleton, Maynard, Pepperell, Shirley, Stow, Tewksbury, Tyngsborough, and Westford in Middlesex county; a southeastern division, including the cities and towns of Bristol and Plymouth counties; and a division for the city of Boston.

SECTION 111. Section 19 of said chapter 185C, as so appearing, is hereby amended by striking out, in line 8, the words "fifty dollars" and inserting in place thereof the following figure:- \$100.

SECTION 112. Said section 19 of said chapter 185C, as so appearing, is hereby further amended by striking out, in line 15, the words "fifty dollars" and inserting in place thereof the following figure:- \$75.

SECTION 113. Section 3 of chapter 209A of the General Laws, as so appearing, is hereby amended by striking out, in line 92, the words "recognized batterer's treatment program" and inserting in place thereof the following words:- batterer's intervention program that is certified by the department of public health.

SECTION 114. The fifth paragraph of section 7 of said chapter 209A, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following 2 sentences:- For any violation of such order, the court shall order the defendant to complete a certified batterer's intervention program unless, upon good cause shown, the court issues specific written findings describing the reasons that batterer's intervention should not be ordered or unless the batterer's intervention program determines that the defendant is not suitable for intervention. The court shall not order substance abuse or anger management treatment or any other form of treatment as a substitute for certified batterer's intervention.

SECTION 115. Section 19 of Chapter 211B of the General Laws, as so appearing, is hereby amended by inserting after the word "court" in line 4, the following words:- , subject to appropriation.

SECTION 116. Section 2A of said chapter 211D, as so appearing, is hereby amended by striking out, in line 13, the words "one hundred dollars" and inserting in place thereof the following figure:- \$150.

SECTION 117. Section 12 of said chapter 211D, as so appearing, is hereby amended by striking out, in line 12, the word "five" and inserting in place thereof the following figure:- 10.

SECTION 118. Section 23B of chapter 217 of the General Laws, as so appearing,

is hereby amended by inserting after the line "Hampshire, one administrative deputy assistant." the following line:-

Middlesex, 3 administrative deputy assistants.

SECTION 119. Section 28 of said chapter 217, as amended by section 43 of chapter 177 of the acts of 2001, is hereby further amended by striking out the third and fourth sentences and inserting in place thereof the following 2 sentences:- A deputy assistant register shall receive as additional compensation an amount equal to 15 per cent of the annual salary of the Suffolk county register of probate. The register may also, from time to time, designate 5 employees as associate deputy registers who shall have the powers of assistant registers and receive as additional compensation an amount equal to 7.5 per cent of the salary paid to the register.

SECTION 120. The first paragraph of section 35B of said chapter 217 is hereby amended by striking out the first sentence, as amended by section 43A of said chapter 177, and inserting in place thereof the following sentence:- The salaries of first assistant registers and administrative deputy assistants of the probate and family court department shall be 83.5 per cent of the salary of the registers pursuant to section 35A and shall be paid by the commonwealth.

SECTION 121. Section 37 of chapter 221 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in lines 11 and 12, the figure "\$275" and inserting in the place thereof, in each instance, the following figure:- \$385.

SECTION 122. Said section 37 of said chapter 221, as so appearing, is hereby further amended by striking out, in lines 14 and 15, the words "five hundred dollars" and inserting in place thereof the following figure:- \$700.

SECTION 123. Section 117 of chapter 231 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the word "court", the first time it appears, the following words:- , the land court.

SECTION 124. Said section 117 of said chapter 231, as so appearing, is hereby amended by striking out, in line 11, the word "the" and inserting in place thereof the following words:- the justice of the land court, the.

SECTION 125. Section 8 of chapter 258B of the General Laws, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "sixty dollars" and inserting in place thereof the following figure:- \$90.

SECTION 126. Said section 8 of said chapter 258B, as so appearing, is hereby further amended by striking out, in line 5, the words "thirty-five dollars" and inserting in place thereof the following figure:- \$50.

SECTION 127. Said section 8 of said chapter 258B, as so appearing, is hereby further amended by striking out, in lines 9 and 13, the words "thirty dollars" and inserting in place thereof, in each instance, the following figure:- \$45.

SECTION 128. Said section 8 of said chapter 258B, as so appearing, is hereby further amended by striking out, in line 20, the words "fifty dollars" and inserting in place

thereof the following figure:- \$75.

SECTION 129. Section 2 of chapter 262 of the General Laws, as so appearing, is hereby amended by striking out, in lines 4 and 5, 11 and 12, and 17 the words "one hundred dollars" and inserting in place thereof, in each instance, the following figure:- \$150.

SECTION 130. Said section 2 of said chapter 262, as so appearing, is hereby further amended by striking out, in line 7, the words "twenty dollars" and inserting in place thereof the following figure:- \$25.

SECTION 131. Said section 2 of said chapter 262, as so appearing, is hereby further amended by striking out, in line 15, the words "thirty dollars" and inserting in place thereof the following figure:- \$50.

SECTION 132. Section 4 of said chapter 262, as so appearing, is hereby amended by striking out, in lines 4 and 5, the words "one hundred and fifty dollars" and inserting in place thereof the following figure:- \$250.

SECTION 133. Said section 4 of said chapter 262, as so appearing, is hereby further amended by striking out, in lines 6 and 7, the words "two hundred dollars" and inserting in place thereof the following figure:- \$225.

SECTION 134. Said section 4 of said chapter 262, as so appearing, is hereby further amended by striking out, in line 8, the words "fifty dollars" and inserting in place thereof the following figure:- \$75.

SECTION 135. Section 4A of said chapter 262, as so appearing, is hereby amended by striking out, in lines 5 and 6, the words "one hundred and seventy-five dollars" and inserting in place thereof the following figure:- \$200.

SECTION 136. Said section 4A of said chapter 262, as so appearing, is hereby further amended by striking out, in line 7, the words "twenty dollars" and inserting in place thereof the following figure:- \$25.

SECTION 137. Said section 4A of said chapter 262, as so appearing, is hereby further amended by striking out, in line 10, the words "fifty dollars" and inserting in place thereof the following figure:- \$75.

SECTION 138. Section 39 of said chapter 262, as so appearing, is hereby amended by striking out the first paragraph and inserting in place the following paragraph:-

For the entry of every original petition, complaint or writ and transmitting it to the recorder, when filed with an assistant-recorder, two hundred dollars. An additional fee of fifty dollars shall be paid for the issuance of an injunction or restraining order.

SECTION 139. Said section 39 of said chapter 262, as so appearing, is hereby further amended by striking out, in lines 5 and 36, the words "fifty dollars" and inserting in place thereof, in each instance, the following figure:- \$70.

SECTION 140. Said section 39 of said chapter 262, as so appearing, is hereby further amended by striking out, in line 14, the words "five dollars" and inserting in place thereof the following figure:- \$7.

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SECTION 141. Said section 39 of said chapter 262, as so appearing, is hereby further amended by striking out, in lines 18 and 22, the words "three dollars" and inserting in place thereof, in each instance, the following figure:- \$5.

SECTION 142. Said section 39 of said chapter 262, as so appearing, is hereby further amended by striking out, in line 27, the words "twenty-five dollars" and inserting in place thereof the following figure:- \$35.

SECTION 143. Said section 39 of said chapter 262, as so appearing, is hereby further amended by striking out, in line 33, the word "fifty" and inserting in place thereof the following figure:- \$70.

SECTION 144. Said section 39 of said chapter 262, as so appearing, is hereby further amended by striking out, in line 34, the words "two thousand dollars" and inserting in place thereof the following figure:- \$2,800.

SECTION 145. Section 40 of said chapter 262, as so appearing, is hereby amended by striking out, in lines 4 and 5, 48, 52 and in lines 59 and 60, the words "one hundred dollars" and inserting in place thereof, in each instance, the following figure:- \$140.

SECTION 146. Said section 40 of said chapter 262, as so appearing, is hereby further amended by striking out, in lines 6, 17, 27, 29, 43 and in lines 57 and 58, the words "fifty dollars" and inserting in place thereof, in each instance, the following figure:- \$70.

SECTION 147. Said section 40 of said chapter 262, as so appearing, is hereby further amended by striking out, in lines 33 and 34, 35, 39 and 56, the words "thirty dollars" and inserting in place thereof, in each instance, the following figure:- \$42.

SECTION 148. Said section 40 of said chapter 262, as so appearing, is hereby further amended by striking out, in lines 40 and 41, the words "one hundred twenty dollars" and inserting in place thereof the following figure:- \$170.

SECTION 149. Said section 40 of said chapter 262, as so appearing, is hereby further amended by striking out, in line 46, the words "seventy dollars" and inserting in place thereof the following figure:- \$100.

SECTION 150. Said section 40 of said chapter 262, as so appearing, is hereby further amended by striking out, in line 50, the words "two hundred dollars" and inserting in place thereof the following figure:- \$280.

SECTION 151. Said section 40 of said chapter 262, as so appearing, is hereby further amended by striking out, in line 53, the words "forty dollars" and inserting in place thereof the following figure:- \$56.

SECTION 152. Section 70C of chapter 277 of the General Laws, as so appearing, is hereby amended by striking out, in line 1, the words "Upon oral motion of the commonwealth at." and inserting in place thereof the following word:- At.

SECTION 153. The ninth paragraph of section 274 of chapter 110 of the acts of 1993 is hereby amended by adding the following sentence:- The division shall also notify superintendents of this estimated rate of inflation by December 1.

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SECTION 154. The first paragraph of section 22 of chapter 482 of the acts of 1993 is hereby amended by striking out in lines 11 to 13, inclusive, the words "and a twenty-five dollar annual surcharge on the licensing fee paid by property and casualty insurance brokers and property and casualty agents of direct writers registered with the division of insurance" and inserting in place thereof the following words:- a surcharge equal to \$25 per year on the license, payable at the time of the licensing fee paid by insurance producers licensed in property or casualty lines of insurance by the division of insurance.

SECTION 155. Subsection (i) of section 567 of chapter 151 of the acts of 1996 is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- The registry shall be designated a tier 2 registry and the salary of the register shall be consistent with the salaries of tier 2 registers.

SECTION 156. Section 21 of chapter 47 of the acts of 1997 is hereby amended by striking out, in line 2, the figure "2002" and inserting in place thereof the following figure:- 2007.

SECTION 157. Section 22 of said chapter 47 is hereby amended by striking out the figure "1998 to 2004", inserted by section 58 of chapter 177 of the acts of 2001, and inserting in place thereof the following words:- 1998 to 2007.

SECTION 158. Said section 22 of said chapter 47 is hereby further amended by striking out, in line 3, the figure "\$2,000,000" and inserting in place thereof the following figure:- \$3,000,000.

SECTION 159. Section 25 of chapter 175 of the acts of 1998, as amended by section 1 of chapter 172 of the acts of 1999, is hereby further amended by striking out, in line 2, the figure "2002" and inserting in place thereof the following figure:- 2005.

SECTION 160. Section 26 of said chapter 175, as amended by section 2 of said chapter 172, is hereby further amended by striking out, in line 1, the figure "2003" and inserting in place thereof the following figure:- 2006.

SECTION 161. Section 1 of chapter 297 of the acts of 1998 is hereby amended by striking out the words "June 30, 2002" and inserting in place thereof the following words:- June 30, 2003.

SECTION 162. Item 7004-0089 in section 2 of chapter 127 of the acts of 1999 is hereby amended by striking out, in lines 31 and 32, the words "or structural reinforcement of the Bolivar street public works garage in the town of Canton" and inserting in place thereof the following:- of the Bolivar street works garage in the town of Canton and to purchase land or buildings to prepare land, to erect or remodel any existing buildings or other structures, for the construction and equipping to a public works garage in the town of Canton.

SECTION 163. The second sentence of section 15 of chapter 87 of the acts of 2000, inserted by section 9 of chapter 125 of the acts of 2000, is hereby amended by inserting after the word "year", in line 8, the first time it appears, the following words:- and attributable to the rates for such fees in effect as of January 1, 2002.

NO SECTION 164.

SECTION 165. Section 357 of chapter 159 of the acts of 2000 shall apply in fiscal year 2003, except that in said fiscal year 2003:

(a) only \$23,000,000 shall be credited to the Capital Needs Investment Fund;

(b) clauses (c) and (d) of said section 357 shall not apply; and

(c) \$3,000,000 shall be expended for the purposes of clause (b) of said section 357; of this amount, not less than \$600,000 shall be expended for the purposes of subclause (3), not less than \$300,000 shall be expended for the purposes of subclause (5) and not less than \$500,000 shall be expended for the purposes of subclause (6).

SECTION 166. Section 403 of said chapter 159 is hereby amended by striking out, in lines 7 and 8, the words "the eleventh through the twentieth bed-hold day, inclusive," and inserting in place thereof the following words:- bed-hold days.

SECTION 167. The last paragraph of said section 403 of said chapter 159 is hereby amended by adding the following two sentences:- The division of medical assistance shall pay for bed-hold days at the lowest rate established by the division of health care finance and policy for the nursing facility in which the person resides for the rate year in which the non-medical leave of absence occurs. These bed-hold day payments shall not be made for more than 15 days per calendar year for a patient of the facility.

SECTION 168. Said chapter 159 is hereby further amended by striking out section 494 and inserting in place thereof the following 2 sections:-

Section 494. Section 143 shall take effect on July 1, 2002.

Section 494A. Section 171 shall take effect on July 1, 2003.

SECTION 169. Section 7A of chapter 177 of the acts of 2001 is hereby repealed.

SECTION 170. Said chapter 177 is hereby further amended by striking out section 62 and inserting in place thereof the following section:

Section 62. (a) The secretary of the executive office of elder affairs, the commissioner of the group insurance commission, the director of the state office of pharmacy services, the superintendents of the soldiers' homes in Chelsea and Holyoke and the commissioners of the departments of public health, mental health and mental retardation shall form, a prescription drug procurement unit, which shall develop a program of aggregate purchase of prescription drugs or a program to negotiate discounts with pharmaceutical companies on behalf of the unit and its member agencies based upon the consolidated populations of said unit and its member agencies. Such program shall include a competitive procurement process and contract negotiation for pharmacy benefit management services. Such program may, if feasible, develop a plan to pass on negotiated discounts to uninsured or underinsured residents of the Commonwealth. No contract currently in existence with any agency or program shall be terminated before its expiration date unless, in the opinion of the agency and a majority of the member agencies, it has been favorably renegotiated as part of the unit contract. The unit shall consult with the office of pharmacy services and the division of medical assistance, to the extent allowed by federal law, in negotiating discounts pursuant to this section, and the

division of medical assistance shall join the unit contract to the extent allowed by federal law. The unit or the commissioner of the division of medical assistance may contract with an independent consultant in order to assist said group to develop either program, and shall seek any federal approval required to implement either program.

(b) If a majority of the members of the procurement unit are unable to agree on a program, pursuant to this section, the unit shall file a report with the house and senate committees on ways and means and the joint committee on health care on the reasons therefor and shall include in such report any recommendations to improve or clarify the development of a program, including any legislative recommendations necessary to ensure successful establishment of such program. The unit shall report to such committees its progress in implementing the program by October 1, 2002.

(c) For the purposes of paragraph (c) of section 39 of chapter 19A of the General Laws, this section shall be considered a successor statute to section 271 of chapter 127 of the acts of 1999 section, but this sentence shall not be construed to have the effect of repealing said section 271.

SECTION 171. The second sentence of section 74 of chapter 177 of the acts of 2001 is hereby amended by striking out the words "4 nonvoting members to be appointed by the governor" and inserting in place thereof, the following words:- 5 nonvoting members to be appointed by the governor, 1 of whom shall be from the Massachusetts Council of Community Hospitals.

SECTION 172. The last sentence of said section 74 of said chapter 177 is hereby amended by striking out the word "August" and inserting in place thereof the following word:- December.

SECTION 173. Section 74 of chapter 177 of the acts of 2001, is hereby amended by inserting after the words "secretary of administration and finance," in lines 7 and 21, each time they appear, the following words:- or his designee.

SECTION 174. (a) Notwithstanding section 42 of chapter 10 of the General Laws, or any other general or special law to the contrary, the comptroller shall transfer, without further appropriation, \$3,878,561 from the Massachusetts Clean Elections Fund to the Clean Elections Judgment Fund established in subsection (b), on the effective date of this act. The comptroller shall further transfer all remaining funds in the Massachusetts Clean Elections Fund to the General Fund.

(b) Notwithstanding any other general or special law to the contrary, there shall be within the office of the state comptroller a separate fund to be known as the Clean Elections Judgment Fund. There shall be credited to the fund all amounts transferred by the comptroller from the Massachusetts Clean Elections Fund under subsection (a). Amounts transferred to the fund shall be available for expenditure without further appropriation, and the comptroller shall so expend said funds to satisfy any final judgment that is entered in favor of a plaintiff against defendant Michael J. Sullivan in his official capacity as the director of the office of campaign and political finance in the matter of Kelly Bates, et al vs. Michael J. Sullivan, et al., SJ-2001-0448.

(c) The state secretary shall cause the following question to be placed on the official ballot at the biennial state election to be held in the year 2002:- "Do you support taxpayer money being used to fund political campaigns for public office in the commonwealth of Massachusetts?" The votes cast shall be received, sorted, counted, declared and transmitted to the state secretary, laid before the governor and council and, by them, opened and examined in accordance with the laws relating to votes for state officers so far as they apply, and the governor shall then communicate to the general court the total number of votes cast in the affirmative and in the negative on the question, and likewise, the same totals arranged by senatorial and representative districts.

NO SECTION 175.

SECTION 176. Notwithstanding any general or special law to the contrary, for the period ending June 30, 2003, the secretary of administration and finance shall, with respect to any charges or fees which the secretary was heretofore authorized to establish under the provisions of section 3B of chapter 7 of the General Laws or under the provisions of any other general or special law, and with respect to any service, registration, regulation, license, fee, permit, or other public function which is not provided for in said section 3B of said chapter 7 other than services in hospitals, clinics, or other health facilities and services rendered by a correctional institution for inmates therein: (1) determine the amount to be charged by the commonwealth for each service of any kind performed by any state personnel or agency which is primarily for the benefit of any individual person or corporation; (2) determine the charge to be made by the commonwealth for each use for private purposes or gain of state-owned buildings, houses, facilities, and equipment; (3) determine the charge to be made by the commonwealth for meals served in state institutions or facilities to employees thereof; and (4) determine the amount to be charged for any other services, registration, regulation, license, fee, permit or other public function; provided, however, that said secretary shall not determine the rates of tuition at state colleges, state community colleges, state universities, and the Massachusetts Maritime Academy or any fees or charges relative to the administration and operation of the trial court, appeals court, supreme judicial court and any other department of the judiciary of the commonwealth.

SECTION 177. The operational services division of administration and finance shall, after consultation with the department of education, the Massachusetts association of school superintendents, the Massachusetts administrators for special education, and the Massachusetts association of 766 approved private schools, promulgate regulations regarding prompt notification to purchasers of submission of applications for program changes. Such notification shall include the tuition price the program has requested for each student from the sending district.

The department of education shall review and take action on applications for program changes with due diligence and without undue delay. The department shall give priority first to applications that address health and safety issues, second to applications that address non-compliance with state or federal special education requirements, and third to all other applications. The approved tuition price shall, except if it is required for extraordinary relief,

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so called, take effect during the next fiscal year following application to the department of education, in accordance with regulations promulgated by the operational services division, provided however, that approved tuition prices for program reconstruction applications submitted during fiscal years 2001 or 2002 and in the final stage of approval by the department of education shall take effect immediately upon pricing by the operational services division. In requests for tuition increases, except for those pursuant to extraordinary relief, the applicant shall notify relevant public schools and other public purchasers of the requested tuition prior to December 1 of the fiscal year in which the application is filed. Programs shall immediately implement any program changes necessary to address health and safety issues and non-compliance with state or federal special education requirements and programs shall be required to implement all students' individual education plans; however no program shall be required to implement any other program changes until the effective date of the tuition increases.

SECTION 178. Pursuant to the provisions of section 119 of this act and notwithstanding any general or special law or regulation to the contrary, the secretary of administration and finance shall establish the following fees for service; provided, however, that said fees for service shall take effect on July 1, 2002.

Secretary of State.

Domestic Corporate Charter	\$275
Foreign Corporate Charter Fee	\$400
Domestic and Foreign Charter Annual Reports	\$125
Securities Filing Fees	
Initial	\$2500
Renewal	\$1250
Document Copies	\$.30 per page
Broker Licenses	\$75 to \$450
Appellate Tax Board.	
Appeals Entry Fees	
\$20,000 or less	\$10
\$20,001 to \$100,000	\$50
\$100,001 to \$999,999	\$100
Informal Procedure Entry Fees	\$50
Up to \$650,000	\$100
Registry of Motor Vehicles.	
Gift Car Transfer Fee	\$25
Civil Motor Vehicle Infraction	
Late Fine for Speeding or Special Ticket	\$15

SECTION 179. Notwithstanding section 108L of chapter 41 of the General Laws any city or town which accepts the provisions of section 108L of chapter 41 of the General Laws after July 1, 2002 and provides annual career incentive bonus payments for police officers, shall not be reimbursed by the commonwealth for the commonwealth's share of those

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payments for either fiscal year 2003 or fiscal year 2004.

SECTION 180. (a) Notwithstanding any general or special law, in fiscal year 2003, monies in the Health Care Quality Improvement Trust Fund, established pursuant to section 2EEE of chapter 29 of the General Laws, shall be expended in the following manner:

(1) \$70,000,000 to fund the use of 2000 base year cost information for rate determination purposes, effective July 1, 2002;

(2) an amount that will annualize to no more than \$129,100,000 for enhanced payment rates to nursing homes;

(3) an amount that will annualize to no more than \$50,000,000 to fund a rate add-on for wages, hours and benefits and related employee costs of direct care staff of nursing homes. As a condition for such rate add-on, the division of health care finance and policy shall require that each nursing home document to said division that such funds are spent only on direct care staff by increasing the wages, hours and benefits of direct care staff, increasing the facility's staff-to-patient ratio, or by demonstrably improving the facility's recruitment and retention of nursing staff to provide quality care, which shall include expenditure of funds for nursing facilities which document actual nursing spending that is higher than the median nursing cost per management minute in the base year used to calculate Medicaid nursing facility rates. The division shall credit wage increases that are over and above any previously collectively bargained for wage increases. The expenditure of these funds shall be subject to audit by said division in consultation with the department of public health and the division of medical assistance. In implementing this section, the division shall consult with the Nursing Home Advisory Council;

(4) an amount that will annualize to no more than \$12,000,000 to fund rate adjustments for reasonable capital expenditures by nursing homes, giving priority to nursing homes located or constructed in under-bedded areas as determined by the division of medical assistance, in consultation with the division of health care finance and policy, that meet quality standards established by the division of medical assistance in conjunction with the department of public health and the division of health care finance and policy for the purposes of encouraging the upgrading and maintenance of quality of care in nursing homes, and to fund rate adjustments to eligible nursing homes that meet utilization standards established by the division of medical assistance in consultation with the division of health care finance and policy for the purpose of reducing unnecessary nursing home admissions and facilitating the return of nursing home residents to non-institutional settings;

(5) \$300,000 for the purposes of an audit of funds distributed pursuant to clause (3) of this paragraph. The division of health care finance and policy, in consultation with the department of public health and with the assistance of the division of medical assistance, shall establish penalties sufficient to deter noncompliance to be imposed against any facility that expends any or all monies in violation of clause (c) of section 2EEE of chapter 29 of the General Laws, including, but not limited to, recoupment, assessment of fines or interest. The division shall report to the house and senate committees on ways and means not later than

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October 1, 2003 a preliminary analysis of funds expended pursuant to said subsection in fiscal year 2003 and a description and timeline for auditing of these funds;

(6) \$3,000,000 to fund expenses at the division of health care quality within the department of public health to enforce and improve nursing home quality standards partially funded in item 4510-0710 of section 2; provided that \$1,000,000 shall be expended to support boards of registration being transferred to or serving in the department of public health;

(7) \$250,000 to fund expenses at the division of health care finance and policy related to the implementation and administration of sections 25 and 26 of chapter 118G of the General Laws;

(8) \$4,100,000 for the career ladder grant program in long-term care established pursuant to section 410 of chapter 159 of the acts of 2000; provided that the grants shall be available for certified nurses' aides, home health aides, homemakers and other entry level workers in long term care; provided further, that the length of such grants shall not exceed a period of 3 years; provided further, that the Commonwealth Corporation shall submit quarterly reports to the house and senate committees on ways and means on said grant program including, but not limited to, the number of grants awarded, the amount of each grant, a description of the career ladder programs, changes in care-giving and workplace practices that have occurred and their impact on quality of care and worker retention and the certificates, degrees or professional status attained by each participating employee; provided further, that the administrative and program management costs for the implementation of said grant program shall not exceed 4 per cent of the amount appropriated in this item; provided further that each grant may include funding for technical assistance and evaluation;

(9) \$6,500,000 for grants to community health centers for one-time grants to be administered on the basis of demonstrated need as a result of changes to section 9A of chapter 118E of the General Laws;

(10) an amount sufficient to implement the provisions of section 622 of chapter 151 of the acts of 1996; and

(11) payment for services provided to MassHealth members by pharmacies participating in MassHealth.

(b) The comptroller shall transfer from the Health Care Security Trust Fund to the Health Care Quality Improvement Trust Fund on the first business day of each quarter, the amount indicated by the divisions of health care finance and policy and medical assistance to provide the appropriate rate increases to nursing homes.

SECTION 181. Notwithstanding any general or special law to the contrary, the balance remaining in the Ratepayer Parity Trust Fund on the effective date of this act shall be transferred by the comptroller to the General Fund.

SECTION 182. Notwithstanding any general or special law to the contrary, the commissioner of revenue may establish a tax amnesty program during which all penalties that could be assessed by the commissioner for the failure of the taxpayer: (i) to timely file any proper return for any tax types and for any tax periods; (ii) to file proper returns which

report the full amount of the taxpayer's liability for any tax types and for any tax periods; (iii) to timely pay any tax liability; or (iv) to pay the proper amount of any required estimated payment toward a tax liability shall be waived without the need for any showing by the taxpayer of reasonable cause or the absence of willful neglect, if the taxpayer, prior to the expiration of the amnesty period, voluntarily files proper returns for all tax types for all periods for which the taxpayer has or had a filing obligation and pays, or at the commissioner's discretion provides security for, the full amount of tax shown on the taxpayer's returns or upon the commissioner's assessments, together with all interest due thereon. The amnesty program shall be established for a period of 2 consecutive months within fiscal year 2003 to be determined by the commissioner, such period to expire not later than June 30, 2003.

The commissioner's authority to waive penalties during the amnesty period shall not apply to any taxpayer who, before the start date of the amnesty program selected by the commissioner, is or has been the subject of a tax related criminal investigation or prosecution. The amnesty program shall not apply to a tax liability of any tax type for a period commencing on or after January 1, 2001 and shall not authorize the waiver of any interest or amount treated as interest. The commissioner may offer amnesty to those taxpayers who have either any unpaid self-assessed liability or who have been assessed a tax liability, whether before or after their filing of a return, which assessed liability remains unpaid.

To the extent that a taxpayer wishing to participate in the amnesty program has postponed the payment of an assessment of tax, interest and penalty under the authority of subsection (e) of section 32 of chapter 62C of the General Laws, the taxpayer shall waive in writing all rights under said subsection (e) to further delay the payment of the tax and interest portions of the assessment. The tax and interest portions of the assessment shall be payable in full from the date of the commissioner's notice of assessment. Upon payment by the taxpayer of the tax and interest of the outstanding assessment, the commissioner shall waive all penalties associated with that assessment. Thereafter, the taxpayer and the commissioner shall proceed with all administrative appeal rights that the taxpayer wishes to pursue with respect to the assessment.

Amnesty shall not apply to those penalties which the commissioner would not have the sole authority to waive including, but not limited to, fuel taxes administered under the International Fuel Tax Agreement or under the local option portions of taxes or excises collected for the benefit of cities, towns or state governmental authorities.

SECTION 183. Notwithstanding any general or special law to the contrary, regulations adopted by the commissioner of revenue shall implement and be consistent with the following:

a.) All state personal income tax forms shall contain a check-off box allowing taxpayers to elect, at the option of the taxpayer, the following: "I elect to pay 5.85 percent income tax on Part A taxable income and Part B taxable income.";

b.) All state personal income tax schedules and instructions booklets shall contain a

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table providing the tax at various incomes calculated at the voluntary rate of tax of 5.85 percent;

c.) The department of revenue shall maintain a record of the number of taxpayers who choose to elect the rate of tax of 5.85 percent; and

d.) The department of revenue shall maintain a record of the amount of revenue collected from taxpayers who have elected to pay the rate of tax of 5.85 percent.

SECTION 184. Notwithstanding any general or special law to the contrary, during fiscal year 2003, the comptroller shall transfer from the Health Care Security Trust, established under chapter 29D of the General Laws, to the Tobacco Settlement Fund, established under section 2XX of chapter 29 of the General Laws, an amount equal to 100 per cent of the total of all payments received by the commonwealth in fiscal year 2003 pursuant to the master settlement agreement in the action known as Commonwealth of Massachusetts v. Phillip Morris, Inc. et. al., Middlesex Superior Court, No. 95-7378 and 50 per cent of the earnings generated in fiscal year 2003 from the Health Care Security Trust as certified by the comptroller pursuant to paragraph (f) of section 3 of chapter 29D of the General Laws.

SECTION 185. Notwithstanding any general or special law to the contrary, the division of capital asset management and maintenance is hereby authorized to expend from capital authorizations amounts necessary to cover the operational costs of the division for fiscal year 2003. The department shall develop a plan to phase into the budgetary appropriation all personnel costs expended from capital authorizations after June 30, 2001, and that the phase in of these costs shall be complete by June 30, 2005. The division shall file quarterly reports with the house and senate committees on ways and means detailing all amounts expended on bond-funded capital projects under the jurisdiction of the division, and for all administrative and personnel expenses of the division charged to such bonds during fiscal year 2003. All amounts so reported shall be detailed by object code. The division shall file these reports not later than 30 days after the end of each quarter of fiscal year 2003.

SECTION 186. (a) Except as provided in subsection (c), the assessments established by section 25 of chapter 118G shall not be collected and the expenditures required by clauses (1) - (10), inclusive, of paragraph (a) of section 180 shall not be authorized until the division of medical assistance certifies that it has obtained federal approval of any related state plan amendments and of the availability of federal financial participation for MassHealth expenditures funded in part or in whole by revenues collected from said assessments. The rate changes authorized by clauses (2), (3) and (4) of paragraph (a) of section 180 shall be effective as of the date that such rate changes are certified with the secretary of state; provided that the division of health care finance and policy has posted notice of and held a public hearing on such rate changes.

(b) Except as provided in subsection (d), the assessments established by section 26 of chapter 118G shall not be collected and the expenditures required by clause (11) of paragraph (a) of section 180 shall not be authorized until the division of medical assistance certifies that it has obtained federal approval of any related state plan amendments and of the

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availability of federal financial participation for MassHealth expenditures funded in part or in whole by revenues collected from said assessments.

(c) The division of medical assistance may begin payment from the general fund of the previously scheduled \$70,000,000 rate increase to fund the use of 2000 base year cost information for rate determination purposes for nursing home payment rates effective July 1, 2002. After the division certifies federal approval pursuant to subsection (a), any amount expended from the general fund pursuant to this subsection shall be reimbursed from the Health Care Quality Improvement Trust Fund established pursuant to section 2EEE of chapter 29.

(d) The division of medical assistance may begin payment from the general fund of dispensing fees to retail pharmacies effective July 1, 2002. After the division certifies federal approval pursuant to subsection (b), any amount expended from the general fund pursuant to this subsection shall be reimbursed from the Health Care Quality Improvement Trust Fund established pursuant to section 2EEE of chapter 29.

SECTION 187. Notwithstanding of section 25 of chapter 118G of the General Laws, in fiscal year 2003, the amount of the assessment imposed by said section 25 shall be sufficient in the aggregate to fund the expenditures authorized by clauses (1) - (10), inclusive, of paragraph (a) of section 180, taking into account federal financial participation made available by such expenditures.

SECTION 188. Notwithstanding any general or special law to the contrary, except for sections 52 to 55, inclusive, of chapter 7 of the General Laws, the secretary of administration and finance shall, in fiscal year 2003, identify and pursue projects to optimize non-tax revenue management and collections by the commonwealth. The secretary or his designee may enter into contracts with private vendors and enter into interdepartmental service agreements with departments to identify and pursue such projects. Private vendors shall be compensated from non-tax revenues collected by such projects in excess of the non-tax revenues established by the contracts as the minimum to be collected by each project. For the purposes of this section, payments to vendors for services performed shall be known as "vendor participation payments"; amounts allocated from item 1599-0033 of section 2 to participating departments under this section shall be known as "department incentive payments"; and non-tax revenue collected under this section, after deduction of vendor participation payments, department incentive payments, and other charges directed to the Maximization Fund established by section 2R of chapter 29 of the General Laws, shall be known as "net additional revenue". For the purposes of this section, the terms "department" or "participating department" shall mean any department, agency, board, commission, office or institution under the executive control of the governor or other constitutional officer participating in the revenue optimization projects authorized by this section.

A vendor shall be compensated only if: (1) the revenue achieved for each specific revenue source is new revenue, but new revenue shall be defined as revenue in addition to revenue collected during the preceding fiscal year for each revenue source; and (2), in the event of revenue sources which are caseload-driven federal reimbursements, the ratio of that

revenue source to the reimbursable expenditure has exceeded the highest such ratio during the preceding fiscal year. The commonwealth shall retain all rights in software programs developed under any contract executed under this section.

A department shall receive department incentive payments under this section and item 1599-0033 of section 2 only if both (1) a fee or any other non-tax revenue collected during fiscal year 2003 is greater than the highest amount of revenue collected from the fee or other non-tax revenue during the preceding fiscal year; and (2) the total revenue collected by such department in fiscal year 2003 is in excess of the amounts projected in section 1B for each department or, alternatively, in excess of the most recent revenue estimate, if there is one, from the fiscal affairs division.

The comptroller shall deposit in the Maximization Fund all revenue under this section and may allocate from the fund without further appropriation, at the direction of the secretary, department incentive awards to participating departments in an amount not to exceed 10 per cent of total net additional revenue. Ninety per cent of the allocations shall be distributed to participating departments in proportion to the revenue collected by each individual department as a percentage of the total revenue collected under this section. The remaining 10 per cent shall be distributed to participating departments at the discretion of the secretary. The comptroller shall transfer to the General Fund at the close of the fiscal year any balance remaining in the Maximization Fund after providing for those allocations to participating departments, vendor participation payments and other charges to the Maximization Fund, but no expenditure shall be made from the Maximization Fund that would cause the fund to be in deficit at the close of the fiscal year.

Departments may expend department incentive payments without further appropriation after obtaining the written approval of the secretary or his designee of a plan detailing proposed expenditures, allocations and reallocations. Approved plans must be filed with the house and senate committees on ways and means not less than 10 days in advance of any such allocation or reallocation. All expenditures made under this section shall be for one-time expenses that shall not recur in the current or a subsequent fiscal year, and shall not be used to supplant purposes authorized in any other item of appropriation in the current or a subsequent fiscal year. Any unexpended balance from the allocations at the end of each fiscal year shall, at the discretion of the secretary or his designee, revert to the General Fund except to the extent that the approved spending plan includes multi-year expenditures. The comptroller shall report, not later than January 31 of each year, to the secretary of administration and finance and the house and senate committees on ways and means on the results and operations of the revenue optimization projects authorized by this section, for the 6-month period ending the preceding December 31. Such information shall detail, by each vendor, project and department: the amount of vendor participation payments made to each vendor, the net additional revenue retained by the commonwealth, the amounts allocated or reallocated to each such participating department under item 1599-0033 and this section, and the estimated receipts, payments and allocations for the fiscal year. The comptroller shall report to the secretary of administration and finance and the house and senate committees on

ways and means, not later than September 30 of each year, the preceding information for the prior fiscal year, the total of all vendor participation payments made to each vendor, and the net additional revenue collected by each project over the duration of the project. On or before September 30 of each year, the comptroller shall submit to the house and senate committees on ways and means a plan approved by the secretary of administration and finance detailing, by executive office and department, the net additional revenue estimated to be collected under this section in the fiscal year. This section shall remain in effect until July 1, 2004.

SECTION 189. Notwithstanding any general or special law to the contrary, not later than 10 days after the effective date of this act, the comptroller shall transfer an amount up to \$790,000,000 from the Commonwealth Stabilization Fund to the General Fund for the purposes of funding items authorized in this act.

SECTION 190. (a) Upon the request of the board of selectmen in a town, the city council in a plan E city or the mayor in any other city, the department of revenue may recalculate the minimum required local contribution, as defined in section 2 of chapter 70 of the General Laws, in the fiscal year ending June 30, 2003. Based on the criteria in this section, the department shall recalculate the minimum required local contribution for a municipality's local and regional schools and shall certify the amounts calculated to the department of education.

(b) A city or town that used qualifying revenue amounts in a fiscal year which shall not be available for use in the next fiscal year or that shall be required to use revenues for extraordinary nonschool-related expenses for which it did not have to use revenues in the preceding fiscal year or that has an excessive certified municipal revenue growth factor which is also greater than or equal to 1.5 times the state average municipal revenue growth factor may appeal to the department of revenue not later than October 1, 2002 for an adjustment of its minimum required local contribution and net school spending.

(c) If a claim is determined to be valid, the department of revenue may reduce proportionately the minimum required local contribution amount based on the amount of shortfall in revenue or based on the amount of increase in extraordinary expenditures in the current fiscal year, but no adjustment to the minimum required local contribution on account of an extraordinary expense raised in the budget for the fiscal year ending on June 30, 2003 shall affect the calculation of the minimum required local contribution in subsequent fiscal years. Qualifying revenue amounts shall include, but not be limited to, extraordinary amounts of free cash, overlay surplus and other available funds.

(d) If, upon submission of adequate documentation, the department of revenue determines that the municipality's claim regarding an excessive municipal revenue growth factor is valid, said department shall recalculate the municipal revenue growth factor and the department of 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) Upon the request of the board of selectmen in a town, the city council in a plan E city or the mayor in any other city, in a majority of the member municipalities, a regional school district which used qualifying revenue amounts in a fiscal year that shall not be available for use in the next fiscal year shall appeal to the department of revenue not later than October 1, 2002 for an adjustment to its net school spending requirement. If the claim is determined to be valid, the department of revenue shall reduce the net school spending requirement based on the amount of the shortfall in revenue and reduce the minimum required local contribution of member municipalities accordingly. Qualifying revenue amounts shall include, but not be limited to, extraordinary amounts of excess and deficiency, surplus and uncommitted reserves.

(f) A regional school district which received regional school incentive aid in fiscal year 1995 shall, upon the request of the board of selectmen in a town, the city council in a Plan E city or the mayor in any other city, in a majority of the member municipalities, appeal to the department of education for an adjustment in the minimum required local contribution of its member municipalities. The department of education may reduce the increased assessment of the member municipalities as a result of the reorganization of the regional school district by using a portion of the regional incentive aid to reduce the prior year local contribution.

(g) If the regional school budget has already been adopted by two-thirds of the member municipalities then, upon a majority vote of the member municipalities, the regional school committee shall adjust the assessments of the member municipalities in accordance with the reduction in minimum required local contributions approved by the department of revenue or the department of education in accordance with this section.

(h) Notwithstanding clause (14) of section 3 of chapter 214 of the General Laws or any other general or special law to the contrary, the amounts so determined shall be deemed to be the minimum required local contribution described in chapter 70 of the General Laws. The house and senate committees on ways and means and the joint committee on education, arts and humanities shall be notified by the department of revenue and the department of education of the amount of any reduction in the minimum required local contribution amount.

(i) If a city or town has an approved budget that exceeds the recalculated minimum required local contribution and net school spending amounts for its local school system or its recalculated minimum required local contribution to its regional school districts as provided by this section, the local appropriating authority shall determine the extent to which the community shall avail itself of any relief authorized under this section.

(j) The amount of financial assistance due from the commonwealth in fiscal year 2003 under said chapter 70 or any other law shall not be changed on account of any redetermination of the minimum required local contribution under this section.

(k) The department of revenue and the department of education shall issue guidelines for their respective duties under this section.

SECTION 191. Notwithstanding any general or special law to the contrary, on or before August 1, 2002, the comptroller shall transfer \$120,000,000 from the Tobacco Settlement Fund, established under section 2XX of chapter 29 of the General Laws, to the Children's and Seniors' Health Care Access Fund, established under section 2FF of chapter 29 of the General Laws.

SECTION 192. Notwithstanding any general or special law to the contrary, on or before September 30, 2002, the comptroller shall transfer \$12,000,000 from the Tobacco Settlement Fund, established under section 2XX of chapter 29 of the General Laws, to the Uncompensated Care Trust Fund, established under section 18 of chapter 188G of the General Laws.

SECTION 193. Notwithstanding any general or special law to the contrary, the comptroller shall transfer on or before June 30, 2003, without further appropriation, \$30,000,000 from the General Fund to the Uncompensated Care Trust Fund, established pursuant to section 18 of chapter 118G of the General Laws, for the purpose of making initial gross payments to qualifying acute care hospitals for the hospital fiscal year beginning October 1, 2002. Said payments shall be made to hospitals prior to, and in anticipation of, the payment by hospitals of their gross liability to said fund. The comptroller shall transfer from said fund to the General Fund not later than June 30, 2003, the amount of the transfer authorized herein and any allocation thereof as certified by the commissioner of the division of health care finance and policy.

SECTION 194. There is hereby established on the books of the commonwealth a separate fund to be known as the Asbestos Cost Recovery Trust Fund. Notwithstanding any general or special law to the contrary, all sums awarded to or received by the commonwealth, after the payment of fees and expenses, as a result of settlement, trial, or judgment from Suffolk Superior Court No. 90-3791-A, Commonwealth of Massachusetts v. Owens Corning Fiberglass, et al., and other actions brought to recover damages relating to asbestos-containing materials in buildings owned or operated by the commonwealth, or received as dividend payments by the commonwealth on the account of the bankruptcy of any manufacturer, seller, or distributor of asbestos-containing materials in buildings owned or operated by the commonwealth, shall be segregated and held in the fund. The division of capital asset management and maintenance shall develop a plan for the orderly expenditure of such sums that are received by the Asbestos Cost Recovery Trust Fund for the purposes of encapsulation, removal of asbestos, and costs related thereto. The plan shall contain provisions for emergencies, the short-term and long-term control of asbestos in buildings owned or operated by the commonwealth, and the removal and disposition of asbestos-containing materials located in such buildings.

Interest earned on the revenues credited to the trust fund shall remain in the fund and be expended consistent with the provisions of this section. The funds deposited, and the interest earned thereon, may be expended by said division without further appropriation, consistent with the provisions of this section. Any sums remaining in the Asbestos Cost Recovery Fund, established by section 356 of chapter 159 of the acts of 2000, on June 30,

2001, shall be transferred to the Asbestos Cost Recovery Trust Fund. The provisions of this section shall expire on June 30, 2006, or after 5 consecutive fiscal years during which no deposits are made, whichever is later. Any remaining balance in this fund, upon expiration, shall be transferred to the General Fund.

SECTION 195. Notwithstanding any general or special law to the contrary, this section shall define the fiscal year 2003 school aid due to cities, towns, regional school districts and counties maintaining agricultural schools, independent vocational schools and independent agricultural and technical schools under chapter 70 of the General Laws.

Chapter 70 aid shall be the sum of base aid and foundation aid as defined in this section, plus aid distributed through item 7053-1940 of section 2 of chapter 177 of the acts of 2001.

Base aid for each district shall be all aid allocated to that district through items 7061-0006 and 7061-0008 of section 2 of chapter 177 of the acts of 2001.

Foundation aid, for each district, shall be any positive difference between the foundation budget for that district and the sum of member municipalities' preliminary local contributions, where preliminary local contributions shall be calculated in the same manner as for the governor's budget submission for fiscal year 2003.

SECTION 196. Notwithstanding any general or special law to the contrary, the division of industrial accidents, the department of public health, the group insurance commission, the office of the secretary of state, the division of employment and training, and all state colleges and community colleges receiving funding from the commonwealth shall take all steps necessary to begin participation in the state comptroller's Intercept Program for overdue receivables.

Each agency and college shall designate 1 officer responsible for coordinating the necessary steps with the office of the state comptroller. The responsible officer shall submit timely and sufficient information to the office of the state comptroller so that the comptroller may examine accounts and demands against the commonwealth as provided in section 3 of chapter 7A of the General Laws.

The state comptroller shall, not later than March 15, 2003, report to the house and senate committees on ways and means on the implementation of Intercept Program participation for the agencies and state and community colleges identified in this section. The report shall also include an estimate on the amount of overdue receivables that is expected to be collected on behalf of the specified agencies and state and community colleges as a result of participation in the Intercept Program in fiscal year 2003.

SECTION 197. (a) Notwithstanding the provisions of any general or special law to the contrary, any school committee may vote to authorize the sale of advertising on school buses owned, operated, contracted or controlled by the school district.

(b) The school committee shall establish a governing board that will oversee the sale of advertising on school buses. The governing board shall establish a school bus advertisement fund comprised of revenues from the sale of advertising space on school buses. The monies in a school bus advertisement fund shall be kept separate from the General Fund,

not subject to reversion, and may be used by the school committee for any lawful educational purposes.

(c) Advertisements must be age appropriate and not contain promotion of any substance that is illegal for minors such as alcohol, tobacco, drugs and gambling.

(d) Advertising approved by the local school board may appear only, (1) on the sides of the bus, (2) below the seat level rub rail and not above the bottom of the side windows; and (3) at least three inches from any required lettering, lamp, wheel well or reflector behind the service door or stop signal arm.

(e) Advertising approved by the local school board shall not, (1) extend from the body of the bus so as to allow a handhold or present a danger to pedestrians, (2) interfere with the operation of any door or window; or (3) be placed on any emergency doors.

(f) Notwithstanding the provisions of any general or special law to the contrary the Massachusetts Tobacco Control Program, upon approval by the local school committee, may rent advertising space on the sides of publicly owned and operated school buses for the purposes of administrating an anti-smoking campaign within the school districts of the commonwealth.

(g) No more than 25 per cent of the exterior area of said bus shall contain advertising.

SECTION 198. Notwithstanding any general or special law to the contrary, during fiscal year 2003 and including the accounts payable period for that fiscal year, the division of medical assistance may expend from the medical assistance intergovernmental transfer account within the Uncompensated Care Trust Fund an amount not to exceed \$425,000,000 for a program of MassHealth supplemental payments to certain publicly operated entities providing Title XIX reimbursable services, directly or through contracts with hospitals under an agreement with the division relating to such payments and transfers as established in accordance with Title XIX of the Social Security Act or federal waivers thereof, federal regulations promulgated thereunder, the terms of the waiver under section 1115 of the Social Security Act, state law, and the Medicaid state plan. The funds may be expended only for payment obligations arising during fiscal year 2003. Such expenditures shall reduce payments from the Uncompensated Care Trust Fund to such entities by an amount comparable to the net revenues received by such entities under this section. The division of medical assistance shall notify the house and senate committees on ways and means if such expenditures are rendered ineligible for federal reimbursement. All expenditures made pursuant to this section shall be reported quarterly to the house and senate committees on ways and means. Amounts so authorized for said expenditure shall be funded in part through intergovernmental transfers to the commonwealth of municipal or other non-federal public funds. The Boston public health commission and the Cambridge public health commission shall transfer to the medical assistance intergovernmental transfer account not less than 1/2 of the gross amounts of supplemental payments made by the division of medical assistance under managed care contracts with the commissions.

SECTION 199. Notwithstanding any general or special law to the contrary, the low-level radioactive waste management board established in section 2 of chapter 111H of the

General Laws is hereby abolished. Unless a contrary intent clearly appears, all powers and duties exercised by the board immediately before the effective date of this act are hereby transferred to the department of public health. Wherever the name "low-level radioactive waste management board" or the name of any department, agency, office, commission, committee, council, board, division, bureau, institution, other administrative unit or officer within the board, from which powers and duties are transferred by this section, appears in any statute, special act or resolve, order, rule, regulation or other document related to the exercise of such powers or the performance of such duties, that name shall be construed as referring to the department of public health.

SECTION 200. Notwithstanding any special or general law to the contrary, the division of medical assistance may expend, subject to federal approval, from the medical assistance intergovernmental transfer account within the Uncompensated Care Trust Fund up to \$125,000,000 for the intergovernmental funds transfer component of Medicaid payments to the University of Massachusetts Memorial Hospital for hospital services provided pursuant to the contract between the division of medical assistance and the hospital. In order to receive payment, the hospital must have executed the division of medical assistance's current Acute Hospital Request for Applications and Contract. The medical assistance intergovernmental transfer account shall be reimbursed by the University of Massachusetts Medical School in an amount specified in the contract, which shall be not less than 50 per cent of the division of medical assistance's expenditure for the purpose of the intergovernmental transfer. Not later than 60 days after such expenditure, the University of Massachusetts Medical School shall submit to the secretary of administration and finance and the house and senate committees on ways and means a report detailing the programs funded from revenue associated with this section.

SECTION 201. Notwithstanding any general or special law to the contrary, the division of medical assistance may expend, subject to federal approval, \$32,000,000 from the medical assistance intergovernmental transfer account within the Uncompensated Care Trust Fund for certain acute care hospitals for the intergovernmental funds transfer component of disproportionate share payments and service rate payments, as established in accordance with Title XIX of the federal Social Security Act, or any successor federal statute, any regulations promulgated thereunder, the Medicaid state plan and the agreements reached with the division for the transfer payments. No such funds shall be expended unless the acute care hospital has executed the division of medical assistance's current Acute Hospital Request for Applications and Contract, and a public entity is legally obligated to make an intergovernmental funds transfer to the division for deposit into the medical assistance intergovernmental transfer account in an amount specified in an agreement with such entity, which amount shall be not less than 50 per cent of the disproportionate share and service rate payments. All revenues generated under this section shall be credited to the medical assistance intergovernmental transfer account. An accounting of such payments shall be reported quarterly to the house and senate committees on ways and means.

SECTION 202. Notwithstanding any general or special law to the contrary, during fiscal year 2003, the comptroller shall transfer from the General Fund to the Deficiency Escrow Fund, established under chapter 29 of the General Laws, an amount equal to \$41,000,000.

SECTION 203. Notwithstanding any general or special law to the contrary, the department of mental health, the department of public health, the division of medical assistance and the division of health care finance and policy shall take appropriate action to obtain the maximum amount of federal financial participation available for amounts paid for low-income care costs at those mental health and public health facilities determined to be disproportionate share hospitals in accordance with the requirements of Title XIX of the Social Security Act. Such appropriate action may include, but shall not be limited to, the establishment of a separate account within the Uncompensated Care Trust Fund, established by section 18 of chapter 118G of the General Laws, for the purpose of making disproportionate share adjustment payments to such qualifying mental health and public health facilities under relevant division of health care finance and policy regulations and the Title XIX state plan on file with the Health Care Financing Administration. The division of medical assistance, the department of public health and the department of mental health may expend amounts transferred to them from such separate account within the Uncompensated Care Trust Fund without further appropriation. Any federal funds obtained as a result of actions taken under this section shall be deposited in the General Fund. The state treasurer and the comptroller shall establish such procedures as may be necessary to accomplish the purpose of this section, including procedures for the proper accounting and expenditure of funds under this section.

SECTION 204. Notwithstanding any general or special law to the contrary, the division of medical assistance and the division of health care finance and policy shall take any appropriate action to obtain the maximum amount of federal financial participation available for amounts paid to hospitals, determined by the division to be disproportionate share hospitals in accordance with Title XIX requirements, for free care costs of such hospitals. The appropriate action may include, but shall not be limited to, the assessment on hospitals for their liability to the uncompensated care pool pursuant to chapter 118G of the General Laws. Such appropriate action shall include the establishment or renewal of an interagency agreement between the division and the division of health care finance and policy which may authorize the division to make deposits into, and draw payments from, an account established for the purposes of this section within the Uncompensated Care Trust Fund, established by section 18 of said chapter 118G, or authorize the division of health care finance and policy to transfer uncompensated care fee revenue collected from hospitals pursuant to said chapter 118G or funds otherwise made available to said trust fund by the general court, to the division for the purposes of making disproportionate share adjustment payments to hospitals qualifying for such payments in accordance with the commonwealth's Title XIX state plan and relevant provisions of Title XIX of the Social Security Act. The division may expend amounts transferred to it from the Uncompensated Care Trust Fund by

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the division of health care finance and policy under the interagency agreement without further appropriation. In no event shall the amount of money assessed upon each hospital exceed the hospital's gross liability to the uncompensated care trust fund as determined by the division of health care finance and policy pursuant to said section 18 of said chapter 118G. Any federal funds obtained as a result of actions pursuant to this section shall be deposited in the General Fund. The offices of the state treasurer and the comptroller shall establish such procedures as may be necessary to accomplish the purpose of this section, including procedures to facilitate the expeditious assessment, collection and expenditure of funds pursuant to this section.

SECTION 205. (a) Notwithstanding any general or special law to the contrary, state agencies and direct and subcontracted providers of health-related services, including purchase-of-service providers, financed from appropriation items for any state agency shall maximize Title XIX and all other federal, state and private health insurance coverage available to offset costs to the commonwealth. The agencies or providers shall collect information from clients, or from the parent or guardian of a minor receiving services, necessary to determine the extent to which clients may be eligible for medical assistance benefits under chapter 118E of the General Laws or are beneficiaries of any health insurance policy. The agency or provider shall forward client information collected under this section to the division of medical assistance and such data shall only be used to match against available databases for the purpose of identifying all sources of potential payment for health services or health insurance coverage. The division shall return the results of any such data matches to the originating agency, which shall take the appropriate action to ensure that costs to the commonwealth are minimized. Such actions shall include, but not be limited to, the agency or provider billing or re-billing all verified third-party sources.

(b) The executive office of administration and finance may grant an agency or provider an exemption from this section for good cause.

(c) The executive office of health and human services and the operational services division within the executive office of administration and finance shall review regulations, contracting forms, service delivery reports and uniform financial reporting requirements to determine what changes are necessary for the successful implementation of this section.

SECTION 206. Notwithstanding any general or special law to the contrary, the division of medical assistance may expend an amount not to exceed \$16,000,000 from the medical assistance intergovernmental transfer account within the Uncompensated Care Trust Fund for Title XIX payments to certain publicly owned or publicly operated providers. The payments shall be established in accordance with Title XIX of the federal Social Security Act, or any successor federal statute, any regulations promulgated thereunder, the Commonwealth's Title XIX state plan and the terms and conditions of agreements reached with the division for such payments. No funds shall be expended unless a public entity is legally obligated to make an intergovernmental funds transfer in an amount specified in an agreement with such entity, which amount shall not be less than 50 per cent of the Title XIX payment. All revenues generated pursuant to the provisions of this section shall be credited

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to the medical assistance intergovernmental transfer account and administered in accordance with the provisions of subsection (o) of section 18 of chapter 118G of the General Laws.

NO SECTION 207.

SECTION 208. Notwithstanding the provisions of sections 6 and 11 of chapter 70 of the General Laws or any other general or special law to the contrary, a city or town that has entered into an agreement with the board of education and commissioner of education to avoid appointment of a receiver under section 1K of chapter 69 of the General Laws and, in the judgment of the commissioner of education: (1) does not have adequate school facilities to meet the educational needs of its public school students, and (2) does not have the fiscal capacity to raise the funds needed to finance the municipal share of essential school construction, renovation or repair projects, may establish a school construction reserve account and may, at the close of each fiscal year through the year 2007, transfer into such account all or a portion of any unexpended funds appropriated in any such year to fund school department operating expenses; but (1) the amount transferred to the school construction reserve account in any year shall not exceed 5 per cent of the school department's required net school spending budget for such fiscal year; (2) no such transfer shall be made without the prior written approval of the commissioner of education; (3) funds deposited in such accounts, together with any interest or earnings on such deposits, shall be held in reserve by such city or town for the sole purpose of financing the direct costs of department of education approved school construction, renovation or repair projects; (4) any funds held in a school construction reserve account that shows no activity other than earnings on deposits for a period of 5 years shall, in the following year, be transferred back to the school department as an amount in addition to city or town's required annual net school spending appropriation. Funds transferred back to a school department from an inactive school construction reserve account may be expended by the school committee for any undertaking the committee determines to be in furtherance of efforts to improve the educational programs and services provided to public school students. A city or town that establishes a school construction reserve account in accordance with this section may use funds held in such account to directly finance or to pay debt service on borrowing to finance approved school construction projects. Funds from the reserve fund may be used only when and to the extent that the city or town lacks the fiscal capacity to meet its school construction financing obligations from other revenue sources. No withdrawal shall be made from a school construction reserve account of a city or town without the prior review and approval of the commissioner of revenue, who shall verify that such city or town lacks the capacity to meet its school construction financing obligations from other revenues.

SECTION 209. (a) Notwithstanding any general or special law to the contrary, the department of highways may take by eminent domain on behalf of the commonwealth under chapter 79 of the General Laws land located in the city of Quincy as necessary for the construction, operation and maintenance of retention ponds for the purpose of alleviating and preventing flooding.

(b) Upon completion of construction, the department of highways shall transfer, notwithstanding sections 40E to 40L, inclusive, of chapter 7 of the General Laws, all property acquired under subsection (a), together with improvements constructed thereon, to the city of Quincy. The transfer shall include appropriate restrictions to ensure that the property shall be used solely for maintenance of the retention ponds and other conservation purposes consistent with this act.

SECTION 210. Notwithstanding any general or special law to the contrary, the University of Massachusetts shall cease the conveyance of the parcel required by section 39 of chapter 55 of the acts of 1999 to be conveyed for use as a permanent transfer station, or for any other purpose. The University in consultation with the Boston Water and Sewer Commission shall determine other forms of compensation for the taking other than the conveyance of any parcels of land on the campus. The University in consultation with the Boston water and sewer commission shall conduct a study of other sites for the permanent transfer station elsewhere in the city of Boston, but this study shall not consider parcels on the campus of the University of Massachusetts at Boston or on any properties adjacent thereto or on the Harbor Point peninsula.

SECTION 211. (a)(1) Not later than October 1, 2002, the Commonwealth Corporation, known in this section as the Corporation, shall develop a self-sufficiency standard for the commonwealth, known in this section as the standard. As used in this section, the standard shall be defined as the amount of income necessary for a household to avoid becoming recipients of public assistance programs while any adults between the ages of 18 through 64 inclusive residing in the household, as defined by the United States Census Bureau, maintain regular employment and said standard may include consideration of said household's ability to provide housing, food, child care, health care, transportation, employment related expenses, and to pay taxes. The Corporation may enter into a contract through the competitive procurement process for the development of such standard.

(2) Such standard shall take into account the family size and age of children and regional variations in the costs of housing and child care. In developing the standard, the Corporation shall rely, to the extent possible, on data reported by the United States Census Bureau, United States Department of Housing and Urban Development and on other data reported to state and federal agencies using standardized methodology and shall consult with state departments or agencies that serve low-income populations. Housing costs will be determined using fair market rents for apartments as reported by the United States Department of Housing and Urban Development. Child care costs will be determined using average costs for licensed child care facilities, including, but not limited to, family day care, as reported to the commonwealth's child care resource and referral agencies for children of different ages in different areas of the state.

(b) The president of the Commonwealth Corporation shall establish an advisory board to advise the Corporation on all matters relating to the development of a self-sufficiency standard and future revisions to it. The advisory board shall be composed of 25 members, each of whom shall serve a term of 2 years. The following shall be members of the board:

the secretary of administration and finance or his designee; the director of labor and workforce development or his designee; the secretary of health and human services or his designee; the commissioner of the department of revenue or his designee; the director of housing and community development or her designee; 4 members of the senate, 3 of whom shall be appointed by the president of the senate and 1 by the senate minority leader; 4 members of the house of representatives, 3 of whom shall be appointed by the speaker and 1 by the house minority leader; the chairman of the board of higher education or his designee; 1 faculty member of a Massachusetts university or college with research expertise in the areas of demographics, living costs and labor markets to be selected by the Commonwealth Corporation; and representatives of the following 10 organizations to be nominated by their respective organizations and selected by the Commonwealth Corporation: the Massachusetts Family Economic Self-Sufficiency Project; the Massachusetts AFL-CIO; the Associated Industries of Massachusetts; the Massachusetts Association of Community Colleges; the Massachusetts Taxpayers Foundation; the Massachusetts Workforce Boards Association; the Massachusetts Community Action Program Directors' Association; the Women's Industrial and Educational Union; the Citizens' Housing and Planning Association; and the Massachusetts Association of Day Care Agencies. Members of the advisory board shall serve without compensation.

(c)(1) Not later than March 31, 2003, the Commonwealth Corporation shall report the self-sufficiency standard, including the methodology used to arrive at the standard to the clerks of the house of representatives and senate, the house and senate committees on ways and means and the joint committee on commerce and labor. The Commonwealth Corporation shall also make the report available to each of the state executive offices and agencies, including, but not limited to, the executive office of health and human services, the department of labor and workforce development, the department of transitional assistance, the department of public health, the department of social services, the Massachusetts rehabilitation commission, the department of housing and community development, the department of economic development, the Massachusetts office of business development, the office of child care services, the board of higher education, all workforce investment boards and One Stop Career Centers.

(2) The standard shall be made available to educational institutions, nonprofit organizations, and the general public upon request. The standard shall also be made available on any internet site established and maintained by the Commonwealth Corporation.

(d) The standard shall be updated and issued every other year by the Commonwealth Corporation and shall be reported on March 31 in the second year of each sitting of the general court, with the next update on March 31, 2004.

(e) The standard shall not be used to increase the amount of entitlement benefits provided by the commonwealth, unless enacted by the general court and subject to appropriation, and said standard shall not give rise to enforceable legal rights in any party to services or entitlements or an enforceable entitlement to services or benefits not currently provided.

SECTION 212. Notwithstanding the provisions of any general or special law, or rule or regulation to the contrary, there shall be a surcharge on fees assessed by the division of occupational safety within the department of labor and workforce development for the licensure, registration or certification of certain professionals, and on fees assessed for the renewal or duplication of such licenses, registrations or certifications, in accordance with the provisions of this section. The amount of the surcharge shall be as follows: a \$25 annual surcharge to those persons licensed or certified individually by the division of occupational safety to perform deleading services; a \$25 annual surcharge to those persons licensed or certified individually by the division of occupational safety to perform asbestos abatement services; a \$50 annual surcharge to those persons licensed or certified on behalf of corporate and other classifications of businesses by the division of occupational safety to perform deleading services; a \$50 annual surcharge to those persons licensed or certified on behalf of corporate and other classifications of businesses by the division of occupational safety to perform asbestos abatement services; a \$50 annual surcharge to those persons licensed or certified by the division of occupational safety to provide asbestos abatement analytical services; a \$50 annual surcharge to those persons licensed or certified by the division of occupational safety to provide asbestos abatement training; a \$50 annual surcharge to those persons licensed or certified by the division of occupational safety to provide de-leading training; and a \$50 annual surcharge to those persons licensed or registered to operate an employment agency as defined by section 46A of chapter 140 of the General Laws.

Amounts raised by said surcharges shall be deposited into a retained revenue account hereby established by the division of occupational safety for the purpose of conducting of occupational safety and health inspections, assessments and other operations as required by subsections (b), (c), (d) and (f) of section 197B of chapter 111 and sections 6A to 6F of chapter 149 of the General Laws and for conducting employment agency inspections and other operations as required by sections 46A to 46R of chapter 140 of the General Laws. The division shall use amounts in said retained revenue account for the aforesaid purposes and for no other purpose.

SECTION 213. Notwithstanding any general or special law to the contrary, the comptroller shall transfer on or before June 30, 2003, without any further appropriation, \$27,714,062 from the general fund to the Children's and Seniors' Health Care Assistance Fund, established by section 2FF of chapter 29 of the General Laws.

SECTION 214. Notwithstanding any general or special law to the contrary, the comptroller shall transfer on or before June 30, 2003, without further appropriation, \$30,000,000 from the Tobacco Settlement Fund, established pursuant to section 2XX of chapter 29 of the General Laws, to the Uncompensated Care Trust Fund, established pursuant to section 18 of chapter 118G of the General Laws, for the purpose of making a one-time adjustment to the private sector liability of purchasers and third party payers to the Uncompensated Care Trust Fund.

SECTION 215. Notwithstanding any general or special law to the contrary, the department of public health shall institute a pilot program in the city of Springfield during

fiscal year 2003 relative to the siting of methadone clinics, as said term is defined in part by section 52 of chapter 111 of the General Laws, and whether said department should be more directly involved in the process of siting said clinics as a condition of licensing said clinics. Pursuant to said pilot program, the department shall draft and promulgate interim regulations relative to methadone clinics within the city limits of Springfield that shall: (1) prohibit the continued location of any methadone clinic licensed by said department within 1 mile of real property comprising a public or privately accredited pre-school, accredited head start facility, elementary, vocational or secondary school, whether or not in session, or within 1 mile of a public park or playground, a house of worship, public library, day care facility, federally or state funded low or moderate income or elderly housing or a designated heritage river; provided that, the regulations shall provide for a sufficient period of time in which a clinic may relocate within the city; (2) establish a public hearing process relative to the relocation of any methadone clinic so licensed by said department and currently operating in the city of Springfield in order to determine whether the current location of said clinics is detrimental to the institutions, communities or industries within proximity of said clinics and whether relocation of said clinics is detrimental to the delivery of substance abuse treatment services within the city; (3) study the benefits and burdens that may result from the siting requirements set forth in this section including, but not limited to, any impact that said siting requirement may have on the delivery of addiction services at such clinics and the number of individuals seeking said services at said clinics; and (4) determine whether said siting requirements can be reasonably imposed on methadone clinics in other areas of the commonwealth without jeopardizing its core mission of substance abuse treatment. The department shall issue a report setting forth the findings from the pilot program required by this section. Said report shall be submitted to the joint committee on health care and the joint committee on human services and elderly affairs not later than May 1, 2003.

SECTION 216. Notwithstanding any general or special law to the contrary, the division of medical assistance may expend an amount not to exceed \$4,000,000 from the medical assistance intergovernmental transfer account within the Uncompensated Care Trust Fund for Title XIX disproportionate share and service rate payments to the city of Haverhill, as successor in-interest to Hale Hospital for this purpose. Payments shall be established in accordance with Title XIX of the federal Social Security Act, or any successor federal statute, any regulations promulgated thereunder, the Massachusetts Title XIX state plan and the terms and conditions of an agreement reached with the division for such payments, however, no funds shall be expended unless the city of Haverhill is legally obligated to make an intergovernmental funds transfer in an amount specified in an agreement with such entity, which amount shall not be less than 50 per cent of such Title XIX payment. Said agreement shall require the city of Haverhill to reimburse the commonwealth for any amount of federal financial participation for said payments that the division determines have been disallowed by the federal government. If the city of Haverhill is unable to reimburse or fails to reimburse the commonwealth such amount, the state comptroller shall intercept cherry sheet payments, so called, due the city of Haverhill from the commonwealth upon certification by

the secretary of administration and finance that said city has failed to pay such amount. All revenues generated pursuant to the provisions of this section shall be credited to the medical assistance intergovernmental transfer account and administered in accordance with the provisions of subsection (o) of section 18 of chapter 118G of the General Laws.

SECTION 217. (a) Notwithstanding any special or general law to the contrary, the division of medical assistance shall institute a pilot program within the MassHealth dental program to be known as the Dental Caseload Capacity Pilot Program in Worcester county to operate over a 2 year period. The program shall be designed to increase access to dental services for MassHealth patients and shall be evaluated for its impact on the number of dentists participating and the number and types of MassHealth dental patients served and the amount and types of services provided. The program shall only be implemented after the division has contracted with a third party administrator, if any, for the processing of MassHealth dental services.

(b) There shall be a dental caseload capacity advisory board as a part of the pilot program to assist the division in overseeing the pilot program. The advisory board shall consist of 5 members: a representative from the division, a representative from Health Care For All, a representative from the Massachusetts Dental Society, and the house and senate chairs of the joint committee on health care. The role of the advisory board shall be to review the progress of the program in consultation with the division; to collect data relevant to a sound appraisal of the program, provided that such data constitutes a public record within the meaning of clause 26 of section 7 of chapter 4 of the General Laws; to inform the division of problems encountered by MassHealth patients caused by the program, and to make recommendations to the division for addressing the problems and to otherwise improve the program; and based on the efficacy of the 2 year pilot program in Worcester county, to make a recommendation to the Legislature as to whether, and to what degree, the pilot justifies more general implementation of the pilot model.

(c) The purpose of the pilot program in Worcester county will be to determine if allowing dentists to limit their MassHealth caseload is an effective strategy to significantly increase the number of dentists participating in MassHealth, and thereby, significantly increase the number of MassHealth dental patients treated. The division shall be responsible for implementing the pilot program, including, but not limited to, the following:

(1) provider dentists shall be allowed to initially determine the number of MassHealth patients they will accept into their practice and will be expected to maintain this caseload for at least one year;

(2) provider dentists may increase the initial number of patients they chose to accept at any time during their participation in the pilot program;

(3) the division shall establish the criteria for the manner in which MassHealth patients will be referred to providers;

(4) the division may terminate the pilot program, or establish minimum caseload requirements under the program if, after at least 1 year of operation, the division determines, upon the advice of the dental caseload capacity advisory board, that the program has caused

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a decrease in the access of MassHealth participants to dental services;

(5) insofar as consistent with federal law, no provider dentist currently participating in MassHealth may terminate the participation of any MassHealth dental patient the provider is currently serving so long as such patient is receiving active treatment, and in no event without ensuring that any such patient shall be admitted to the practice of another MassHealth dentist.

(d) The division shall, to the extent practicable, be responsible for assembling the data produced by the program. The data shall be based on, but not limited to, the following measures:

(1) frequency, distribution of number, and types of dental services provided;

(2) number and percent of MassHealth patients receiving and not receiving dental services, broken down, when made available, by race, ethnicity, gender and language spoken, if other than English;

(3) MassHealth patient spending per year on dental services as compared to the general population;

(4) utilization of hospital emergency rooms for dental treatment;

(5) number of providers including provider type and geographical location; length of time between scheduling and date of appointment with participating dentists, and travel time and distance to appointments;

(6) establishment of baseline data with which to compare the results of the pilot program.

The division shall file a final report on the caseload capacity pilot program with the house and senate clerk and with the joint committee on health care.

(e) The pilot program shall terminate not later than 2 years after the effective date of any contract between the division and a third party administrator referred to in subsection (a).

SECTION 218. (a) There shall be a public health emergency planning council to plan for a public health emergency. The council shall consist of the attorney general or his designee, the director of the Massachusetts emergency management agency or his designee, the secretary of public safety or his designee, the secretary of health and human services or his designee, the director of the Massachusetts office of commonwealth security or his designee, the secretary of the executive office of environmental affairs or his designee and the commissioner of the department of public health or his designee. The commissioner of the department of public health shall chair the council.

(b) The council shall take into account the unique needs of Cape Cod, Martha's Vineyard, and Nantucket, including, but not limited to, their geography and population fluctuations.

(c) The council shall review its plan for responding to a public health emergency every 2 years, beginning in 2004, and shall submit a report to the governor and general court immediately after the review.

SECTION 219. The retirement board of the Massachusetts Port Authority shall establish a retirement benefit fund for retired employees and the eligible surviving spouse

or dependents of deceased employees. The funds shall be credited to a special fund to be known as the Retiree Benefit Trust Fund. The funding for such fund shall be initiated by appropriating and transferring all funds presently in the Massachusetts Port Authority Retirement System which exceed 120 per cent of the required funding for that system as established by the annual report of the system. Any interest or other income shall be added to and become part of the fund. Any funds in the Retiree Benefit Fund shall be trust funds within the meaning of section 54 of chapter 44 of the General Laws. The Massachusetts Port Authority employees' retirement board, or their designee, by a majority vote of the board, shall be the custodian of the fund, and may deposit the proceeds in national banks or invest the proceeds by deposit in savings banks, cooperative banks or trust companies organized under the laws of the commonwealth or in federal savings and local associations situated in the commonwealth or invest the same in such securities as are legal for the investment of funds of savings banks under the laws of the commonwealth. The board may employ any qualified bank, trust company, corporation, firm or person to advise them on the investment of the fund and may pay for such advice. Amounts shall be added to the fund upon the publishing of the Retirement system's annual report and the establishment that the Retirement Fund exceeds 20 per cent of the fully required funding. All amounts which exceed 120 per cent shall be transferred to the Retirees' Benefit Fund amounts. The retirement board may expend the funds for the benefit of the retirees following a majority vote of the board. Funds may be utilized for the purposes of this trust fund by appropriation at any meeting of The Massachusetts Port Authority retirement board. Monies which exceed the 120 per cent shall be transferred to the Retirees Benefit Account on an annual basis on the anniversary of the initial transfer of the funds.

SECTION 220. The department of education shall convene and maintain a steering committee to advise the department on ways to implement the McKinney-Vento Homeless Assistance Act, P.L. 100-77 and any amendments thereto, particularly the state plan requirement of the act, 42 U.S.C. section 11432(g), for the purpose of assisting local school districts and early childhood providers in expediting the enrollment of children experiencing homelessness in school and early education programs. The steering committee shall: (a) facilitate coordination among state agencies that provide services to homeless children and youth; (b) identify and recommend revisions to state laws or policies that may act as enrollment barriers for homeless children, such as transportation limitations, regulations regarding student records, restrictions on enrolling unaccompanied youth, guardianship requirements and barriers created by fees or school uniform policies; (c) assist the department in providing school districts and early education providers with guidelines for the implementation of the McKinney Act; (d) recommend procedures to resolve disputes arising under the McKinney Act; and (e) assist the department in informing parents and guardians of their choice of schools and available transportation options and their rights under the McKinney Act in a manner understandable to the parents, guardians or youth, including their native language.

The steering committee shall be composed of the following, to be chosen by the commissioner of education: homeless or formerly homeless adults and teens; representatives of state agencies that serve homeless children and families including, but not limited to, the department of housing and community development, the department of transitional assistance, the office for child care services, the department of public health, the department of mental health and the department of social services; and representatives of advocacy groups or community organizations representing or serving homeless children and families including, but not limited to, the Massachusetts Coalition for the Homeless, the Alliance for Young Families, Head Start, the Horizon Initiative, Jane Doe, Inc., the Massachusetts Association of Day Care Agencies, the New England Network for Child, Youth and Family Services and the Massachusetts Appleseed Center for Law and Justice.

SECTION 221. The commissioner of medical assistance shall, by September 1, 2002, provide a status report on the progress of implementing the MassHealth drug list and any other program to require prior authorization for prescription drugs for MassHealth recipients. The status report shall include a list of the drugs for which prior authorization is required, an explanation of the list, a summary of the operation of the prior authorization process, and an estimate of expected cost savings as a result of the drug list and prior authorization program.

(b) To improve citizen input and promote the efficient implementation of the prior authorization process for prescription drugs, the commissioner shall appoint a citizen advisory group on prior authorization, which shall include a practicing physician with experience treating MassHealth patients, a practicing pediatrician with experience treating MassHealth patients, a practicing pharmacist with experience serving MassHealth patients, a psychiatrist with expertise in psychiatric drugs and experience treating MassHealth patients, a representative of a senior citizens advocacy group, a representative of a disability advocacy group, a representative of a mental health advocacy group, and a representative of a statewide advocacy group representing the interests of MassHealth members. The advisory group shall be assisted by a designee of the commissioner of mental health, a designee of the commissioner of public health, and a designee of the secretary of the executive office of elder affairs. The group shall assist the division's efforts to educate prescribers, pharmacists and MassHealth recipients relative to the requirements of the prior authorization process and shall provide ongoing reports to the commissioner relative to the administrative burdens, if any, placed on prescribers and pharmacists, and undue barriers to access, if any, placed on MassHealth recipients by the process. The division shall provide to the advisory group a report of the impact of the prior authorization program on patient health outcomes by April 1, 2003. The advisory group shall file a report assessing the consequences of the prior authorization program on access to prescription drugs, including any recommendations for legislative action, to the joint committee on health care and to the house and senate committees on ways and means by June 1, 2003.

(c) The commissioner, separately or in concert with the authorized representatives of any health benefit plan, shall negotiate with pharmaceutical companies for the payment

to the commissioner of supplemental rebates or price discounts for Medicaid prescription drugs. Such negotiations and any subsequent agreement shall comply with 42 U.S.C. section 1396r-8. If a pharmaceutical company agrees to pay a supplemental rebate or offer a discount percentage for a prescription drug, the drug utilization review board, established by the division pursuant to 42 U.S.C. section 1396r-8, shall consider whether such drug should be subject to prior authorization. Failure to pay a supplemental rebate or offer a discount percentage for a prescription drug shall not preclude such consideration by the drug utilization review board. No prescription drug shall be guaranteed exclusion from any prior authorization requirement. After receiving the recommendations of the board, the commissioner may conduct with pharmaceutical companies such further negotiations, if any, as he deems proper. After such further negotiations, if any, the commissioner shall decide whether to subject a prescription drug to prior authorization based on considerations of clinical efficacy, safety, cost-effectiveness, the recommendations of the board, and the price, taking into consideration federal, state and other rebates, of competing drug products. The commissioner shall provide quarterly reports on the progress of negotiating supplemental rebates pursuant to this subsection to the joint committee on health care and the house and senate committees on ways and means.

SECTION 222. The department of education and the secretary of administration and finance, in consultation with the joint committee on education, arts and humanities, shall study and report on the potential inequities in the distribution of state education aid under chapter 70 of the General Laws. The study shall include, but not be limited to, an examination if communities are below the state's median income or receiving less than 40 per cent of their foundation budget from the commonwealth and potential methodologies for equitably increasing aid to those communities. The special commission shall submit a report with recommendations, including proposed legislation and proposed rules or regulations, to the house and senate committees on education, the governor, and the foundation budget review commission within 6 months of the effective date of this act.

SECTION 223. The division of health care finance and policy, in conjunction with the division of medical assistance, shall conduct 2 studies of the effectiveness and finances of the nursing homes and pharmacy user fee programs including, but not limited to, the effect on the number of recipients of medicaid-funded long-term care, the long-term need for the fee programs, effect of the user fee on nonmedicaid facilities, use of the funds in each program, the additional costs, if any, incurred by the residents of the nursing homes as the result of the fee assessed on nursing homes and the additional costs, if any, incurred by prescription drug consumers as the result of the fee assessed on pharmacies. The division of health care finance and policy shall consult with the nursing home industry on the nursing home fee and shall consult with the pharmacy industry on the pharmacy fee. The findings of the studies shall be filed with the house and senate committees on ways and means and the chairs of the joint committee on health care on or before October 15, 2004.

SECTION 224. The department of revenue, in consultation with the department of public health and the division of health care finance and policy, shall study the feasibility and

cost of tax provisions which provide incentives for individuals to provide for their own long term care through savings, through a life-care or continuing care contract with a continuing care retirement community or the purchase of long term care insurance policies. The department shall consider alternatives such as, but not limited to, tax credits for individuals who receive benefits under a long term care policy in the commonwealth or who reside in a continuing care retirement community or a residential care facility, or a rental deduction for the occupancy portion of fees paid to continuing care retirement communities, residential care facilities and nursing facilities. The department shall submit the report of the study to the house and senate committees on ways and means and the joint committee on taxation not later than November 30, 2002.

SECTION 225. The department of education shall develop after consultation with the Massachusetts association of school superintendents, the Massachusetts administrators for special education, the Massachusetts Association of 766 approved private schools, and parents for residential reform, a model contract which may be used by districts and approved private special education schools.

SECTION 226. The department of education shall publish after consultation with the Massachusetts association of school superintendents, the Massachusetts administrators for special education, the Massachusetts association of 766 approved private schools, and parents for residential reform, guidelines for accepted business practices for use with approved private special education programs. Said guidelines shall include, but not be limited to, student attendance reporting, tuition invoicing and payment and student termination.

SECTION 227. The department of education shall collect data on the number of students whose special education costs meet the criteria of line item 7061-0012, shall analyze the associated fiscal impact for school districts; and shall report its findings, along with any proposed recommendations, to the house and senate committees on ways and means and the joint committee on education, arts and humanities no later than March 1, 2003.

SECTION 228. The state advisory commission for special education is hereby authorized to investigate and study exit measurements for students with disabilities, accommodations for students with disabilities for the MCAS exam, so-called, and the alternate assessment to MCAS for students with disabilities, Chapter 71B private school tuition pricing, and the feasibility of training and partnership grants for disseminating best practices, training staff in use of assistive technology and collaboration on programs and services in the delivery of special education services. For the purposes of this section, the state advisory commission shall consult with the operational services division of administration and finance, the department of education, school superintendents, school committee members, special education administrators, collaborative directors, parents and consumers, and representatives of approved private schools. The state advisory commission for special education shall report to the board of education and to the general court the result of its investigation and study and its recommendations as well as any minority report, by filing the same with the clerk of the house of representatives, and the clerk of the senate, on

or before May 1, 2003 but may issue interim reports from time to time.

SECTION 229. For the soldiers' home in Holyoke, the charge for long-term care beds shall be \$20. The first \$500 of a married veteran's monthly income shall be exempt and spousal income shall not be used in payment of these charges. The first \$300 of an unmarried Veteran's monthly income shall be exempt. The veteran shall maintain adequate medical insurance. The soldiers' home may apply for any other income or benefits on behalf of a veteran and shall retain that income as part of the monthly charge.

For the soldiers' home in Holyoke, the charge for domiciliary beds shall be \$7.

The first \$300 of a veteran's monthly income shall be exempt. The veteran shall maintain adequate medical insurance. The soldiers' home may apply for any other income or benefits on behalf of a veteran and shall retain that income as part of the monthly charge.

The soldiers' home in Holyoke may establish the resident fee schedule for long-term care beds and domiciliary beds and the outpatient fee schedule upon the recommendation of the commandant or the superintendent, approved by the board of trustees.

SECTION 230. The commissioner of public health shall file a report by April 1, 2003 with the joint committee on health care and the house and senate committees on ways and means assessing the medical, administrative, educational and disciplinary outcomes of the transfer of certain boards of registration from the division of professional licensure to the department of public health. The report shall include any recommendations for improving coordination between the department and the boards in order to improve patient care, promote fairness and accuracy in disciplinary actions and ensure better provider education. The report shall also assess the utility and expected cost of transferring other boards of registration in the division of professional licensure that license other health care providers or professionals and evaluate whether the goal of improving patient care is furthered by the transfer of the other boards to the department of public health or by the formation of a separate division of professional licensure of all health boards within the executive office of health and human services. The report shall recommend a plan for implementing the transfer of such other boards consistent with the commissioner's recommendation.

NO SECTION 231.

SECTION 232. There shall be a MassHealth senior care options special commission consisting of representatives from every contracted senior care organization or their designees, the commissioner of medical assistance or his designee, the secretary of health and human services or his designee, the secretary of elder affairs or his designee and 5 representatives from ASAPs appointed by the secretary of elder affairs, a representative of the American Association of Retired Persons, a representative of the Alzheimer's Association, a representative of Massachusetts Home Care Association, a representative of Massachusetts Council on Aging, a representative of the Massachusetts Extended Care Federation, a representative of the Home and Health Care Association and a representative of Massachusetts Aging Services Association. The commission shall review and make recommendations on the MassHealth senior care options demonstration project and shall report to the division of medical assistance, the house and senate committees on ways and

means and the joint committee of health care on its initial findings not later than January 1, 2003 and on its final findings not later than 18 months after the SCO implementation. The commission shall also study the following issues: the detailed reasons for disenrollment both from SCOs' and from SCO enrollees' perspectives; the performance of for-profit, as compared to non-profit, SCOs; the definition of complex care needs; the provision of home and community-based services waiver program services and other diversionary services to avoid or delay nursing facility admissions; geographic adjusters to the MassHealth and Medicare rates and their impact on SCO participation; the utility and expected cost of contracting with independent enrollment brokers to educate consumers about SCO enrollment choices; and the need for a minimum medical loss ratio.

SECTION 233. (a) There shall be a Massachusetts public health emergency planning advisory committee. The advisory committee shall, at the request of the chair of the public health emergency planning council, provide such advice and counsel as it deems appropriate including, but not limited to, serving as a resource for studies and projects undertaken or sponsored by the council. The advisory committee may also review and comment on plans proposed by the council pursuant to section 218.

(b) The advisory committee shall consist of the following members: the director of consumer affairs and business regulation or her designee, the commissioner of the department of environmental protection or his designee, the adjutant general or his designee, the commissioner of mental health or his designee, the commissioner of food and agriculture or his designee, the executive director of the Massachusetts biotechnology council or his designee, the executive director of the Massachusetts retail pharmacy association or his designee, a representative of the Massachusetts professional firefighters association, the president of the Massachusetts sheriffs association or his designee, a representative of the Massachusetts call/ volunteer firefighters association, the state fire marshal or his designee, a representative of the Massachusetts chapter of the American Red Cross, a representative of the Massachusetts hospital association, a representative of the Massachusetts League of Community Health Centers, 2 representatives of the Massachusetts Medical Society one of whom shall represent family practitioners, a representative of the Massachusetts Nurses Association, a representative of the Massachusetts Organization of Nurse Executives, a representative of the Massachusetts Public Health Association, a representative of the Massachusetts Association of Physician Assistants, a representative of the Massachusetts Association of Health Boards, a representative of the Massachusetts Health Officers Association, a representative of the center for health professions at Worcester state college, a representative of the Massachusetts Association of Public Health Nurses, a representative of a pediatric specialty hospital, a representative of the Massachusetts chapter of the Academy of Pediatric Physicians, a representative of the Massachusetts Environmental Health Association, a representative of the College of Emergency Physicians, a representative of each of the emergency medical service regions, the chancellor/dean of the University of Massachusetts Medical School or his designee, the dean of a school of public

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health located within the commonwealth, the dean of a school of veterinarian medicine located within the commonwealth, the executive director of the Massachusetts Pharmacists Association or his designee, a representative of the Massachusetts Association of Health Plans, a representative of the Home Health Care Association of Massachusetts, Inc., and such other officers of the commonwealth as the governor may designate. The council shall elect the chair of the advisory committee by a majority vote.

(c) The council shall, within 18 months of its appointment, assess the statewide preparedness of the agencies of the commonwealth, its political subdivisions, emergency responders, law enforcement personnel and the health care providers licensed by the commonwealth to prevent or respond to a public health emergency to assure the coordination of their activities with one another and with appropriate federal agencies. The council shall deliver to the governor and the general court, not later than 9 months thereafter, a plan for responding to a public health emergency and a list of legislative actions, if any, needed to support the plan. To the extent possible, the public health emergency plan will take into account and coordinate with planning functions already authorized under state and federal law. The plan shall, at a minimum:

(1) identify a means of notifying and communicating with the population during a state of public health emergency; assess the readiness and adequacy of communications networks, especially Emergency-911, for receiving and broadcasting health alerts; evaluate the potential for developing a "hotline" that citizens who may have been exposed to diseases or health conditions that are or may reasonably be the cause of a public health emergency can call for information and referral; explore the potential for developing a web site for communicating the latest and most accurate information; evaluate the readiness and adequacy of information and data systems for managing the health system's response to a public health emergency; and evaluate and recommend expansion of the hospital volume surveillance system to include additional indicators such as bed availability;

(2) identify lines of authority for a communications network used to report a public health emergency;

(3) identify a coordinated communications network, possibly including regular public briefings by state and local health officials, to meet the public information needs, manage the "epidemic" of fear and minimize panic arising from awareness of a public health emergency or the threat of such an emergency;

(4) describe a plan for central coordination of resources, manpower, and services, including coordination of responses by state, local, and federal agencies;

(5) describe a plan for the location, procurement, storage, transportation, maintenance, and distribution of essential materials, including medical supplies, drugs, vaccines, food, shelter and beds;

(6) describe a plan for evacuating, housing and feeding populations;

(7) identify methods for training health care providers to diagnose and treat persons with infectious and contagious diseases;

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(8) recommend laws or regulations necessary to permit the movement, assignment or transfer of any licensed physicians, nurses or other health care personnel, including the credentialing of health care professionals at institutions other than their own; and propose training and certification programs that would allow inactive or retired health care personnel to be re-activated for work in health care facilities during a public health emergency;

(9) identify methods for the treatment and vaccination of persons who have been or may be exposed to, or who are infected with, diseases or health conditions that are or may reasonably be the cause of a public health emergency;

(10) identify methods for the safe disposal of infectious wastes and human remains;

(11) describe a methodology for tracking the source and outcomes of infected persons;

(12) describe a method to handle so-called "surge capacity" problems in the event of a disaster which requires the use of all available hospital beds, including the potential to use closed or abandoned health care facilities in the event of a severe health emergency and to develop hospital rooms designed to serve patients whose condition requires isolation; and ensure that each city and county within the commonwealth identifies the following:

i. sites where persons can be isolated or quarantined, with such sites providing the least restrictive means for isolation and quarantine, and meeting the requirements for the safety, health and maintenance of personal dignity of those isolated or quarantined;

ii. sites where medical supplies, food, and other essentials can be distributed to the population;

iii. sites where emergency workers can be housed and fed; and

iv. routes and means of transportation of people and materials;

(13) propose a plan to promote the use of school nurses, public health nurses and other appropriate licensed health care professionals for monitoring, detection, vaccination and immunization;

(14) make recommendations for facilitating coordination with other states and the federal government;

(15) investigate the feasibility of implementing a state-based biological agent registry;

(16) take into account cultural norms, values, and traditions that may be relevant;

(17) assess the crisis counseling capacity for emergency response personnel, health care providers, law enforcement personnel and the general public;

(18) identify a state official to serve as liaison to the Office of Homeland Security and work with that office on an ongoing basis;

(19) evaluate and consider concerns with regard to civil liberties protections in preparation for a public health emergency and during a public health emergency.

(20) study the feasibility of implementing a statewide and local public health and safety disaster informational and referral computer system including, but not limited to, the participation of local boards of health, municipal health departments and the Massachusetts emergency management agency.

(21) study the capacity of laboratories across the commonwealth to respond to a public health emergency and improve the laboratory surveillance infrastructure and the epidemiological infrastructure of the state;

(22) identify public health surveillance activities and data collection and analysis in responding to a public health emergency;

(23) propose a plan for receiving, storing, distributing and administering items from the National Pharmaceutical Stockpile and the development and management of any state pharmaceutical stockpile for antibiotics, antitoxins, antidotes, ventilators, respirators and other medical/surgical supplies and equipment needed to treat patients in a mass casualty event; develop a system for tracking the available blood supply, and coordinating and distributing blood donations;

(24) propose reporting requirements of rare, unusual or unexplained illnesses that could be related to a public health emergency; develop an analysis of the threat of biological and chemical attacks in the commonwealth; describe the procedures for holding practice biological or chemical attack drills and simulations;

(25) propose a plan for the distribution of this plan and guidelines to those who will be responsible for implementing the plan; and

(26) propose a plan for the distribution of a list and description of funding needs to implement recommendations made by the council as a result of the planning efforts and studies undertaken pursuant to this section to the senate and house committees on ways and means.

(27) take into consideration any reports and recommendations issued by the Bioterrorism Coordinating Council.

(28) review existing laws and make recommendations concerning the acts, laws or parts thereof, if any, that should be repealed or amended as well as any new laws that should be enacted to effectuate the purposes of the plan; furthermore, the plan should also include recommendations with regard to civil immunity and out-of-state licensing for paramedics, advanced emergency medical technicians and emergency health care personnel when they are acting in response to a terrorist attack that has been declared a public health emergency.

SECTION 234. There shall be a special commission to conduct an investigation and study of the vitality of the dairy farming industry of the commonwealth. The commission shall consist of 3 members of the senate, 1 of whom shall be appointed by the senate minority leader; 3 members of the house of representatives, 1 of whom shall be appointed by the house minority leader; the commissioner of the department of food and agriculture, or his designee; a representative of the department of economic development to be appointed by the director; a representative of the Massachusetts office of business development to be appointed by the director; a representative of the executive office of environmental affairs to be appointed by the secretary; and 5 persons to be appointed by the governor, 1 of whom shall be from an organization which represents farmers of the commonwealth, 1 of whom shall be experienced in operating a large dairy farm, 1 of whom shall be experienced in operating a small dairy farm, 1 of whom shall be from an organization which has as one of

its purposes land conservation, and 1 of whom shall represent an established statewide consumer group. The commission's duties shall include, but not be limited to: (1) an examination of the long and short-term financial vitality of the dairy farming industry; (2) a study of establishing a long-range support system for Massachusetts dairy farmers, including such factors as marketplace conditions, federal order system, current economic forces, trends in production and consumption, overall financial conditions of dairy farmers, and the effect of consolidation of the milk processing industry on such matters; (3) a study of the effects of the neglect of the federal government to reauthorize the northeast interstate dairy compact; and (4) an examination of the disparity of financial stability between large, corporate farms, and small, family-owned and operated farms. The commission shall make recommendations to maintain or increase the vitality of the dairy farming industry in the commonwealth based on testimony of experts, review of studies and other literature on pertinent subjects on the technical and professional expertise of its members. The commission shall report to the general court the results of its investigation and study the commission's 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 house of representatives and the house and senate chairpersons of the joint committee on natural resources on or before June 30, 2003.

SECTION 235. (a) There shall be a special commission on behavioral health care to review the administration and management of behavioral health services paid for by the commonwealth. The study commission shall consist of 1 representative of each of the following agencies or organizations: the division of medical assistance, the Massachusetts behavioral health partnership, the department of public health, the department of mental health, the national alliance for the mentally ill of Massachusetts, the mental health legal advisors committee, the parent/professional advocacy league, the Massachusetts Hospital Association, the Massachusetts Association of Behavioral Health Systems, the Massachusetts People/Patients Organized for Wellness, Empowerment and Rights, the Massachusetts Association of Behavioral Health Systems, and the Massachusetts chapter of the national association of social workers.

(b) The division of medical assistance and any entity that manages or subcontracts for the management of behavioral health care for the division shall provide, to the extent permitted by law, the following information to assist the study commission:

(1) monthly expenditure and claims data, including, but not limited to, expenditures per enrollee, services used, and approved and denied claims, separated by individual services;

(2) monthly discharge data, including the number and percentage of enrollees discharged from inpatient settings to outpatient settings, the number and percentage of enrollees receiving outpatient care within 7 days, and within 30 days, of discharge from an inpatient setting, and the number and percentage of enrollees receiving outpatient care by outpatient setting; and

(3) any additional information requested by the study commission to monitor the quality of the behavioral health services paid for by the commonwealth.

(c) This information shall be provided at least quarterly in a format approved by the study commission, beginning no later than 30 days after the formation of the study commission. Based on this information and the expertise of its members, the study commission shall assess appropriate methods, whether or not currently utilized, to encourage or strengthen discharge and aftercare planning. The methods assessed shall include existing or other appropriate financial incentives to encourage or require discharge and aftercare planning, existing or other appropriate regulatory mechanisms to encourage or require such planning, and appropriate mechanisms for inter-agency cooperation to improve outcomes for behavioral health care clients and generate cost savings to the commonwealth.

(d) The study commission shall report its conclusions and any preliminary recommendations by January 1, 2003 and any final recommendations by July 1, 2003 to the joint committee on health care, the joint committee on human services, and the house and senate committees on ways and means.

SECTION 236. (a) There shall be a special commission to study and make recommendations about financing the obligations of the Massachusetts Turnpike Authority, the Metropolitan Highway System, the Massachusetts Port Authority, and the Central Artery Project. The commission shall consist of 6 persons to be appointed by the governor, 4 persons appointed by the president of the senate, at least 1 of whom shall be a member of the minority party, 4 persons appointed by the speaker of the house of representatives, at least 1 of whom shall be a member of the minority party, and 1 person appointed by the chief executive officer of the Massachusetts Turnpike Authority.

(b) The commission shall examine the equity of the present funding structure with regard to financing the obligations of the Massachusetts Turnpike Authority, the Metropolitan Highway System, the Massachusetts Port Authority and the Central Artery Project and shall include, among other things, an examination of the following: (1) the fairness of the proposed toll structure for private passenger vehicles using interstate highway route 90 relative to private passenger vehicles using the other highways of the commonwealth and to benefit from the intended use of the Central Artery Project; (2) the effect and practicality of instituting tolls on the commonwealth's border with neighboring states, including on the commonwealth's border with the state of New Hampshire on interstate highway routes 93 and 95 and state highway route 3; (3) the effect of providing for a more uniform and consistent toll structure on highways throughout the commonwealth, including the effect of instituting tolls on that portion of the Metropolitan Highway System, as defined in Chapter 81A of the General Laws, presently consisting of interstate highway route 93; (4) the effect of re-instituting tolls on the Boston Extension at the interchange of interstate highway route 90 and state highway route 16 and on the Turnpike from exit 1 at the commonwealth's border with the state of New York to and excluding exit 6 at the interchange of interstate highway route 90 and interstate highway route 291; (5) the effect

of modifying toll discounts or free travel on the Turnpike or the Metropolitan Highway System, including consideration of frequent user and commuter discounts; (6) the effect of limiting or eliminating contributions by the Massachusetts Turnpike Authority to the Surface Artery; (7) the effect of excluding from the Metropolitan Highway System that portion constituting a section of interstate highway route 93; (8) the effect of transferring to the highway department such portion of the Turnpike extending from the commonwealth's border with the state of New York to but excluding exit 6, so-called, at the interchange of interstate highway route 90 and interstate highway route 291; (9) the effect of redefining the Metropolitan Highway System to include the portion of the Turnpike extending from the interchange of interstate highway route 90 to and excluding the interchange of interstate highway route 90 and interstate highway route 495; (10) funding sources for the highway department to meet the expenses of operating such portion of interstate highway route 93 and other highway transferred to the highway department from the Massachusetts Turnpike Authority; (11) the effect of providing a tax credit to Massachusetts residents purchasing transponders for use on the Turnpike or the Metropolitan Highway System; (12) the effect of permitting Turnpike revenues in excess of those needed to pay operating expenses and debt service on bonds supported by Turnpike revenues available to be pledged and pay debt service on bonds issued for the Metropolitan Highway System; (13) the elimination of the Local Tourism Grant Program of the Massachusetts Turnpike Authority; (14) the effect of limiting certain liabilities of the Massachusetts Turnpike Authority, including the extent to which the provisions of chapter 258 of the General Laws should also be applicable to the Massachusetts Turnpike Authority; (15) the effect and practicality of dedicating all or a portion of all taxes collected on fuel sold on property owned or leased by the Massachusetts Turnpike Authority to offset proposed or actual toll increases on interstate highway route 90; and (16) further cost savings that might be realized by the Massachusetts Turnpike Authority.

(c) No member of the commission shall receive any compensation for his services, nor shall any member of the commission be reimbursed for any travel expenses or actual expenses incurred in carrying out his duties as a member of the commission.

(d) The commission shall report to the joint committee on transportation of the general court the results of its study, together with its recommendations and drafts of any legislation necessary to carry the recommendations into effect, not later than March 31, 2003.

SECTION 237. There shall be a special commission to investigate, study and report on the cause and effect on the commonwealth of the abuse of alcoholic beverages and its consequences and impact in relation to, but not limited to, the following topics: health policy and costs including access to treatment services and loss of productivity in employment; risks to the public safety of the residents of the commonwealth and the resultant costs, including traffic fatalities and injuries; law enforcement policy and costs, as based upon judicial and department of correction statistics; and the incidence and impact of underage alcohol consumption and binge consumption by middle school, high school age persons and by students at college campuses. The commission shall consist of the secretary of health and human services, or his designee, who shall serve as chairman, the secretary of the executive

office of public safety or his designee, the chairman of the board of higher education or his designee, a trial court justice to be appointed by the chief justice of the trial court, 2 members of the house of representatives, 1 of whom shall be appointed by the speaker and 1 by the house minority leader; and 2 members of the senate, 1 of whom shall be appointed by the president of the senate and 1 by the senate minority leader, and 13 members to be appointed by the governor, 1 representing each of the following groups: Associated Industries of Massachusetts, Auto Insurers Bureau of Massachusetts, Massachusetts Association of Health Plans, the Massachusetts Distillers Association, the Massachusetts District Attorneys' Association, the Massachusetts Medical Society, Massachusetts Package Stores Association, the Beer Distributors of Massachusetts, Inc., Massachusetts College of Emergency Physicians, the Massachusetts Organization of Americans for Recovery, the Massachusetts Bar Association, the Massachusetts Chapter of the American Academy of Pediatricians and Mothers Against Drunk Driving. The appointments shall be made not later than September 1, 2002. The members of the commission shall serve without compensation. The commission shall not hire or employ any personnel or consultants. The commission shall report the results of its investigation and study, together with a list of its findings and a list of prioritized legislative and regulatory recommendations, if any, by filing the same with the house and senate committees on ways and means, the joint committee on health care, the joint committee on public safety, the clerk of the house of representatives and the clerk of the senate, on or before December 31, 2003.

SECTION 238. There shall be a special commission to conduct an investigation and study relative to the adequacy and effectiveness of existing licensing and regulation of cable television operations by municipalities and the commonwealth in meeting the needs of consumers across the commonwealth. The commission shall consist of 3 members of the senate appointed by the senate president, 3 members of the house of representatives appointed by the speaker of the house, the Attorney General or his appointed designee, the commissioner of the department of telecommunications and energy or his designee, and 6 members to be appointed by the governor, including 1 representative of the cable industry, and 1 representing each of the following groups: the Massachusetts Municipal Association, the Massachusetts Technology Collaborative, and 3 members of municipal cable boards of whom 1 shall be from an urban community, 1 from a rural community, and 1 from a suburban community. The committee shall report findings, along with any recommendations for legislation to the joint committee of government regulations of the general court, by no later than December 30, 2002.

SECTION 239. There is hereby established a special commission to report on alternatives to using the property tax to fund public education. Said commission shall consist of the speaker of the house of representatives or his designee, the president of the senate or his designee, the chairman of the house committee on ways and means or a designee, the chairman of the senate committee on ways and means or his designee, the house and senate chairs of the joint committee on education, arts and humanities, the house and senate chairs of the joint committee on taxation, the minority leader of the house of representatives or his

designee, the minority leader of the senate or his designee, the secretary of administration and finance, and 1 member appointed by the following organizations; the department of revenue, the Suburban Coalition, the Massachusetts Taxpayer's Foundation, Associated Industries of Massachusetts, and the Taxpayer's Equity Alliance of Massachusetts. Said commission shall be chaired by the house and senate chairs of the joint committee on taxation. The scope of the commission's inquiry shall include, but not be limited to: reviewing the current practice of using the property tax to fund education and seeking alternative sources of funding to provide a dedicated stream of revenue. The commission shall submit its report to the house and senate committee on ways and means, the joint committee on education, arts and humanities, and the joint committee on taxation not later than December 31, 2002 along with drafts of any legislation.

SECTION 240. There is hereby established a special committee to coordinate the transfer of certain boards of registration from the division of professional licensure to the department of public health. The committee shall consist of: the secretary of the executive office of health and human services or his designee; the director of the office of consumer affairs and business regulation or his designee; the commissioner of the department of public health or his designee; the executive director of the board of registration in medicine or his designee; the executive director of the board of registration in nursing or his designee; the executive director of the board of registration in pharmacy or his designee and the director of the division of professional licensure or his designee. The committee shall, in consultation with such individuals and organizations as it deems necessary: recommend methods for boards of registration to notify and educate licensees about the transfer; identify potential regulatory conflicts or other obstacles to the efficient operation of such boards of registration or to the protection of health care consumers in the commonwealth; and assess opportunities for coordination between boards of registration and with the Betsey Lehman center for patient safety and medical error reduction. The committee shall report its findings, and any recommendations to assure the efficient transfer of such boards of registration, to the governor, the clerks of the house of representatives and the senate, the joint committee on health care, and the house and senate committees on ways and means by December 1, 2002.

SECTION 241. The commissioner of revenue shall promulgate such rules and regulations as necessary to implement the provisions of sections 59, 60 and 65, inclusive.

SECTION 241A. (A) Notwithstanding chapter 339 of the acts of 1925, the South Essex Sewerage District may enter into a contract with Health and Education Services, Inc., a Massachusetts nonprofit corporation, for the disposal, through connection to the system of sewer mains belonging to the town of Danvers, of sewage emanating from a parcel land located off Newburyport turnpike in the town of Topsfield consisting of an area of 8.87 acres, more or less, and shown as Parcel 7 on Land Court Plan No. 24573-D, filed with Certificate No. 26084 in the Land Registration Office of the Essex South District Registry of Deeds ("Parcel 7"), and presently owned by Health and Education Services, Inc., such contract to be subject to the approval of the board of the South Essex Sewerage District, the

Salem and Beverly Water Supply Board and the town of Danvers. The authorization and contract shall be limited to the sewage generated by parcel 7 provided that: (i) Parcel 7 is used by Health and Education Services, Inc. or its successors; (ii) Parcel 7 is used for behavioral health services; (iii) the authorization is limited to discharge from Parcel 7 of no more than an average of 3,500 gallons per day; and (iv) no other connections or discharges to the town of Danvers sewer system or to any sewer line connecting Parcel 7 to the town of Danvers sewer system are authorized by this section.

The contract may allow for the use of the system of sewer mains, or any portion thereof, belonging to the town of Danvers and the contract may be entered into at any time. The agreement with Health and Education Services, Inc. shall be subject to the approval of the board of the South Essex Sewerage District and the Salem and Beverly Water Supply Board and the board of selectmen of the town of Danvers who may enter into, extend, renew, amend or alter the contract or any part thereof.

The Health and Education Services, Inc. shall pay all costs, charges and fees arising from, or incidental to, its utilizing the mains, pumping stations and related facilities owned by or available to said town of Danvers, including, but not limited to:

(a) engineering, planning and drawing fees for the design or redesign of any mains or systems necessary to carry the flow from Parcel 7 on land shown on the Easement Plan described in subsection (B);

(b) obtaining, utilizing and protecting easements or other rights necessary for laying mains to transport sewage from Parcel 7 to the mains of said town of Danvers;

(c) the laying, maintaining and servicing of the mains laid from Parcel 7, as shown on the Easement Plan to the mains of said town of Danvers;

(d) all legal, engineering or other costs and fees connected with, or incidental to the preparation for, connection with, or operation of the connection of mains, conveyance systems or infrastructure belonging to said Health and Education Services, Inc., to the mains of said town of Danvers;

(e) the periodic and proportionate cost of operation, as determined by said town of Danvers;

(f) a proportional contribution toward bonded indebtedness as determined by said town of Danvers; and

(g) such other expenses related to the connection to its system as determined by said town of Danvers.

(B) The Salem and Beverly Water Supply Board and the cities of Salem and Beverly pursuant to chapter 700 of the acts of 1913 may convey a permanent easement and temporary construction easements, as hereinafter described, in the land in the towns of Topsfield and Danvers, and shown on the plan entitled: Plan of Easements in Topsfield and Danvers, drawn by LeBlanc Survey Associates, Inc. and dated February 23, 2002 (the "Easement Plan") to HES, Inc., and its successors for the purpose of installing, operating and maintaining a sewer line from Parcel 7 to the point of connection to the town of Danvers sewer system as described in subsection (A). The authorization for these easement and their use shall be subject

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to the limitations described in the second sentence of the first paragraph of said subsection (A). The land was acquired by the board on behalf of said cities of Salem and Beverly for water supply purposes.

The permanent easement and temporary construction easements authorized hereby are more particularly bounded and described as follows:

Beginning at a point in said Topsfield at the northwesterly corner of said parcel, thence;

S55-10-13E, a distance of forty and sixty-five hundredths (40.65') feet to a point; thence

S83-20-56E, a distance of fifty and thirty-one hundredths (50.31') feet to a point; thence

S73-42-14E, a distance of one hundred fifty-seven and sixty-one hundredths (157.61') feet to a point; thence

S62-48-42E, a distance of fifty-seven and seventy-nine hundredths (57.79') feet to a point; thence

S81-41-45E, a distance of seventy-three and fifty-eight hundredths (73.58') feet to a point; thence

S72-08-55E, a distance of ninety-six and four hundredths (96.04') feet to a point; thence

S69-09-23E, a distance of one hundred eleven and sixty-six hundredths (111.66') feet to a point; thence

S77-14-59E, a distance of one hundred thirty-five and thirty-four hundredths (135.34') feet to a point; thence

N57-46-09E, a distance of fifty-eight and sixty-seven hundredths (58.67') feet to a point; thence

N69-36-42E, a distance of one hundred ninety-two and thirty-four hundredths (192.34') feet to a point; thence

N89-05-29E, a distance of twenty-four and nine hundredths (24.09') feet to a point; thence

N54-54-56E, a distance of thirty-one and eighty-four hundredths (31.84') feet to a point; thence

N30-39-37E, a distance of two hundred three and fifty-four hundredths (203.54') feet to a point; thence

N39-47-28E, a distance of sixty-eight and thirty-two hundredths (68.32') feet to a point; thence

N55-29-12E, a distance of fifty and thirty-four hundredths (50.34') feet to a point; thence

S80-41-10E, a distance to five hundred forty-eight and ninety-six hundredths (548.96') feet on a line beginning in Topsfield and crossing into Danvers to a point; thence

N27-28-49E, a distance of ninety-two and sixty-four hundredths (92.64') feet to a point; thence

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N57-56-09E, a distance of one hundred one and twenty-two hundredths (101.22') feet to a point; thence

S08-17-04W, a distance of thirty-nine and thirty-six hundredths (39.36') feet to a point; thence

S57-56-09W, a distance of sixty-seven and fifty-six hundredths (67.56') feet to a point; thence

S27-28-49W, a distance of one hundred six and twenty hundredths (106.20') feet to a point; thence

N80-41-10W, a distance of five hundred fifty-eight and sixty-two hundredths (558.62') feet on a line beginning in Danvers and crossing into Topsfield to a point; thence

S55-29-12W, a distance of thirty-four and fourteen hundredths (34.14') feet to a point; thence

S39-47-28W, a distance of sixty-one and seventy-eight hundredths (61.78') feet to a point; thence

S30-39-37W, a distance of two hundred seven and fifty-nine hundredths (207.59') feet to a point; thence

S54-54-56W, a distance of forty-seven and fifty-one hundredths (47.51') feet to a point; thence

S89-05-29W, a distance of twenty-eight and sixteen hundredths (28.16') feet to a point; thence

S69-36-42W, a distance of one hundred eighty-four and eight hundredths (184.08') feet to a point; thence

S57-46-09W, a distance of sixty-seven and ninety-eight hundredths (67.98') feet to a point; thence

N77-14-59W, a distance of one hundred forty-nine and eighty-eight hundredths (149.88') feet to a point; thence

N69-09-23W, a distance of one hundred thirteen (113.00') feet to a point; thence

N72-08-55W, a distance of ninety-two and seventy-five hundredths (92.75') feet to a point; thence

N81-41-45W, distance of seventy-six and six hundredths (76.06') feet to a point; thence

N62-48-42W, a distance of fifty-nine and ninety-two hundredths (59.92') feet to a point; thence

N73-42-14W, a distance of one hundred fifty-two and twenty-two hundredths (152.22') feet to a point; thence

N83-20-56W, a distance of fifty-five and thirty-one hundredths (55.31') feet to a point; thence

N55-10-13W, a distance of forty-eight and ninety-seven hundredths (48.97') feet to a point; thence

N36-20-00E, a distance of thirty and one hundredths (30.01') feet to the point of beginning.

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Said parcel contains 1.45 acres, more or less, as shown on the Easement Plan.

SECTION 242. The provisions of subparagraph (L) of paragraph (2) of subsection (a) of section 2 of chapter 62 of the General Laws as set forth in section 59 of this act shall apply to taxable years ending before, on, or after September 11, 2002. The provisions of subparagraph (M) of section 59 shall apply to discharges made on or after September 11, 2001, and before January 1, 2002. The provisions of subparagraphs (N), (O) and (P) of section 59 shall apply to taxable years ending on or after September 11, 2001. The provisions of section 65 shall apply to disasters and terroristic or military actions occurring on or after September 11, 2001.

SECTION 243. Sections 10, 13, 15, 16, 18, 32, 90, 93, and 94 shall be effective on January 1, 2003.

SECTION 244. Section 95 shall take effect on April 1, 2003; provided that the secretary of the United States Department of Health and Human Services has approved an amendment to the demonstration waiver, as approved under section 1115(a) of the Social Security Act and authorized by chapter 203 of the acts of 1996, incorporating the provision of clause (g) of subsection (2) of section 9A of chapter 118E of the General Laws, as amended by section 95.

SECTION 245. The provisions of sections 69, 70, 71 and 107 shall take effect on July 1, 2003.

SECTION 246. Sections 33, 38 and 43 shall take effect on July 1, 2004.

SECTION 247. Except as otherwise provided, the provisions of this act shall take effect July 1, 2002.

This bill was returned on July 29, 2002, by the Lieutenant-Governor, Acting Governor to the House of Representatives, the branch in which said bill was originated, with Her objections in writing to the following items therein:

Items Disapproved:

SECTION 2:

0330-0317	0332-800	1350-0100	1599-0002	1599-0041	1599-4121
1599-4122	1599-4123	1599-4124	1599-4125	1599-4126	1599-4127
1599-4128	1599-4129	1599-4130	1599-4131	1599-4132	1599-4133
1599-4134	1599-4135	1599-4136	1599-4137	1599-4138	1599-4139
1599-4140	1599-4141	1599-4142	1599-4143	1599-4144	1599-4145
1599-4146	1599-4147	1599-4149	1599-4150	1599-4151	1599-4152
1599-4153	1599-6901	1599-6902	2100-2032	4000-0122	4000-1012
4000-1013	4100-0068	7004-2011	7004-2020	7006-0066	7006-0068
7030-1002	7030-1004	7032-0500	7061-9010	7061-9611	7061-9614
7061-9621	7061-9626	7061-9632	8000-1121	8100-0301	

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SECTIONS: 5, 7, 14, 23, 27, 34, 41, 49, 50, 53, 54, 55, 56, 57, 58, 61, 62, 63, 72, 74, 75, 79, 82, 83A, 84, 86, 87, 88, 89, 108, 152, 162, 169, 170, 176, 202, 211, 215, 219, 221, 222, 223, 224, 228, 230, 232, 235, 237, 239

SECTION 2 *Items reduced in amount*

Item	Reduce by	Reduce to
0331-0100	310,299	7,341,113
0331-2100	34,467	599,270
0331-2300	150,372	1,008,941
0331-2600	12,772	352,168
0331-2900	105,363	3,797,731
0331-3100	131,284	1,394,139
0331-3200	9,070	1,278,069
0331-3300	154,184	3,494,379
0331-3500	41,942	1,257,996
0332-1100	63,123	1,938,085
0332-1500	29,528	507,892
0332-2500	21,095	894,717
0332-3000	118,862	1,033,287
0332-3600	36,303	847,141
0332-3800	144,184	503,180
0332-3900	100,000	3,376,062
0332-4400	126,757	2,065,027
0332-4600	20,207	3,313,040
0332-5000	100,000	1,221,436
0332-5200	88,098	1,824,481
0332-5500	131,741	1,482,277
0332-5900	100,000	1,953,887
0332-6100	136,737	1,178,934
0332-6200	38,638	678,797
0332-6600	100,000	3,538,014
0332-7200	27,001	258,995
0332-7300	114,588	1,089,671
0332-7600	16,744	1,272,440
0332-7800	180,605	818,134
0333-0002	257,648	1,573,653
0333-0200	15,130	810,096
0333-0400	92,944	134,190
0333-0900	203,397	5,135,730

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Item	Reduce by	Reduce to
0333-1300	52,668	3,711,524
0335-0001	621,151	7,843,323
0611-5500	31,000,000	446,565,230
0611-5510	5,000,000	10,000,000
0640-0000	5,000,000	64,341,822
0640-0010	107,451	132,549
0640-0300	6,551,400	6,551,401
0640-0350	743,520	743,520
1100-1103	100,000	100,000
1108-5400	3,000,000	38,710,424
1231-1000	16,844,665	38,655,335
1310-1000	160,000	1,517,359
1599-0006	285,829	850,000
1599-0036	3,733,770	10,000,000
2000-9004	219,750	219,750
2100-1000	111,814	2,124,462
2210-0110	3,000,000	4,000,000
2310-0200	361,989	6,877,797
2410-1000	161,270	3,064,140
2511-0100	224,708	4,269,457
4120-2000	507,016	7,672,261
4120-3000	367,027	8,148,927
4130-1000	2,000,000	17,121,630
4510-0150	339,592	2,793,855
4512-0225	1,000,000	1,000,000
4513-1111	267,000	75,000
4513-1115	237,632	162,368
4513-1121	300,000	200,000
4590-0250	12,726,323	24,010,810
5911-1000	200,000	13,404,870
5911-2000	2,000,000	14,708,746
5920-2000	1,083,000	427,948,101
5920-2010	100,000	107,829,376
5920-2025	659,290	104,479,308
5920-3000	658,290	62,239,428
5930-1000	100,000	162,481,181
7000-9506	3,000,000	366,718
7002-0500	150,000	18,382,631

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Item	Reduce by	Reduce to
7002-0700	129,929	129,929
7006-0100	162,000	1,456,977
7006-0110	1,080,976	2,125,446
7006-1000	300,000	300,000
7007-1200	300,000	547,000
7066-0009	368,000	300,004
7077-0010	1,200,000	1,200,000
9110-1455	1,391,000	97,609,000
9110-9002	300,000	5,960,000

SECTION 2 *Items reduced in amount and by striking the wording*

Item	Reduce by	Reduce to
0330-0300	100,000	96,445,267

Wording Stricken

”; provided further, that there shall be a special commission of the legislature to examine and evaluate the various issues relating to the administration, management and operation of the judiciary; provided further, that said issues shall include the following: (1) the administrative organization and structure of the judiciary, including, but not limited to, the consolidation of the seven departments of the trial court into one unified trial court system, the management of the trial court by a non-judicial, professional administrator, and the administration of the individual divisions or places for holding court within the trial court, (2) the fiscal practices and policies of the judiciary to allocate, manage and spend appropriations, (3) the process to develop, create and administer the budget for the judiciary, (4) the post appointment review and evaluation of judges and clerk-magistrates, (5) the personnel policies and practices, including the hiring, supervision and evaluation of employees in all court departments, (6) the practice and policies for the implementation of technology, including planning, usage and spending, (7) the use of technology to enhance the public’s confidence in the judiciary, (8) sentencing standards and guidelines, including mandatory sentencing, appropri-

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Item	Reduce by	Reduce to	<i>Wording Stricken</i>
			ate exercise of judicial discretion and the commonwealth's right to appeal sentencing decisions, (9) treatment of victims and victim's families including, but not limited to, an evaluation of the judicial compliance with the assessments required pursuant to section 8 of chapter 258B, (10) the management, maintenance and construction of court facilities, and (11) the operation of the courts, including assignments of personnel, transferability of funds and the scheduling of court sessions; provided further, that not less than \$100,000 shall be expended from this item for a contract with Massachusetts General Hospital for a research program on abused children"
			and
			"; provided further, that members of the commission shall include the chief justice of the supreme judicial court or her designee, the chief justice for administration and management or her designee, 5 members appointed by the speaker of the house of representatives, one of whom shall co-chair the commission, one of whom shall be from a private business, one of whom shall be from academia and two others so chosen by the speaker; 5 members appointed by the senate president, one of whom shall serve as co-chair, one of whom shall be the chair of the joint committee on the judiciary, and one of whom shall be the chair of the joint committee on criminal justice; provided further, that said commission shall submit a report to the house of representatives within 120 days after the formation and appointment of said commission so that any legislative recommendations may be fully considered during the next legislative session"

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Item	Reduce by	Reduce to	Wording Stricken
0330-3420	750,000	250,000	"; and provided further, that the comptroller shall certify to said chief justice of administration and finance upon collection of fiscal year 2003 revenues in excess of fiscal year 2002 revenue from said fees"
0339-1005	750,000	250,000	"; and provided further, that the comptroller shall certify to said commissioner upon collection of fiscal year 2003 revenues in excess of fiscal year 2002 revenue from said fees"
0339-1006	750,000	250,000	"; provided, that the comptroller shall certify to said commissioner of probation at the end of each month the amount available for expenditure from this line item"
1108-5200	38,000,000	706,063,652	"; provided further, that notwithstanding chapter 150E of the General Laws and as provided in section 8 of said chapter 32A and for the purposes of section 14 of said chapter 32A, the commonwealth's share of the group insurance premium for state employees who have retired before July 1, 1994 shall be 90 per cent and the commonwealth's share of the group insurance premium for state employees who have retired on or after July 1, 1994 shall be 85 per cent; provided further, that the commission shall provide the number of retirees for whom the commonwealth pays said 85 per cent to the house and senate committees on ways and means by February 1 of each year; provided further, that the commonwealth's share of such premiums for active state employees shall be 85 per cent of such premiums and rates"
2000-0100	245,000	6,458,905	"; provided further, that not less than \$45,000 shall be extended as a matching grant to the Mattapoissett River Valley Authority" and

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Item	Reduce by	Reduce to	Wording Stricken
			<p>"; provided further, that the secretary of environmental affairs and the commissioners of the department of environmental management and of the department of capital asset management and maintenance shall collaborate on a study to determine amounts of compensation due to the Commonwealth, if any, resulting from conveyances of state lands subject to Article XLVII of the Amendments to the Constitution or interests in such lands, authorized by prior special acts, from 1981 through 2001; provided further, that said commissioners, no later than November 30, 2002, shall file a report with the house and senate committees on ways and means, the joint committee on natural resources and agriculture, and the joint committee on state administration identifying any such compensation owed the Commonwealth and recommending, in each case, an appropriate amount and form of compensation and proposed method for recovery; provided further, that the department shall conduct a study to determine the costs of repairing and maintaining the seawalls of the commonwealth; provided further, that said study shall be submitted to the house and senate committees on ways and means not later than April 2, 2003"</p> <p>and</p> <p>"; provided further, that not less than \$50,000 shall be expended for a coastal shore water testing program administered by the coalition for Buzzard's Bay"</p>
2010-0100	3,900,000	4,881,693	<p>"; provided further, that not less than \$125,000 shall be expended for a public education campaign to encourage participation in existing curbside pick-up recycling programs for the city of Boston; provided further that, not less than \$1,250,000 shall be expended on municipal</p>

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Item	Reduce by	Reduce to	<i>Wording Stricken</i>
			equipment grants; provided further, that not less than \$2,525,000 shall be expended on municipal recycling incentives"
2100-2030	50,000	20,492,416	"; and provided further, that not less than \$50,000 shall be expended for the promotion of tourism in the city of Fall River"
2200-0100	1,900,000	28,830,810	"; provided further, that \$100,000 be expended to the Water Resources Research Center of the University of Massachusetts at Amherst to conduct a study and prepare a report on the laws, regulations, and policies of the commonwealth dealing with water conservation, water resource protection, drought preparedness, and instream flow; provided further, that the report shall identify any inconsistencies or potential inconsistencies of these laws with the federal Clean Water Act; provided further, that the report shall include recommendations for legislative, regulatory, and policy changes necessary to ensure the preservation of adequate instream flows to protect the native biological communities of the rivers and streams of the commonwealth and to ensure an adequate supply of water to meet the health, safety and economic needs of the public; provided further, that the report shall also make recommendations regarding additional water conservation measures needed to improve the efficiency of residential, commercial, industrial, institutional and agricultural water use in the commonwealth, including, but not limited to, more aggressive leak detection and repair programs, and programs and policies to reduce the amount of water that is unaccounted for, including water meter responsibility and the need for tax credits or other financial incentives to encourage water conservation; provided further, that \$200,000 shall be expended to provide for

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Item	Reduce by	Reduce to	<i>Wording Stricken</i>
			and test the public water supply in the town of Avon; provided further, that not less than \$100,000 shall be expended for grants to the town of Mendon for testing wells, blood, and remediation of illegal dumping; and provided further, that the Commonwealth make every effort to seek reimbursement from those parties found responsible for said pollution"
2330-0100	201,588	3,815,384	"; provided further, that not less than \$45,000 shall be expended for shellfish propagation on the islands of Martha's Vineyard and Nantucket to be administered by the state aquaculture coordinator and Dukes and Nantucket counties" and "; and provided further, that not less than \$90,000 shall be expended for the joint operation of a shellfish propagation program on Cape Cod between the division and Barnstable County Department of Health and Environment"
4000-1008	9,000,000	6,000,000	"; provided further, that not less than ten per cent of the funds appropriated herein shall be granted to hospitals in the western region of the commonwealth that provide child psychiatric inpatient services"
4110-1000	860,000	2,908,186	"; provided, that not less than \$350,000 shall be expended from this item for the deaf-blind community access network; provided further, that not less than \$500,000 shall be expended for the talking information center; provided further, that not less than \$10,000 shall be expended for the Audible Local Ledger of Falmouth"
4120-4000	365,973	7,429,239	"; provided, that \$20,000 shall be expended for Living Independently for Equality, Inc. of Brockton"

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Item	Reduce by	Reduce to	<i>Wording Stricken</i>
			and "; and provided further, that \$200,000 shall be obligated for the SHARE Foundation at the University of Massachusetts"
4120-6000	50,000	6,654,692	"; and provided further, that not less than \$50,000 shall be expended for the Cape Cod head injury program"
4401-1000	2,000,000	28,000,000	"; provided further, that the department shall place recipients in appropriate services most effective in ensuring productive employment and supporting self-sufficiency" and "; provided further, that the department of transitional assistance shall report monthly to the house and senate committees on ways and means on continued efforts to improve the efficacy of employment and training services for recipients under the program of transitional aid to families with dependent children; provided further, that the report shall include the number of recipients served by each program, costs of services provided, and outcomes data including number of participants employed and, salaries, and benefit information"
4403-2000	3,000,000	329,031,646	"; provided further, that notwithstanding any general or special law or of this item to the contrary, 30 days before implementing any eligibility or benefit changes or both, the commissioner shall file with the house and senate committees on ways and means and with the clerks of the house of representatives and the senate a determination by the secretary of health and human services that available appropriations for the program will be insufficient to meet projected expenses and a report setting forth the basis for, and text of, the proposed changes"

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Item	Reduce by	Reduce to	<i>Wording Stricken</i>
4510-0600	1,269,800	2,732,245	<p>"; provided further, that not less than \$100,000 shall be expended for the purposes of research and prevention activities associated with Lyme disease to be conducted by the Barnstable county department of health and environment"</p> <p>and</p> <p>"; provided further, that not less than \$300,000 shall be expended for a statewide lupus database; provided further, that \$195,000 shall be expended for the purpose of the director of the bureau of environmental health assessment of the department of public health to conduct an environmental risk assessment of the health impacts of the General Lawrence Logan Airport in the East Boston section of the city of Boston on any community that is located within a 5 mile radius of the airport and is potentially impacted by the airport; provided further, that the assessment may include, but not be limited to, examining incidences of respiratory diseases and cancers and performing medical and laboratory tests and examinations of residents of 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 February 1, 2003; provided further, that not less than \$140,000 shall be made available for an interdepartmental service agreement between the department of public health and the University of Massachusetts at Lowell to support research activities which investigate the association between ethnic diversity and childhood asthma incidence; provided further, that not less than \$270,000 shall be made available to provide the third year of funding to 3 existing grantees for asthma environmental</p>

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Item	Reduce by	Reduce to	<i>Wording Stricken</i>
			testing grants; and provided further, that the department shall report not later than 30 days after the effective date of this act detailing the purpose, scope and completion date of all environmental health surveys, studies and risk assessments funded from this item and any other funds available to the department for similar purposes as of said date, or projected to be funded from this item or such other funds in fiscal year 2003"
4513-1000	299,000	11,161,761	"; and provided further, that not less than \$200,000 shall be expended for a child health diary entitled Growing Up Healthy/Crescer Saudavel"
4513-1112	2,350,263	1,000,000	"; provided that ,not less than \$30,000 shall be expended for the Diabetes Association, Inc."
4513-1114	832,258	2,000,000	"; provided further, that \$500,000 shall be expended for research grants"
4570-1500	5,126,167	3,502,733	"; provided, that not less than \$1,000,000 shall be expended for the purposes of a scientific research grant program to investigate potential environmental factors that contribute to breast cancer in areas of unique opportunity"
4590-0300	22,913,830	11,262,818	"; provided further, that not less than \$13,806,919 shall be allocated from this item to the department of education for grants to cities, towns and regional school districts for comprehensive health education programs, including education on smoking prevention; provided further, that any funds distributed under this item shall be deposited with the treasurer of any such city, town or regional school district, held in a separate account and expended without further appropriation by the school committee"
4590-0915	30,000	109,860,178	"; provided further, that \$30,000 shall be paid for chaplain services at Tewksbury hospital"

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Item	Reduce by	Reduce to	<i>Wording Stricken</i>
7003-0702	832,500	6,372,521	" ; provided further, that not less than \$7,500 shall be provided for the Bonnie Brae Camp in the city of Gardner" and " ; provided further, that not less than \$250,000 shall be expended for job training and job placement services for homeless individuals statewide through the MASS CAN program"
7004-2027	517,730	500,000	" ; provided further, that no funds appropriated herein shall be expended by a recipient organization for dues, fees, personnel costs, whether direct, indirect or in-kind, or payment of any kind to the Massachusetts Association of Community Development Corporations; provided further, that in order to receive grants funded from this item, such not-for-profit community-based organizations shall commit a matching amount of not less than \$1 in eligible matching funds for every \$1 provided through such grants; provided further, that said matching funds shall be from nongovernmental funding sources; and provided further, that only amounts raised in excess of the amount raised by each recipient organization in fiscal year 2002 shall be considered eligible matching funds"
7004-3036	80,925	1,000,000	" ; provided further, that \$80,925 shall be expended for the Central Mass Housing Alliance"
7010-0005	175,000	9,957,672	" ; provided, that \$175,000 shall be expended for the education reform review commission established pursuant to section 79 of chapter 71 of the acts of 1993"
7027-0016	80,000	1,582,049	" ; and provided further, that not less than \$80,000 shall be made available for Training Innovations, Inc. to develop a skill training center"

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Item	Reduce by	Reduce to	Wording Stricken
			in the city of Cambridge, to work directly with students enrolled in the Cambridge public schools and interested businesses"
7030-1000	200,000	94,662,732	" ; provided further, that the amount by which the funds appropriated in this item exceed the amount appropriated in item 7030-1000 of chapter 60 of the acts of 1994 shall be used to provide services to the children of working parents" and "; provided further, that notwithstanding said section 54 of said chapter 15 of the general laws, school districts and head start agencies that served as lead agencies in fiscal year 2002 shall receive funds in fiscal year 2003 in proportion to the amount each received in fiscal year 2002" and "; provided further, that \$200,000 shall be made available from this item for a pilot program that involves students from the University of Massachusetts at Lowell and Community Teamwork, Inc. in the provision of child care services"
7061-0012	525,000	70,575,000	" ; provided further, that not more than \$525,000 shall be expended for the costs of borrowing audiotaped textbooks by special needs students whose disabilities include, but shall not be limited to: blindness, visual impairments, learning disabilities such as dyslexia, or physical disabilities such as cerebral palsy that limit the use of standard print, and for the cost of an out-reach program geared toward special education teachers, students and parents regarding the services of such program; provided further, that of those funds, \$175,000 shall be made available for the purposes of training teachers and students"

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Item	Reduce by	Reduce to	<i>Wording Stricken</i>
7061-9200	150,000	859,500	"; provided further, that if the department determines that savings could be achieved through the conversion of contracted personnel to state employees, said department shall report said determination to the house and senate committees on ways and means; and provided further, that said report shall demonstrate that the services performed by such contracted personnel are ongoing and that the conversion of such employees to state employees will result in savings to the commonwealth; and provided further, that not less than \$150,000 shall be expended to support the Technology Initiative operated by the Metro South/West Regional Employment Board for the development of Technology Centers of Excellence serving the region's youth and businesses, and said grant shall require a 200 percent match from the private sector"
7100-0200	3,496,497	445,587,750	"; provided further, that not less than \$210,000 shall be expended for the Center for Women in Politics and Public Policy at the John W. McCormack Institute of Public Affairs; provided further, that \$500,000 shall be expended for the Center for Portuguese Studies at the University of Massachusetts at Dartmouth" and "; provided further, that not less than \$621,000 shall be expended for the Massachusetts institute for social and economic research at Amherst to manage the United States census data and provide population estimates and projections and for the evaluation of the commonwealth's eligibility for federal grant programs and for the application for, and acquisition of, any grants made under such programs, and for the marketing and sale of

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Item	Reduce by	Reduce to	Wording Stricken
			publications and services, to public and private entities provided by the Institute; provided further, that not less than \$628,834 shall be expended for the expense of a gerontology institute; provided further, that not less than \$156,663 shall be expended for the endowment of a chair named in honor of the late Frank Manning; provided further, that not less than \$380,000 shall be obligated for the costs associated with the Center of Marine Environmental Science Technology Electronic Technology and Fisheries at the University of Massachusetts at Dartmouth, including a study and model program for artificial reef construction and fisheries development; provided further, that \$50,000 shall be obligated for rural development councils; provided further, that \$100,000 shall be expended for an outreach program on Cape Cod by the University of Massachusetts at Dartmouth in conjunction with the Cape Cod Commission and the Executive Office of Environmental Affairs' Massachusetts Watershed Initiative for the purpose of establishing a comprehensive monitoring program for lakes and ponds on Cape Cod to be known as the Cape Cod Lakes and Pond Project"
			and
			"; provided further, that each center, program, and study earmarked within this appropriation shall submit to the board of trustees of the University of Massachusetts and to the house and senate committees on ways and means not later than December 15, 2002, a report which shall include a programmatic description, a spending plan detailing the total program budget including all funding sources, the number of students served by the program and an explanation of how

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Item	Reduce by	Reduce to	<i>Wording Stricken</i>
			the program fulfills the mission of said university; and provided further, that not less than \$600,000 shall be expended to fund an endowment for a Portuguese chair at the University of Massachusetts at Dartmouth"
7112-0100	300,000	21,641,929	"; provided further, that not less than \$300,000 shall be expended for the operation of the commonwealth's global education centers"
7114-0100	120,400	34,713,376";	provided, that not less than \$120,400 shall be expended for the aquaculture program at said college established pursuant to section 274 of chapter 38 of the acts of 1995"
7508-0100	274,700	18,848,751	"; provided, that not less than \$274,700 shall be expended for the operation of Christo's II Culinary Arts Center"
8324-1000	125,000	1,021,490";	provided, that \$100,000 shall be expended for a Suffolk county arson prevention program" and "; and provided further, that \$25,000 shall be expended for the costs of operating the Fire Starters program by the Plymouth County juvenile court, including, but not limited to, the costs of leasing space"
8324-1500	91,492	3,516,205";	provided further, that not less than \$48,992 shall be available for the community-based fire prevention program in the Fall River area; and provided further, that not less than \$42,500 shall be provided for the community based fire prevention program in the City of Malden"

SECTION 2 *Item reduced in amount*

Item	Reduce by	Reduce to
0611-5500	31,000,000	446,565,230

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SECTION 3 *Corresponding 0611-5500 reduced in Additional Assistance amounts*

Municipality	Additional Assistance	Municipality	Additional Assistance
ACTON	\$ 34,936	EVERETT	\$ 4,805,126
ACUSHNET	\$ 28,088	FAIRHAVEN	\$ 460,511
ADAMS	\$ 41,226	FALL RIVER	\$ 2,695,237
AMHERST	\$ 262,247	FITCHBURG	\$ 252,719
ARLINGTON	\$ 5,284,441	FRAMINGHAM	\$ 5,526,471
ASHLAND	\$ 343,056	GARDNER	\$ 142,055
ATHOL	\$ 5,149	GEORGETOWN	\$ 62,351
AVON	\$ 471,337	GLOUCESTER	\$ 2,262,416
AYER	\$ 52,021	GOSNOLD	\$ 2,308
BECKET	\$ 10,094	HADLEY	\$ 162,754
BEDFORD	\$ 569,730	HAMILTON	\$ 50,455
BELMONT	\$ 973,509	HANCOCK	\$ 20,750
BEVERLY	\$ 2,885,226	HANOVER	\$ 1,560,463
BILLERICA	\$ 2,763,907	HARDWICK	\$ 3,798
BOSTON	\$ 193,189,591	HARVARD	\$ 64,812
BOURNE	\$ 414,771	HAVERHILL	\$ 2,944,877
BOXFORD	\$ 42,836	HAWLEY	\$ 15,205
BRAINTREE	\$ 3,974,166	HINGHAM	\$ 393,119
BROCKTON	\$ 5,071,049	HOLBROOK	\$ 5,597
BROOKLINE	\$ 4,114,989	HOLLISTON	\$ 485,059
BURLINGTON	\$ 1,631,059	HOLYOKE	\$ 713,701
CAMBRIDGE	\$ 21,124,777	HOPKINTON	\$ 141,514
CANTON	\$ 1,032,944	HULL	\$ 1,633,587
CARLISLE	\$ 17,328	IPSWICH	\$ 912,273
CHELMSFORD	\$ 2,982,755	LAWRENCE	\$ 224,352
CHELSEA	\$ 3,996,310	LENOX	\$ 84,878
CHICOPEE	\$ 1,406,607	LEOMINSTER	\$ 13,756
CLARKSBURG	\$ 15,428	LINCOLN	\$ 343,544
CLINTON	\$ 206,490	LITTLETON	\$ 194,028
COHASSET	\$ 195,410	LOWELL	\$ 7,459,701
CONCORD	\$ 451,717	LYNN	\$ 11,150,027
DANVERS	\$ 1,316,438	LYNNFIELD	\$ 426,221 - "
DEDHAM	\$ 1,823,880	MALDEN	\$ 6,572,624
DUNSTABLE	\$ 35,383	MANSFIELD	\$ 852,988
EASTHAMPTON	\$ 128,087	MARBLEHEAD	\$ 46,356
EDGARTOWN	\$ 33,538	MARLBOROUGH	\$ 3,209,796
ERVING	\$ 15,471	MARSHFIELD	\$ 238,537
ESSEX	\$ 39,798	MAYNARD	\$ 690,454

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Municipality	Additional Assistance	Municipality	Additional Assistance
MEDFIELD	\$ 876,017	SAVOY	\$ 16,237
MEDFORD	\$ 7,567,586	SCITUATE	\$ 1,029,455
MEDWAY	\$ 220,002	SHARON	\$ 73,524
MELROSE	\$ 3,181,397	SHEFFIELD	\$ 14,045
METHUEN	\$ 191,795	SHERBORN	\$ 24,648
MIDDLETON	\$ 148,906	SHIRLEY	\$ 218,303
MILLIS	\$ 377,577	SHREWSBURY	\$ 351,601
MILTON	\$ 1,464,876	SOMERVILLE	\$ 1,908,226
MONROE	\$ 16,385	SOUTH HADLEY	\$ 23,781
MONTEREY	\$ 14,750	SPRINGFIELD	\$ 2,152,348
MT WASHINGTON	\$ 39,160	STONEHAM	\$ 2,387,009
NAHANT	\$ 147,521	STOUGHTON	\$ 121,334
NATICK	\$ 2,285,263	STOW	\$ 8,205
NEEDHAM	\$ 242,345	SUDBURY	\$ 754,778
NEW ASHFORD	\$ 8,604	SWAMPSCOTT	\$ 414,504
NEW BEDFORD	\$ 842,653	TOLLAND	\$ 11,605
NEWBURYPORT	\$ 1,623,597	TOPSFIELD	\$ 297,981
NEWTON	\$ 1,620,014	WAKEFIELD	\$ 1,691,859
NORTH ADAMS	\$ 218,651	WALPOLE	\$ 1,039,735
NORTH ANDOVER	\$ 141,822	WALTHAM	\$ 6,422,198
NORTH READING	\$ 1,112,352	WARE	\$ 17,949
NORTHAMPTON	\$ 679,908	WARWICK	\$ 33,988
NORTHBOROUGH	\$ 71,895	WASHINGTON	\$ 27,944
NORTHBRIDGE	\$ 3,613	WATERTOWN	\$ 5,208,530
NORWELL	\$ 636,564	WAYLAND	\$ 329,851
NORWOOD	\$ 3,136,329	WEBSTER	\$ 72,948
ORANGE	\$ 2,488	WELLESLEY	\$ 113,927
PEABODY	\$ 3,694,442	WENDELL	\$ 30,040
PHILLIPSTON	\$ 5,160	WENHAM	\$ 164,464
PITTSFIELD	\$ 1,035,628	WEST BOYLSTON	\$ 79,710
PROVINCETOWN	\$ 26,095	WEST BRIDGEWATER	\$ 55,544
QUINCY	\$ 13,608,238	WEST TISBURY	\$ 214,628
RANDOLPH	\$ 2,148,063	WESTBOROUGH	\$ 170,656
READING	\$ 1,805,766	WESTFORD	\$ 1,053,546
REVERE	\$ 6,275,816	WESTWOOD	\$ 42,662
ROCKLAND	\$ 463,925	WEYMOUTH	\$ 2,851,863
ROWLEY	\$ 134,391	WILMINGTON	\$ 1,475,826
SALEM	\$ 3,880,860	WINCHENDON	\$ 29,842
SANDWICH	\$ 104,007	WINCHESTER	\$ 405,181
SAUGUS	\$ 2,098,926	WINDSOR	\$ 32,965

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Municipality	Additional Assistance	Municipality	Additional Assistance
WINTHROP	\$ 2,691,213	WORCESTER	\$ 13,893,047
WOBURN	\$ 4,219,944		

SECTION 2 *Items reduced in amount and by striking the wording*

Item	Reduce by	Reduce to	Wording Stricken
2440-0010	1,344,764	21,972,475	<p><i>Wording Stricken</i></p> <p>"; provided, that not less than \$3,902 shall be expended on additional school crossing guards on the corner of Mystic avenue and Shore drive in the city of Somerville; provided further, that \$75,000 shall be expended for irrigation of the Houghton's pond ball fields; provided further, that not less than \$293,116 shall be expended for the maintenance and operation of the James Michael Curley recreation center in Boston"</p> <p><i>Wording Inserted</i></p> <p>"; provided further, that not less than \$100,000 shall be expended for the maintenance and operation of the James Michael Curley recreation center in Boston"</p>
4130-3500	1,333,335	266,665	<p><i>Wording Stricken</i></p> <p>"; provided, that \$106,902 shall be expended for child care services in the Roxbury trial court; provided further, that \$128,166 shall be expended for child care services in the Springfield trial court; provided further, that \$81,861 shall be expended for child care services in the West Roxbury trial court; provided further, that \$214,502 shall be expended for child care services in the Middlesex trial court; provided further, that \$146,688 shall be expended for child care at the Dorchester district court; provided further, that \$146,688 shall be expended for trial court child care in Lawrence; provided further, that \$209,525 shall be expended for child care at the Suffolk county court complex; provided fur-</p>

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Item	Reduce by	Reduce to	Wording Stricken
			ther, that not less than \$146,688 shall be expended for child care services in the Fall River trial court; provided further, that \$167,550 shall be expended for child care services in the Chelsea trial court; and provided further, that \$251,430 shall be expended for child care services in the Brockton trial court"
			Wording Inserted
			"; provided, that \$17,817 shall be expended for child care services in the Roxbury trial court; provided further, that \$21,361 shall be expended for child care services in the Springfield trial court; provided further, that \$13,643 shall be expended for child care services in the West Roxbury trial court; provided further, that \$35,750 shall be expended for child care services in the Middlesex trial court; provided further, that \$24,448 shall be, expended for child care at the Dorchester district court; provided further, that \$24,448 shall be expended for trial court child care in Lawrence; provided further, that \$34,920 shall be expended for child care at the Suffolk county court complex; provided further, that not less than \$24,448 shall be expended for child care services in the Fall River trial court; provided further, that \$27,925 shall be expended for child care services in the Chelsea trial court; and provided further, that \$41,905 shall be expended for child care services in the Brockton trial court"
7003-0700	402,000	75,000	Wording Stricken
			"; provided further, that \$50,000 shall be expended to the Commonwealth Corporation to develop a self sufficiency standard pursuant to section 211 of this act; provided further, that not less than \$75,000 shall be expended for the Western Massachusetts Enterprise Fund microenterprise

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Item	Reduce by	Reduce to	Wording Stricken
			<p>program as the supplemental match to conduct an entrepreneurial training program to income eligible residents; provided further, that not less than \$150,000 shall be provided to the Workforce Investment Association of MA. Inc., for the purpose of assisting its administrators, career center directors and fiscal agents; and provided further, that not less than \$150,000 shall be provided to the Massachusetts Regional Employment Board Association, commonly known as the Massachusetts Workforce Board Association, to support the activities of the business, labor, education, youth councils and community members in leading regional workforce development systems; and provided further, that not less than \$127,000 shall be expended for the employee involvement and ownership program"</p>
			<p><i>Wording Inserted</i></p> <p>"; provided further, that not less than \$75,000 shall be provided to the Workforce Investment Association of MA. Inc., for the purpose of assisting its administrators, career center directors and fiscal agents; and provided further, that not less than \$75,000 shall be provided to the Massachusetts Regional Employment Board Association, commonly known as the Massachusetts Workforce Board Association, to support the activities of the business, labor, education, youth councils and community members in leading regional workforce development systems"</p>
7007-0950	1,462,500	1,920,000	<p><i>Wording Stricken</i></p> <p>"; provided further, that not less than \$100,000 shall be expended for the expansion of the Marlborough visitors bureau to include Westborough</p>

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Item	Reduce by	Reduce to	Wording Stricken
			and for its operation; provided further, that \$100,000 shall be expended for the Puerto Rican cultural council in the city of Springfield"
			and
			"; provided further, that not less than \$125,000 shall be expended for the city of Boston office of cultural affairs"
			and
			"; and provided further, that \$52,500 shall be expended for the construction of the Robert Goddard statue in Worcester; provided further, that not less than \$35,000 expended for the restoration of the Canton civil war statue; provided further, that \$50,000 shall be expended for the Devens Enterprise Commission; and provided further, that \$10,000 shall be expended for the veteran's oral history project at Natick public library; provided further, that not less than \$150,000 shall be expended for the Waltham tourism council"
			and
			"; provided further, that not less than \$100,000 shall be expended as a grant to the Springfield Area Council for Excellence for outreach to Pioneer Valley Business; provided further, that \$150,000 shall be expended for the Martin Luther King, Jr. Empowennent Center"
			and
			"; provided further, that \$250,000 shall be expended for the Merrimack Valley Economic Development Council; provided further, that \$100,000 shall be expended for the Memorial Auditorium in the city of Lynn; provided further, that \$90,000 shall be expended for the Cape Cod Economic Development Council, Inc.; provided

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Item	Reduce by	Reduce to	<i>Wording Stricken</i>
			further, that \$50,000 shall be expended for the North End Visitor's Center; provided further, that \$50,000 shall be expended as a grant for economic development activities of the Blackstone Valley Development Corporation; provided further, that \$200,000 shall be expended as grants for the Bay State Games"
			and
			"; provided further, that \$50,000 shall be expended as a grant to the South Shore Chamber of Commerce regional tourism initiative; provided further, that \$75,000 shall be expended for the Friendly House in Worcester"
			<i>Wording Inserted</i>
			"; provided further, that \$200,000 shall be expended for the Merrimack Valley Economic Development Council; provided further, that \$75,000 shall be expended for the Cape Cod Economic Development Council, Inc."
7070-0065	1,300,000	91,603,455	<i>Wording Stricken</i>
			"; provided further, that the Massachusetts state scholarship office shall expend not less than \$22,000,000 to provide for matching scholarship grants to needy Massachusetts students at participating Massachusetts independent regionally accredited colleges, universities, and schools of nursing"
			<i>Wording Inserted</i>
			"; provided further, that the Massachusetts state scholarship office shall expend not less than \$20,700,000 to provide for matching scholarship grants to needy Massachusetts students at participating Massachusetts independent regionally accredited colleges, umversities, and schools of nursing"

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Item	Reduce by	Reduce to	<i>Wording Stricken</i>
7109-0100	940,000	34,903,656	<p><i>Wording Stricken</i></p> <p>"; provided, that not less than \$613,000 shall be expended for the operation of the John Joseph Moakley Center for Technological Applications at Bridgewater State College"</p> <p><i>Wording Inserted</i></p> <p>"; provided, that not less than \$306,500 shall be expended for the operation of the John Joseph Moakley Center for Technological Applications at Bridgewater State College"</p>
8000-0619	2,000,000	200,000	<p><i>Wording Stricken</i></p> <p>"; provided, that not less than \$1,100,000 shall be provided for a discretionary grant program for city and town drug awareness and resistance education programs, to be known as D.A.R.E. programs, which shall include information about the health risks of cigarette smoking and shall include the participation of local and state police officers, subject to the supervision of the department of public health"</p> <p>and</p> <p>"; and provided further, that not less than \$1,100,000 shall be provided as a discretionary grant program for city and town student awareness of fire education programs, to be known as S.A.F.E. programs, which shall include information about the rue risks caused by smoking"</p> <p><i>Wording Inserted</i></p> <p>"; provided, that not less than \$200,000 shall be provided for a discretionary grant program for city and town drug awareness and resistance education programs, to be known as D.A.R.E. programs, which shall include information about</p>

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Item	Reduce by	Reduce to	<i>Wording Inserted</i>
8900-0001	913,917	416,100,998	the health risks of cigarette smoking and shall include the participation of local and state police officers, subject to the supervision of the department of public health"
			<i>Wording Stricken</i> "; provided further, that the Commissioner of Corrections and the Secretary of Public Safety shall report to the Committees on Ways and Means and Public Safety before January 1 of each year the point score compiled by the department's objective classification system for all prisoners confined in each prison operated by the department and said report shall be for a particular date and shall not include prisoner's names; provided further, that before January 31, 2003, the commissioner shall seek assistance from the National Institutes of Correction to perform a revalidation of the department's classification system, with the goals of promoting safety of staff and inmates in the correction institutions, public safety after inmates' release, and potential savings in state spending; provided further that said study shall be at no cost to the state; provided further, that said commissioner shall, with the approval of the Secretary of Public Safety, conduct a study in order to determine the feasibility of modifying and improving the facilities at MCI Lancaster for use as a regional lockup facility within Worcester County; provided further, that the department shall expend not less than \$997,000 to cities and towns hosting facilities"
			<i>Wording Inserted</i> "; provided further, that the department shall expend not less than \$83,083 to cities and towns hosting facilities"

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SECTION 189 *Items reduced in amount and by striking the wording*

Item	Reduce by	Reduce to	Wording Stricken
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Section 189	240,000,000	\$550,000,000	<i>Wording Stricken</i>
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"Notwithstanding any general or special law to the contrary, not later than 10 days after the effective date of this act, the comptroller shall transfer an amount up to \$790,000,000 from the Commonwealth Stabilization Fund to the General Fund for the purposes of funding items authorized in this act."

Wording Inserted

"Notwithstanding any general or special law to the contrary, not later than 10 days after the effective date of this act, the comptroller shall transfer an amount up to \$550,000,900 from the Commonwealth Stabilization Fund to the General Fund for the purposes of funding items authorized in this act."

SECTION 2 *Items disapproved by striking the wording:*

Item	Wording Stricken
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1000-0001	"; provided further, that notwithstanding the provisions of any general or special law to the contrary, the comptroller shall deduct an amount of \$1 ,000 from any item of appropriation in section 2 of this act in which a reporting requirement is stipulated within said item and which report is not filed within ten days of the stated due date; provided further, that any and all amounts deducted shall be deposited in the General Fund and said comptroller shall notify the house and senate committees on ways and means of any and all amounts so deducted"
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1201-0100	"; provided further, that the department may not charge the office of tax policy for said " services"
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1599-0093	"; provided, that the executive office of administration and finance and the state treasurer shall, in conjunction with the department of environmental protection and the state revolving fund administration, examine and report on the status of clean and drinking water
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SECTION 2 *Items disapproved by striking the wording:*

Item	<i>Wording Stricken</i>
	state revolving funds to be administered in the fiscal year 2005 and beyond; provided further, that said report shall include, but not be limited to, the number of ongoing projects, projected numbers of projects to be undertaken over the next 10 years, the status of the leveraging ratio of the fund, recommendations for changing or maintaining the current leveraging ratio, and projections of the commonwealth's contract assistance payments over said time period; provided further, that notwithstanding the provisions of any general or special law to the contrary, the water pollution abatement trust board is hereby directed to leverage funds in the water pollution abatement trust for disbursement to finance projects authorized pursuant to chapter 29C of the General Laws on the basis of a 3-to-1 ratio; provided further, that if in the opinion of the state treasurer, such 3-to-1 leveraging is not feasible, the proceeding provisions shall not apply; and provided further, that the treasurer shall notify the secretary of administration and finance, the house and senate committees on ways and means, the commissioner of the department of environmental protection, and the joint committee on natural resources upon making any such determination"
1599-1971	"; (b) a comparison of the average snowfall by county as reported by the national weather service and the amount of state snow and ice control effort funds appropriated by county for fiscal years 1997, 1998, 1999, 2000, 2001, and 2002" and "; (d) a comparison delineated by county of the commonwealth of the amounts expended on snow and ice control efforts to the daily snowfall amounts as reported by the national weather service" and "; and provided further, that no funds shall be expended from this appropriation until said secretary, the commissioner of the department of highways and any other officer of the commonwealth involved in snow and ice control efforts has submitted all documentation, testimony, data and other information as required by the provisions of this appropriation"

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SECTION 2 *Items disapproved by striking the wording:*

Item	<i>Wording Stricken</i>
1599-7092	"; provided that, notwithstanding any general or special laws to the contrary, the sheriffs, in conjuncture with the county government finance review board, shall develop a plan with the comptroller's office to collect and report all revenue collection and all spending on the Massachusetts Management Accounting Reporting System; provided further that the comptroller shall not transfer the funds from this item to item 8910-0000 until 60 days has passed from the implementation of said plan; provided further, that the county government finance review board shall, by January 1, 2003, have developed a plan for the spending of all funds for fiscal year 2003, and developed a sound fiscal spending plan for fiscal year 2004; provided further, that said board shall build the spending plans with the direct input of the seven sheriffs still functioning under the county government system; provided further, that by January 15, 2003 the board shall report all spending plans to the house and senate committees on ways and means; provided further, that the information shall satisfy all fiscal requirements for a maintenance level of funding, including, but not limited to, collective bargaining increases, legal fees, debt services, one time costs, energy costs, equipment leases, medical costs, and workers compensation issues; provided further, that no other spending information or requests shall be submitted to the house and senate committees on ways and means by the individual sheriffs until February 15, 2003; provided further, that the board shall also provide a projection of all county funds to be collected for fiscal year 2003 and 2004; provided further, that the board shall release all funds from fiscal year 2003 quarterly; and provided further, that any sheriff that spends more than his quarterly approved budget shall have the money allocated to him for the following quarter reduced by the excess amount overspent in the previous quarter"
1750-0100	"; 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 commissioner of administration shall charge a fee of \$50 to be collected from each applicant for a civil service examination"

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SECTION 2 *Items disapproved by striking the wording:*

Item	<i>Wording Stricken</i>
2100-2041	"; and provided further, that the department shall enter into a memorandum of understanding with the town of Natick for access through John J. Lane park to Cochituate state park"
2410-0900	"; provided, that the commissioner report to the house and senate committees on ways and means not later than December 1, 2002 detailing a plan to fully implement all legislative mandates funded in prior general and supplemental appropriation acts and bond authorizations, including status of all mandates and time-line for completion"
2420-1400	"; provided further, that the metropolitan district commission shall provide the Massachusetts water resources authority advisory board with an annual presentation of the expenses of watershed management operations funded by this item for which the authority is charged"
4000-0100	"; provided further, that notwithstanding the provisions of any general or special law to the contrary, there shall be established a commission to investigate and evaluate the delivery of alcohol and drug abuse services in the commonwealth, including, but not limited to, interagency collaboration in delivery of existing services, including gaps and duplications in said services to populations served by multiple state agencies; provided further, that said populations shall include, but not be limited to, individuals dually diagnosed with mental health and substance abuse problems, substance abusing individuals in or leaving the correctional system, and youths under or leaving the custody of the departments of social services or youth services; provided further, that said commission shall develop recommendations on an administrative structure which would most efficiently provide substance abuse services in the commonwealth, including the most appropriate methods and departments through which said services would be most effectively and efficiently delivered; provided further, that said commission shall consist of three members of the House of Representatives appointed by the Speaker, three members of the Senate, appointed by the Senate President, the commissioners, or their designees, of the departments of public

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SECTION 2 *Items disapproved by striking the wording:*

Item	<i>Wording Stricken</i>
	health, mental health, corrections, social services and youth services and the commissioner, or their designee, of the division of medical assistance; and provided further, that said commission shall report its findings and recommendations to the joint committees on health care and human services and elderly affairs and to the house and senate committees on ways and means by February 15, 2003"
4000-0300	"; provided further, that notwithstanding the provisions of any general or special law to the contrary, there shall not be any expansion in the MassHealth program, so called, in terms of either covered populations or covered services or benefits until at least July 1, 2005; provided further, that notwithstanding the provisions of any general or special law to the contrary, the division of medical assistance shall seek federal approval under section 1115(a) of the Social Security Act to implement a demonstration waiver that would allow the state more flexibility to administer its medicaid program; provided further, that said division shall request a waiver that would help the state sustain its existing coverage for low-income children and other vulnerable populations covered under its Medicaid optional programs by allowing the state programmatic flexibility to adopt cost-sharing, benefit design flexibility, and enrollment cap options for its categorically needy and medically needy optional populations; provided further, that said division shall report to the house and senate committees on ways and means within ten days of receiving federal approval for such a waiver and shall include in said report an outline of the appropriate steps said division will take to implement cost-sharing initiatives such as co-payments and premiums for said optional populations and optional services; provided further, that said report shall include a detailed analysis by line item of anticipated savings in spending expected from such changes to the structure of the state medicaid program"
4100-0060	"except that for the purposes of this section only, the term eligible pharmacy providers shall not include those pharmacies that serve publicly aided long-term care patients in facilities licensed by the department of public health pursuant to section 71 of chapter 111 of the General Laws"

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SECTION 2 *Items disapproved by striking the wording:*

Item	<i>Wording Stricken</i>
4130-2998	"; provided further, that the office of child care services jointly with the department of education, the advisory committee to the office of child care services, the state advisory council in early care and education to the department of education, the Early Intervention Interagency Coordinating Council, the advisory council to the state Head Start coordinator, the state board of higher education, and other relevant parties identified by the named participants shall jointly prepare a proposal for the establishment of a career ladder program consisting of a comprehensive professional career path linking education, training and experience toward the achievement of early care and education or school age child care certifications, associate's, bachelor's or postgraduate degrees, directly correlated with compensation guidelines; provided further, that the proposal shall include an evaluation of the costs to the commonwealth and child care providers of implementing the career ladder program; provided further, that the proposal shall include an evaluation and assessment of potential incentives, including the feasibility and desirability of implementing the potential incentives, for child care providers to seek and receive national accreditation appropriate to individual programs within five years; provided further, that the report shall be submitted to the house and senate committees on ways and means within 90 days of the passage of this act"
4400-1000	"; provided further, that the department shall deposit revenues associated with fraudulently obtained benefits identified by the bureau of special investigations in a separate revenue source established on the Massachusetts management accounting and reporting system" and "; provided further, that the department shall promptly review all written program applications, notices and forms it sends to applicants and recipients; provided further, that the revised notices and forms shall be drawn in concise and readily understandable language such that it may require no reading skills beyond the third-grade level; provided further, that any notices denying, reducing or terminating benefits shall specify the precise reason for ineligibil-

SECTION 2 *Items disapproved by striking the wording:*

Item

Wording Stricken

ity and shall include a listing of any specific documents the applicant or recipient must provide, the alternate documents that are acceptable and the time frame for providing documents to avoid an interruption in ongoing benefits; provided further, that the department shall provide copies of revised standard applications and notifications to the house and senate committees on ways and means not later than January 18, 2003"

and

"; provided further, that the application shall be drawn in concise and readily understandable language, such that its completion may require no reading skills beyond the third-grade level; provided further, that the department shall report to the house and senate committees on ways and means not later than December 15, 2002 on the rationale for each of the questions on the food stamp application, including an explanation of how each question is consistent with making the application the shortest and simplest necessary to achieve its purpose"

4403-2120

"; provided further, that the department shall strive to place eligible households in scattered site shelters in their home communities rather than in motels upon a determination that this action shall not entail additional costs to the family shelter program; provided further, that the department shall report monthly to the house and senate committees on ways and means on the number of families who apply for emergency assistance funded family shelter, the number of families approved for shelter, the number of families denied shelter along with reasons for denials, the home community of families receiving shelter, the number of families receiving shelter within each home community, the number of available shelter slots within each home community, the income level of families receiving shelter, programs designed to prevent homelessness that had previously been accessed by families receiving shelter, the composition of families receiving shelter, the reason that the household is seeking emergency family shelter, and any other information that the department determines to be necessary in evaluating and proposing changes to the operation of

SECTION 2 *Items disapproved by striking the wording:*

Item	<i>Wording Stricken</i>
	<p>the emergency assistance family shelters program; provided further, that not later than September 1 of the current fiscal year the department shall deliver an annual report to the house and senate committees on ways and means on the status and activities of the emergency assistance family shelter program for the preceding fiscal year and any modifications that the department intends to make in the operation of the program in the current fiscal year; provided further, that this report shall include an analysis of the number of households from each home community that are receiving shelter services, the number of family shelter units available in each home community, and the steps that have been taken, and that the department plans to take in the future, to bring the number of family shelter units available in each home community into line with the number of households from each home community receiving shelter services; provided further, that the report shall also include information, by type of shelter, on average length of stay, average cost per household served, average number of shelter slots not used either as the result of no placement being made or of a placed family not making use of shelter, and an analysis of this data, including an analysis of causes relating to any significant differences in the data for each type of shelter; provided further, that in the first half of fiscal year 2004, and in the first half of every second fiscal year thereafter, the department shall conduct a program to monitor the outcomes for households denied family shelter services; provided further, that the department shall report on the results of this monitoring program to the house and senate committees on ways and means not later than February 17 of the fiscal year in which the program was undertaken; provided further, that this report shall include a recommendation on whether any changes should be made in the eligibility standards for the emergency assistance shelter program to insure that households in need of emergency family shelter services are provided these services; provided further, that not later than December 15, 2002, the department shall submit to the house and senate committees on ways and means and the joint committee on human services and elderly affairs a policy document detailing the guidelines used in making decisions on daily operations of the</p>

SECTION 2 *Items disapproved by striking the wording:*

Item	<i>Wording Stricken</i>
	<p>family shelter system; provided further, that this document shall include the guidelines, and the rationale and supporting research behind the guidelines, used in determining whether an eligible household should be placed in congregate or scattered site shelter, the guidelines used in determining what support services need to be provided to recipients of family shelter services to expedite discharge from family shelter, the guidelines used in assigning priority to support services in those instances when demand outstrips available services, and the linkages that have been developed between family shelter services, front-door homelessness prevention services, and back-door homeless shelter discharge services"</p> <p>and</p> <p>"; provided further, that notwithstanding the provisions of any general or special law to the contrary, 30 days before promulgating any such eligibility or benefit changes, the commissioner shall file with the house and senate committees on ways and means and with the clerks of the house of representatives and the senate a determination by the secretary of health and human services that available appropriations for the program will be insufficient to meet projected expenses and a report setting forth such proposed changes"</p> <p>and</p> <p>"; and provided further, that nothing in the preceding proviso shall authorize the department to alter eligibility criteria or benefit levels, except to the extent that such changes are needed to avoid a deficiency in this item"</p>
4408-1000	<p>"; and provided further, that notwithstanding any general or special law, or of this item to the contrary, 30 days before implementing any eligibility or benefit changes, or both, the commissioner shall file with the clerks of the house of representatives and the senate a determination by the secretary of health and human services that available appropriations for the program will be insufficient to meet projected expenses and a report setting forth the proposed changes"</p>

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SECTION 2 *Items disapproved by striking the wording:*

Item	<i>Wording Stricken</i>
4800-0014	"contracted"
7006-0020	"; provided further, that notwithstanding any general or special law to the contrary, for fiscal year 2003, 27.825 per cent of the amount appropriated in this item shall be assessed upon the insurance companies licensed to operate in the commonwealth; provided further, that for fiscal year 2004, said assessment amount shall be 55.65% of the amount appropriated herein"
7007-0100	"; provided, that the director shall make every effort to ensure that the department's activities reach the most economically challenged regions of the commonwealth; provided further, that the director shall either devise or use generally accepted criteria to determine which regions of the commonwealth are the most econotnically challenged; and provided further, that not later than April 30, 2003, the director shall submit to the house and senate committees on ways and means a report detailing the criteria, a ranking of regions, a list of programs directly assisting the residents of those regions, the number of people served, and a detailed plan for increasing the economic activity in the most challenged regions"
7007-0300	"; provided, that the office shall file a report with the house and senate comtnittees on ways and means not later than February 15, 2003 which shall identify those companies that contact said office in response to direct mail and marketing campaigns and which of those companies relocate to the commonwealth"
7066-0000	"; and provided further, that notwithstanding paragraphs (a), (b) and (c) of section 29 of chapter 15A of the General Laws, as appearing in the 2000 Official Edition, the boards of trustees of all public post-secondary educational institutions shall not authorize the use of a waivable fee, as said term is defined in said section 29 of said chapter 15A, to fund nonpartisan student organizations which employ legislative agents, as defined in section 39 of chapter 3, or to nonpartisan student organizations attempting to influence legislation, as defined in section 44 of said chapter 3, and shall adhere to the following definitions and requirements during

SECTION 2 *Items disapproved by striking the wording:*

Item	<i>Wording Stricken</i>
	<p>fiscal year 2003 with regard to the use of student fees: 'Nonpartisan', as applied to student organizations not endorsing or adhering to particular ideological or religious positions in the articles of incorporation, charter, constitution or by-laws. 'Official student referendum', a referendum vote of the student body which is sanctioned by the college-recognized student governmental association and certified by said student governmental association as valid. 'Optional fee', any amount payable on a student tuition bill, but not a mandatory charge or waivable fee, appearing as a separately assessed item, accompanied by a statement as to the nature of said item and that said item is not a charge required to be paid by the student but rather the student may add said charge to the total amount due, and that said item is displayed on the bill at the request of the student body and does not necessarily reflect the endorsement of the board of trustees. 'Student organization', any organization of students at public post-secondary educational institutions which is open to membership of all students who pay the optional fee and is controlled by its students. (b) Non-mandatory student fees to nonpartisan student organizations which employ legislative agents, as defined in section 39 of chapter 3, or to nonpartisan student organizations attempting to influence legislation, as defined in section 44 of said chapter 3, shall be paid on student tuition bills by an optional fee whenever students have authorized said optional fee on the tuition bill by a majority vote of those students voting in an official student referendum; and provided further, that the continuation of said optional fee on the student tuition bill may be subject to reauthorization by an official student referendum every four years; and provided further, that necessary administrative costs arising in connection with the collection of said fee may be billed by the board of trustees to the student organization at the time of the transfer of funds collected to said student organizations"</p>
8000-1122	"; provided further, that notwithstanding any general or special law to the contrary, 100 per cent of the amount appropriated in this item shall be charged to local police departments using CJIS, criminal justice information system; provided further the criminal history systems board shall determine a standard fee structure to be

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SECTION 2 *Items disapproved by striking the wording:*

Item	<i>Wording Stricken</i>
8100-0000	<p>assessed to local police departments based on usage of the CJIS system by the departments; provided further, that the criminal history systems board shall evaluate and determine the above stated fees annually to maintain this item; provided further, that the executive office of public safety, working with the criminal history systems board shall develop a criteria for waiving a local police department's obligation in the event of an extraordinary public safety or fiscal crisis; provided further, that said waiver program shall not be implemented unless a local department can demonstrate that it is unable to meet the fee requirements to the satisfaction of the criminal history systems board; and provided further, that the board shall file a report no later then March 1, 2003 with the House and Senate committees on ways and means on the total number of waivers granted under said program, and a list of the cities or towns receiving said waivers"</p> <p>8100-0000 "; provided further, that the department of the state police shall inform state police troopers of the requirements pursuant to section 20 of chapter 90 of the General Laws that a \$30 surcharge shall be added to fines assessed against any persons convicted or found responsible of a violation of section 17 of chapter 90 of the General Laws or a violation of a special regulation lawfully made under the authority of section 18 of said chapter 90 and that 100 per cent of said \$30 surcharge be deposited into the Head Injury Trust Fund"</p>
8200-0200	<p>8200-0200 "; provided further, that said training council shall inform chiefs of police of the requirements pursuant to the provisions of section 20 of chapter 90 of the General Laws that a \$30 surcharge shall be added to fines assessed against any person convicted or found responsible of a violation of the provisions of section 17 of chapter 90 of the General Laws or a violation of a special regulation lawfully made under the authority of section 18 of said chapter 90 and that 100 per cent of said \$30 surcharge be deposited into the head injury trust fund; provided further, that all chiefs of police shall be instructed to enforce said provisions in their respective departments"</p>

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SECTION 2 *Items disapproved by striking the wording:*

Item	Wording Stricken
8400-0001	"; provided further, that the registry of motor vehicles may print and distribute to the various police departments and agencies of the commonwealth speeding citation forms containing notice that a conviction or a finding of responsibility of a violation of section 17 of chapter 90 of the General Laws or a violation of any special regulation relative to the speed of motor vehicles will result in a \$30 surcharge pursuant to section 20 of said chapter 90"
8910-0000	"; provided further, that each sheriff shall continue to report all expenditures on the Massachusetts management accounting reporting system, so-called, in accordance with the latest expenditure classification requirements promulgated by the comptroller pursuant to section 27 of chapter 29 of the General Laws"

Pursuant to Article 56, Section 60, of the Amendments to the Constitution the Lieutenant-Governor, Acting Governor sent a separate letter to the Senate and the House of Representatives setting forth recommended amendments.

The remainder of the bill was approved by the Governor on July 29, 2002 at four o'clock and seventeen minutes, P.M.

The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on July 31, 2002 the House of Representatives and the Senate in concurrence passed the following Items:

SECTION 2. Items: 1108-5200, 4110-1000, 7002-0700, 7030-1002, 8100-0301

The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on July 31, 2002 the House of Representatives and on August 1, 2002 the Senate passed the following Items:

SECTION 2. Items: 1108-5400, 410-0068, 7066-0009

Chapter 185. AN ACT VALIDATING THE ACTION TAKEN AT THE 2000 ANNUAL TOWN MEETING OF THE TOWN OF AMHERST.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law or local rule or by-law to the contrary, the acts and proceedings taken by the town of Amherst at its annual town meeting held on April 26, 2000, and subsequent dates, and all actions taken pursuant thereto, are hereby ratified, validated and confirmed to the same extent as if the warrant for the town meeting had been published and posted in full compliance with law.

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

Approved July 31, 2002.

Chapter 186. AN ACT ENHANCING STATE REVENUES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith enhanced state revenues to assist in addressing a serious fiscal crisis, 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 62 of the General Laws, as amended by section 1 of chapter 96 of the acts of 2002, is hereby further amended by striking out paragraph (c) and inserting in place thereof the following paragraph:-

(c) "Code", the Internal Revenue Code of the United States, as amended on January 1, 1998 and in effect for the taxable year; provided, however, that references to sections 62(a)(1), 72, 274(m), 274(n), 401 to 420, inclusive, but excluding sections 402A and 408(q), 457, 529, 3401 and 3405 of the Code, shall refer to the Code as amended and in effect for the taxable year.

SECTION 2. Paragraph (m) of said section 1 of said chapter 62, as appearing in the 2000 Official Edition, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The term "capital gain income" shall mean gain from the sale or exchange of a capital asset. The terms "short-term capital gain", "short-term capital loss", "long-term capital gain", "long-term capital loss", "net short-term capital gain", "net short-term capital loss", "net long-term capital gain" and "net long-term capital loss" shall have the meanings as provided in section 1222 of the Code, as amended and in effect for the taxable year. In determining the amount of gain or loss on any sale, exchange or other disposition of property, section 6F shall be taken into account and in determining the amount of long-term capital loss or short-term capital loss for any year, clause (2) of subsection (c) of section 2 shall be taken

into account; provided, however, that losses from the sale or exchange of capital assets shall not include any item the deduction of which is or, but for some other section, would be prohibited by section 165(c), section 262 or section 267 of the Code.

SECTION 3. Said section 1 of said chapter 62, as so appearing, is hereby further amended by adding the following 2 paragraphs:-

(n) "Baseline tax revenues", the amount of state tax revenues that would have been credited to the budgeted funds had there been no change in federal or state tax law or administrative practices that affected tax collections for the year, as estimated by the commissioner.

(o) "Inflation adjusted change in baseline tax revenues", the commissioner's estimate of the percentage change from the preceding fiscal year in the amount of baseline tax revenues minus the percentage change in the consumer price index for all urban consumers for Boston as most recently reported by the federal Bureau of Labor Statistics, from the index so reported 12 months before. The estimate shall be provided to the secretary of administration, the house and senate committees on ways and means and the joint committee on taxation annually, on or before August 30 for the preceding fiscal year. Monthly, on or before the fifteenth day, the commissioner shall provide an estimate for the preceding 3 months to the same recipients.

SECTION 4. Paragraph (2) of subsection (a) of section 2 of said chapter 62, as so appearing, is hereby amended by adding the following subparagraph:-

(L) Any amount of Massachusetts gross income attributable to earnings or distributions from a qualified tuition program, as defined in section 529 of the Code, provided that any distributions are used to pay for qualified educational expenses, as defined in said section 529.

SECTION 5. Said subsection (a) of said section 2 of said chapter 62, as so appearing, is hereby further amended by striking out paragraph (3) and inserting in place thereof the following paragraph:-

(3) Notwithstanding this chapter:

(A) In the case of a distribution within the meaning of subsection (d)(3) of section 408A of the Code as amended and in effect for the taxable year, any amount included as income for federal tax purposes under said section 408A by reason of such distribution shall be included in gross income and, to the extent such distribution is included in adjusted gross income under subsection (c), shall be taken into account in determining taxable income under this chapter in the same manner as under subparagraph (A) of said subsection (d)(3) of said section 408A of said Code.

(B) Gain from the sale of a principal residence included in federal gross income under section 121 of the Code in effect on January 1, 1988, but excluded from federal gross income under section 121 of the Internal Revenue Code in effect for the taxable year, shall not be included in Massachusetts adjusted gross income. Notwithstanding any other provision of this chapter, the amount of gain from the sale of a principal residence excluded from Massachusetts adjusted gross income shall not be less than the exclusion allowed under

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section 121 of the Code in effect on January 1, 2002.

(C) Effective on and after January 1, 2002, any contributions, including employer contributions, employee deferrals and rollover contributions, allocations under or distributions from stock bonus, pension, profit-sharing, annuity or deferred payment plans or contracts or employee stock ownership plans described in sections 401(a), 402, 403, 404, 409 or 457 of the Code, or simplified employee pensions under section 408(k) of the Code, shall be included in gross income of a taxpayer only to the extent includible in the taxpayer's gross income for federal income tax purposes under the Code.

SECTION 6. Subsection (b) of said section 2 of said chapter 62, as so appearing, is hereby amended by striking out paragraph (3) and inserting in place thereof the following paragraph:-

(3) Part C gross income shall be capital gain income which equals the gains from the sale or exchange of capital assets held for more than 1 year.

SECTION 7. Said section 2 of said chapter 62, as so appearing, is hereby further amended by striking out subsection (c) and inserting in place thereof the following subsection:-

(c) Part A adjusted gross income shall be the Part A gross income less the following deductions and including the following class of gain income:

(1) Any excess of the deductions allowable under subsection (d) over the Part B gross income, but the amount deductible under this paragraph shall not exceed the amount of Part A gross income which is effectively connected with the active conduct of a trade or business of the taxpayer.

(2)(a) Losses from the sale or exchange of capital assets held for 1 year or less, provided that the excess, if any, of the Part A net capital loss for the year over the Part A net capital gain for the year, but not more than \$2,000, shall be applied against Part A interest and dividends; provided, however, that any remaining excess of the Part A net capital loss for the year shall be applied against capital gains included in Part C gross income. If Part A net capital loss for the year exceeds the Part C net capital gain for the year, then the excess, if any, of Part A net capital loss, after accounting for any deduction against interest and dividend income, shall be a Part A capital loss under this paragraph in the succeeding taxable year.

(b) The excess, if any, of the Part C net capital losses for the year over the Part C net capital gains for the year shall be applied against capital gains included in Part A gross income. If Part C net capital losses for the year exceed the Part A net capital gain for the year, then the excess, if any, of Part C net capital losses over Part A net capital gain, but not more than \$2,000, shall be applied against any interest and dividends included in Part A gross income, provided that the aggregate amount of the deduction allowed in this subparagraph against any interest and dividends shall not be more than \$2,000. The excess, if any, of the Part C net capital loss over the Part A net capital gain, after accounting for any deduction against interest and dividend income, shall be a Part C capital loss in the succeeding taxable year.

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(3) A deduction equal to 50 per cent of the gain income from the sale or exchange of property defined under section 408 (m)(2) of the Code, as amended and in effect for the taxable year, and held for more than 1 year after reduction by any losses in paragraph (2).

SECTION 8. Said section 2 of said chapter 62, as so appearing, is hereby further amended by striking out subsection (e), and inserting in place thereof the following subsection:-

(e) Part C adjusted gross income shall be the Part C gross income less the following deductions:

(1) Losses from the sale or exchange of capital assets held for more than 1 year. The amount of any class of net capital loss reduced by the amount of such loss that is deducted under subparagraph (b) of paragraph (2) of subsection (c), shall be Part C capital loss in the succeeding taxable year. Where a taxpayer has any unused Class B net loss, Class C net loss, Class D net loss, Class E net loss, Class F net loss or Class G net loss at the end of the taxpayer's last taxable year beginning before January 1, 2002, the aggregate amount of such net losses shall be taken into account in the succeeding taxable year as loss on the sale or exchange of a capital asset held for more than 1 year.

(2) Part C net gains shall be reduced by any remaining excess of the deductions allowable under subsection (d) over the Part B gross income after applying such excess Part B deductions against Part A gross income in accordance with paragraph (1) of subsection (c). The amount deductible under this paragraph shall not exceed the amount of Part C gross income which is effectively connected with the active conduct of a trade or business of the taxpayer. Excess Part B deductions shall not be applied to increase the amount of any net capital losses and may not reduce the amount of any net capital gain below zero. The resulting amount of net capital gain shall comprise Part C adjusted gross income.

SECTION 9. Paragraph (a) of Part B of section 3 of said chapter 62 is hereby amended by striking out subparagraph (13), as amended by section 1 of chapter 136 of the acts of 2001, and inserting in place thereof the following subparagraph:-

(13) An amount equal to the amount of the charitable contribution deduction allowed or allowable to the taxpayer under section 170 of the Code; provided, however, that, in taxable years beginning on or after January 1, 2002, no such deduction shall be allowed in any taxable year unless the rate of tax on Part B taxable income in section 4 in the prior taxable year was equal to 5 per cent; and provided, further, that notwithstanding said section 170 of the Code, no deduction shall be allowed for contributions of household goods or used clothing, as those items are recognized under said section 170 of the Code. All requirements, conditions and limitations applicable to charitable contributions under the Code shall apply for purposes of determining the amount of the deduction under this subparagraph, except that taxpayers shall not be required to itemize their deductions in their federal income tax returns.

SECTION 10. Said section 3 of said chapter 62, as appearing in the 2000 Official Edition, is hereby further amended by striking out, in line 150, the figure "\$4,400" and inserting in place thereof the following:- \$3,300 for tax years beginning on or after January 1, 2002.

For taxable years beginning on or after January 1, 2004, the personal exemption shall be: (i) the exemption in the previous year plus \$275 if the inflation-adjusted growth in baseline taxes in the fiscal year ending the June 30 of the previous year exceeds 2.5 per cent and the inflation-adjusted change in baseline taxes for each consecutive 3 month period reported by the commissioner between August and December of the previous year is greater than 0; or (ii) the personal exemption in effect for the prior year. On or before October 15 of each year, the commissioner shall submit a report to the secretary of administration, the house and senate committees on ways and means and the joint committee on taxation providing a preliminary statement of the personal exemption for taxable years beginning on or after the following January 1. On or before December 15, the commissioner shall make a final statement of the personal exemption for the following year to the same recipients.

The personal exemption shall not exceed \$4,400.

SECTION 11. Said section 3 of said chapter 62, as so appearing, is hereby further amended by striking out, in line 158, the figure "\$6,800" and inserting in place thereof the following:- \$5,100 for tax years beginning on or after January 1, 2002.

For taxable years beginning on or after January 1, 2004, the personal exemption shall be: (i) the exemption in the previous year plus \$425 if the inflation-adjusted growth in baseline taxes in the fiscal year ending the June 30 of the previous year exceeds 2.5 per cent and the inflation-adjusted change in baseline taxes for each consecutive 3 month period reported by the commissioner between August and December of the previous year is greater than 0; or (ii) the personal exemption in effect for the prior year. On or before October 15 of each year, the commissioner shall submit a report to the secretary of administration, the house and senate committees on ways and means and the joint committee on taxation providing a preliminary statement of the personal exemption for taxable years beginning on or after the following January 1. On or before December 15, the commissioner shall make a final statement of the personal exemption for the following year to the same recipients.

The personal exemption shall not exceed \$6,800.

SECTION 12. Said section 3 of said chapter 62, as so appearing, is hereby further amended by striking out, in line 165, the figure "\$8,800" and inserting in place thereof the following:- \$6,600 for tax years beginning on or after January 1, 2002.

For taxable years beginning on or after January 1, 2004, the personal exemption shall be: (i) the exemption in the previous year plus \$550 if the inflation-adjusted growth in baseline taxes in the fiscal year ending the June 30 of the previous year exceeds 2.5 per cent and the inflation-adjusted change in baseline taxes for each consecutive 3 month period reported by the commissioner between August and December of the previous year is greater than 0; or (ii) the personal exemption in effect for the prior year. On or before October 15 of each year, the commissioner shall submit a report to the secretary of administration, the house and senate committees on ways and means and the joint committee on taxation providing a preliminary statement of the personal exemption for taxable years beginning on or after the following January 1. On or before December 15, the commissioner shall make a final statement of the personal exemption for the following year to the same recipients.

The personal exemption shall not exceed \$8,800.

SECTION 13. Section 4 of said chapter 62, as so appearing, is hereby amended by striking out paragraph (b) and inserting in place thereof the following paragraph:-

(b) Part B taxable income shall be taxed at the rate of 5.3 per cent for tax years beginning on or after January 1, 2002.

For taxable years subsequent to tax years in which personal exemption amounts in effect pursuant to subparagraphs (1), (1A) and (2) of paragraph (b) of section 3 are the same as those amounts that were in effect for the taxable year beginning on January 1, 2001, Part B taxable income shall be taxed at the lesser of: (i) the rate in effect for the prior taxable year minus .05 per cent if the inflation adjusted growth in baseline taxes in the fiscal year ending the June 30 of the previous year exceeds 2.5 per cent and the inflation-adjusted change in baseline taxes for each consecutive 3 month period reported by the commissioner between August and December of the previous year is greater than 0; or (ii) the rate in effect for the prior year. On or before October 15 of each year, the commissioner shall submit a report to the secretary of administration, the house and senate committees on ways and means and the joint committee on taxation providing a preliminary statement of the Part B tax rate for taxable years beginning on or after the following January 1. On or before December 15, the commissioner shall make a final statement of the Part B tax rate for the following year to the same recipients.

Part B taxable income shall be taxed at a rate of not less than 5 per cent.

SECTION 14. Said section 4 of said chapter 62, as so appearing, is hereby further amended by striking out paragraph (c) and inserting in place thereof the following paragraph:-

(c) Part C taxable income shall be taxed at the same rate as provided for in paragraph (b).

SECTION 15. Subsection (b) of section 21 of chapter 62C of the General Laws, as so appearing, is hereby amended by adding the following 2 clauses:-

(19) the disclosure of such information as is reasonable and appropriate to the implementation and enforcement of sections 33A, 34 and 35 of chapter 64C.

(20) the disclosure to the attorney general of such information as the attorney general may require for use in enforcing clause (b) of section 2 of chapter 94 E.

SECTION 16. Chapter 64C of the General Laws is hereby amended by inserting after section 5 the following section:-

Section 5A. (1) The department shall aggressively seek to collect all excises imposed by this chapter from residents of the commonwealth who purchase cigarettes and tobacco products in interstate commerce. The department shall, pursuant to 15 U.S.C. section 376, seek statements from persons selling cigarettes in interstate commerce to residents of the commonwealth and obtain the monthly invoices covering all such shipments of cigarettes into the commonwealth, as required by said section 376. Those invoices shall, as authorized by said section 376, include the name and address of the person to whom the cigarette shipment was made, the brand, the quantity thereof, and the amount paid. Upon receipt of

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that information, the department shall make all reasonable efforts to collect all excises due under this chapter.

(2) The department shall provide information received pursuant to this section to the department of public health. The department shall report every 6 months to the house and senate committees on ways and means and the joint committee on health care on the steps taken to enforce this section and the amounts collected pursuant to collection activities mandated by this section.

SECTION 17. Section 6 of said chapter 64C, as appearing in the 2000 Official Edition, is hereby amended by striking out, in lines 3 and 11, the words "thirteen" and inserting in place thereof, in each instance, the following figure:- 50>.

SECTION 18. Said section 6 of said chapter 64C, as so appearing, is hereby further amended by striking out, in line 28, the word "twenty-five" and inserting in place thereof the following figure:- 40.

SECTION 19. Said section 6 of said chapter 64C, as so appearing, is hereby further amended by adding the following paragraph:-

Notwithstanding the provisions of this section, the excise imposed by this section shall equal 15 per cent of the price paid by such licensee or unclassified acquirer to purchase cigars and smoking tobacco so sold, imported or acquired.

SECTION 20. Section 7B of said chapter 64C, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "Notwithstanding the excise imposed by section six and seven A every" and inserting in place thereof the following words:- In addition to the excise imposed by sections 6 and 7A, every.

SECTION 21. Said chapter 64C is hereby further amended by inserting after section 33 the following section:-

Section 33A. A stamper shall not affix a stamp on a cigarette package containing fewer than 20 cigarettes. A licensee shall not hold for sale, offer for sale, sell, possess with intent to sell, or otherwise dispose of a cigarette package containing fewer than 20 cigarettes. In addition to other remedies provided by law, the commissioner may assess a civil penalty of not more than \$5,000 for each violation of this section. The commissioner may suspend or revoke the stamping authority or license of a person who violates this section.

SECTION 22. Section 34 of said chapter 64C, as appearing in the 2000 Official Edition, is hereby amended by adding the following 2 paragraphs:-

In addition to other remedies provided by law, the commissioner may assess a civil penalty of not more than \$5,000 for each violation of this section.

The commissioner shall promulgate regulations to implement and enforce this section.

SECTION 23. Section 35 of said chapter 64C, as so appearing, is hereby amended by adding the following 2 paragraphs:-

In addition to other remedies provided by law, the commissioner may assess a civil penalty of not more than \$5,000 for each violation of this section.

The commissioner shall promulgate regulations to implement and enforce this section.

SECTION 24. Section 1 of chapter 64H of the General Laws, as so appearing, is hereby amended by inserting after the definition of "Gross receipts" the following 2 definitions:-

"Home service provider", the facilities-based carrier or reseller with which the retail customer contracts for the provision of mobile telecommunications service.

"Mobile telecommunications service", commercial mobile radio service, as defined in section 20.3 of title 47 of the Code of Federal Regulations as in effect on June 1, 1999.

SECTION 25. Said section 1 of said chapter 64H, as so appearing, is hereby further amended by inserting after the definition of "Person" the following definition:-

"Place of primary use", the street address representative of where the customer's use of the mobile telecommunications service primarily occurs, which shall be the residential street address or the primary business address of the customer and which shall be within the licensed service area of the home service provider. The place shall be determined in accordance with 4 U.S.C. sections 121 and 122.

SECTION 26. Said section 1 of said chapter 64H, as so appearing, is hereby further amended by inserting after the word "services", in line 166, the following words:- other than mobile telecommunications services.

SECTION 27. The definition of "Sale at retail" in said section 1 of said chapter 64H, as so appearing, is hereby further amended by inserting after the fifth sentence the following sentence:- In the case of interstate and intrastate mobile telecommunications services, the sale of such services shall be deemed to be provided by the customer's home service provider and shall be considered a sale within the commonwealth if the customer's place of primary use is located in the commonwealth.

SECTION 28. Section 2A of chapter 65C of the General Laws, as so appearing, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-

(a) A tax is hereby imposed upon the transfer of the estate of each person dying on or after January 1, 1997 who, at the time of death, was a resident of the commonwealth. The amount of the tax shall be the sum equal to the amount by which the credit for state death taxes that would have been allowable to a decedent's estate as computed under Code section 2011, as in effect on December 31, 2000, hereinafter referred to as the "credit", exceeds the lesser of:

(i) the aggregate amount of all estate, inheritance, legacy and succession taxes actually paid to the several states of the United States, other than the commonwealth, in respect to any property owned by that decedent or subject to those taxes as part of or in connection with his estate; or

(ii) an amount equal to the proportion of such allowable credit as the value of properties taxable by other states bears to the value of the entire federal gross estate wherever

situated.

SECTION 29. Chapter 94 of the General Laws is hereby amended by inserting after section 307B the following section:-

Section 307C. The department of public health may, in consultation with the attorney general and the department of revenue, establish regulations for persons engaged in the sale or shipment of tobacco products to prevent the sale or delivery of tobacco products to children under 18 years of age in the commonwealth.

SECTION 30. Every manufacturer, wholesaler, vending machine operator, unclassified acquirer or retailer, as defined in section 1 of chapter 64C of the General Laws, who, at the commencement of business on the effective date of this act, has on hand any cigarettes for sale or any unused adhesive or meter stamps shall make and file with the commissioner of revenue within 20 days a return, subscribed and sworn to under the penalties of perjury, showing a complete inventory of such cigarettes and stamps and shall, at the time he is required to file such return, pay an additional excise of 37 mills per cigarette on all cigarettes and all unused adhesive and meter stamps upon which only the excise imposed pursuant to sections 6, 7A and 7C of said chapter 64C has previously been paid; provided, however, that the additional excise imposed by this section shall equal 15 per cent of the price paid by such manufacturer, wholesaler, vending machine operator, unclassified acquirer or retailer to purchase smokeless tobacco and 15 per cent of the price paid by such manufacturer, wholesaler, vending machine operator, unclassified acquirer or retailer to purchase cigars and smoking tobacco on hand on that date. All of chapters 62C and 64C of the General Laws relative to the assessment, collection, payment, abatement, verification and administration of taxes, including penalties, shall, so far as pertinent, be applicable to the excise imposed by this section.

SECTION 31. Sections 1, 4, 5, 9, 10, 11, 12 and 13 shall be effective for tax years beginning on or after January 1, 2002.

SECTION 32. Sections 2, 6, 7, 8 and 14 shall be effective for tax years beginning on or after May 1, 2002, and for the portion that begins on May 1, 2002 of any taxable year beginning on or after January 1, 2002 and before May 2, 2002. It is intended, to the maximum extent possible, that all transactions which are completed prior to May 1, 2002 shall be aggregated and taxed under the procedures and rates in place prior to the changes in law set forth in sections 2, 6, 7, 8 and 14 and that all transactions completed on or after May 1, 2002, and shall be aggregated and taxed under the procedures and rates established by the changes in law set forth in said sections 2, 6, 7, 8 and 14.

SECTION 33. Sections 24 to 27, inclusive, shall apply to customer bills issued after August 1, 2002.

SECTION 34. Section 28 shall be effective with respect to estates of decedents dying on or after January 1, 2003.

This bill was returned by the Lieutenant-Governor, Acting Governor to the House of Representatives, the branch in which it originated, with her objections thereto, was passed

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by the House on July 23, 2002, and in concurrence by the Senate on July 24, 2002, the objections of the Lieutenant-Governor, Acting Governor notwithstanding, in the manner prescribed by the Constitution, and therefore has the force of law.

Chapter 187. AN ACT RELATIVE TO SEWER BY-LAWS AND REGULATIONS OF THE TOWN OF STURBRIDGE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the town of Sturbridge may limit connections to and extensions of the town's sewer system in the manner set forth in section 5.50 to 5.59, inclusive, of chapter 5 of the town's sewer by-laws and regulations as adopted by the town at its annual town meeting held on April 30, 2001. The vote adopting the bylaws and regulations is hereby ratified, validated and confirmed.

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

Approved July 31, 2002.

Chapter 188. AN ACT ESTABLISHING THE CITY OF MEDFORD STADIUM AND ATHLETIC COMMISSION.

Be it enacted, etc., as follows:

SECTION 1. There shall be in the city of Medford a commission to be known as the Medford stadium and athletic commission which shall consist of 3 commissioners, 2 of whom shall be appointed by the mayor, and 1 of whom shall be appointed by the city council by a majority vote. One of the commissioners to be appointed by the mayor and the commissioners to be appointed by the city council shall have a 5 year term. The second commissioner to be appointed by the mayor shall have a 3 year term. Upon the expiration of the respective terms successor commissioners shall be appointed in the same manner.

There shall also be a secretary to the commission, to be appointed by the mayor, and shall receive a stipend comparable to that received by the secretaries to the various boards and commissions of the city. The secretary shall serve in a clerical capacity and shall not be a voting member of the commission. The duties of the secretary include, but are not limited to, maintaining the books and records of the commission, posting public notice of its meetings and recording the minutes of all of its meetings.

The commissioners shall be paid a stipend in the amount of \$1,200 per year. The chairperson of the commission shall be paid a stipend in the amount of \$1,500 per year. The amount of the annual stipend may be changed upon the recommendation of the mayor and

the approval of the city council.

SECTION 2. The commission, on behalf of the city, may with the approval of the mayor and city council, erect structures on the land that are incidental to its use and provide proper equipment therefor, and may hold, manage, control, issue permits, authorize concession, lease or let the same for the purpose of school, civic and professional or semi-professional athletics, recreation, play sports and physical education and may charge admission to the same.

The commission may enter into license agreements with the Wellington Glenwood Little League and Medford Pop Warner Football or their respective lawful successors and assigns, to use the property or a portion thereof under its control for a period of up to 5 years, for their respective seasonal use, and to enter into 5 year extensions of such license agreements.

In all cases, the primary use of the property under the jurisdiction of the commission shall be for interscholastic sports programs at Medford high school.

Should the commission itself authorize a concessionaire to operate a concession on property under the jurisdiction of the commission, it shall comply with the requirements of chapter 30B of the General Laws.

To the extent permitted by law, the commission shall permit any nonprofit youth sports organization to conduct concessions at its sporting events as the same are permitted by the commission on the property under its jurisdiction.

SECTION 3. For the purposes of this act, so far as they relate to the erection of structures that are incidental to the use of the property under the jurisdiction of the commission, and the proper maintenance and equipment of same, the city on the recommendation of the mayor and the approval of the city council, may issue bonds or notes therefor. Each authorized issue shall constitute a separate loan and such loan shall be paid in not more than 10 years from their dates.

SECTION 4. All revenue received by the commission from the land, buildings and other structures shall be paid into a revolving fund for the continued maintenance and upkeep of the property under the jurisdiction of the commission. All bills with respect to the land, buildings and structures incurred by the commission shall be paid out by the city treasurer for the purposes set forth in this act only upon orders approved by the commissioner of public works and the city auditor. Any such order and any contract that involves an expenditure of more than \$2,500 shall in order to be valid, require the written approval of the mayor.

The commission shall comply, in all pertinent matters, to section 39M of chapter 30, chapter 30B and sections 44A to 44J, inclusive, of chapter 149 of the General Laws.

SECTION 5. The city council may annually appropriate such amounts as the mayor may recommend and approve to be expended by the commission for the care and repair of the land, buildings and structures, for the equipment and improvement of the grounds, the construction and enlargement of buildings and other structures and the support and encouragement of school, civic and professional or semiprofessional athletics, recreation,

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play, sports and physical education.

SECTION 6. The commission shall file a quarterly report on March 1, June 1, September 1, and December 1, with the city clerk, to include an itemized and detailed statement of any revenue received from, and all expenditures made for the property under the jurisdiction of the commission. In making its report to the city clerk the commission may make recommendations regarding capital expenditures and source of funding for the same including, but not limited to, the use of bonds and notes.

SECTION 7. The land, buildings and property under the care and control of the commission under this act shall be that portion of the 49.3 acres that is not dedicated to educational use as described in a deed to the city of Medford by the commonwealth, dated March 8, 2000 and recorded at the Middlesex South registry of deeds at Book 31197, Page 329.

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

Approved July 31, 2002.

Chapter 189. AN ACT AUTHORIZING THE TOWN OF ARLINGTON TO USE A CERTAIN PARCEL OF PARK LAND FOR PUBLIC WAY PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law, rule or regulation to the contrary, the town of Arlington may use for public way purposes the following described parcel of land in Arlington, currently used as park land: beginning at a point on the southerly sideline of Forest street at the division line between the property numbered 85 Forest street and land of the town of Arlington park department, thence going easterly along the southerly sideline of Forest street a distance of 289.95 feet to a point of curve, thence going easterly and southeasterly on a curve to the right a radius of 80.28 feet a distance of 132.28 feet to a point of tangency on the westerly sideline of Summer street, thence going westerly from westerly sideline of Summer street a distance of 10.0 feet to a point in the town of Arlington park department land, thence going westerly and southwesterly through town of Arlington park department land on a curve to the left with a radius of 70.28 feet a distance of 115.80 feet to a point on a curve, thence going westerly on a line 10 feet parallel to the southerly sideline of Forest street a distance of 289.95 to a point on the division line between town of Arlington park department land and property of the house numbered 85 Forest street, thence going northerly on said division line a distance of 10.0 feet to the point of beginning, containing 1275 square feet±.

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

Approved August 1, 2002.

Chapter 190. AN ACT AUTHORIZING THE DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO CONVEY A CERTAIN PARCEL OF LAND LOCATED IN THE TOWNS OF BECKET AND OTIS IN EXCHANGE FOR CERTAIN OTHER LAND LOCATED IN THE TOWN OF OTIS.

Be it enacted, etc., as follows:

SECTION 1. The commissioner of the division of capital asset management and maintenance, acting for and on behalf of, the department of environmental management, may, notwithstanding the provisions of sections 40E to 40J, inclusive, of chapter 7 of the General Laws, convey in fee simple to Edwin C. Williams, certain park land located in the towns of Becket and Otis, subject to the requirements of sections 2 to 4, inclusive, and to such additional terms and conditions as the commissioner may prescribe in consultation with the department of environmental management. The parcels are shown as parcels 1 and 2 on a plan entitled, "Land in Becket & Otis (Berkshire Co.), MA Surveyed for the Commonwealth of Massachusetts Department of Environmental Management", dated April 30, 1996, by Ainsworth Associates, Inc. The plan may be revised by or on behalf of the commissioner.

SECTION 2. The conveyance shall be subject to such conditions and restrictions as may be deemed appropriate by the commissioner of the department of environmental management, which may include a restriction on commercial activity. No deed conveying by or on behalf of the commonwealth the property described in section 1 shall be valid unless the deed provides that in the event the parcels conveyed are not used for or cease to be used solely for the purposes deemed appropriate by the commissioner of environmental management, the parcels shall revert to the commonwealth under the care and control of the department of environmental management.

SECTION 3. In consideration for the conveyance, Williams Stone Co, Inc. shall convey, in fee simple, parcel 3 on a plan entitled "Land in Becket & Otis (Berkshire Co.), MA Surveyed for the Commonwealth of Massachusetts Department of Environmental Management", dated April 30, 1996, by Ainsworth Associates, Inc., and Mr. Edwin C. Williams shall convey parcel 4 on the plan, in fee simple, to the commonwealth, through the department of environmental management, in consultation with the division of capital asset management and maintenance for conservation purposes. Parcels 3 and 4 shall be of equal or greater value than parcels 1 and 2, described in section 1, as determined by the commissioner of the division based on an independent appraisal prepared for the commissioner.

SECTION 4. The recipient of parcels 1 and 2 shall assume the costs of appraisals, surveys, deed preparation and other expenses deemed necessary by the commissioner of capital asset management and maintenance for the disposition of parcels 1 and 2.

Approved August 1, 2002.

Chapter 191. AN ACT RELATIVE TO THE CHARTER OF THE CITY OF CHELSEA.

Be it enacted, etc., as follows:

SECTION 1. The charter of the city of Chelsea, as appearing in section 1 of chapter 103 of the acts of 1994, is hereby amended by striking out section 2-4 and inserting in place thereof the following section:-

Section 2-4. - Filling of vacancies.

If a vacancy occurs in the office of city councillor, whether by failure to elect or otherwise, the remaining councillors shall, within thirty days following the date of such vacancy, act to fill said vacancy. The city council shall fill the vacancy for the remainder of the unexpired term by choosing the defeated candidate for said seat from the last regular city election; provided, however, that the defeated candidate shall have received at least twenty percent of the total ballots cast for the particular seat being vacated. For the purpose of this section, the twenty percent minimum threshold shall be calculated as a ratio of ballots cast for the particular office being vacated to votes obtained by the defeated candidate. If there was no other candidate for said office or the defeated candidate shall not have received at least twenty percent of the total ballots cast, the city council shall at its discretion choose an individual, who may be the defeated candidate, from among the voters entitled to vote for such office to serve for the remainder of the unexpired term. Any person so chosen shall take the oath of office and commence to serve forthwith. No vacancy shall be filled, in the manner herein provided, if a regular city election is to be held within one hundred and twenty days following the date the vacancy is declared to exist.

SECTION 2. Said charter is hereby further amended by striking out section 2-9, as so appearing, and inserting in place thereof the following section:-

Section 2-9. - Prohibitions.

No councillor shall, while a member of the city council, hold any other office, including membership on a multiple-member body, or other position under the city. No former councillor shall hold any compensated appointive office or employment under the city until one year after the expiration of his service on the city council. This provision shall not prevent a city officer or employee who has been granted a leave of absence from such duties in order to serve as a member of the city council from returning to such office or employment following service as a member of the city council.

Any person who has been finally convicted of a state or federal felony shall not be eligible to petition for or serve in any elective or appointive office or position under the city. Any councillor who has been finally convicted of a state or federal felony shall be deemed to have vacated said office and shall be disqualified from serving in any other elective or appointive office or position under the city.

SECTION 3. Said charter is hereby further amended by striking out section 3-2, as so appearing, and inserting in place thereof the following section:-

Section 3-2. - Filling Vacancies.

If a vacancy occurs in the membership of the school committee whether by failure

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to elect or otherwise, the president of the city council shall, within thirty days following the date of such vacancy, call a joint meeting of the city council and the school committee to act to fill said vacancy. At any such joint meeting a majority of those present and voting shall fill the vacancy for the remainder of the unexpired term by choosing the defeated candidate for said seat at the last regular city election, provided however, that the defeated candidate shall have received at least twenty percent of the ballots cast for the particular seat being vacated. For the purpose of this section, the twenty percent minimum threshold shall be calculated as a ratio of ballots cast for the particular office being vacated to votes obtained by the defeated candidate. If there was no other candidate for said office or the defeated candidate shall not have received at least twenty percent of the total ballots cast, the city council and the school committee shall at their discretion choose an individual, who may be the defeated candidate, from among the voters entitled to vote for such office for the remainder of the unexpired term. Any person so chosen shall take the oath of office and commence to serve forthwith. No vacancy shall be filled, in the manner herein provided, if a regular city election is to be held within one hundred and twenty days following the date the vacancy is declared to exist.

SECTION 4. Said charter is hereby further amended by striking out section 3-3, as so appearing, and inserting in place thereof the following section:-

Section 3-3. - Prohibitions.

No school committee member shall, while a member of the school committee, hold any other office, including membership on a multiple-member body, or position under the city. No former school committee member shall hold any compensated appointive office or employment under the city until one year after the expiration of his service on the school committee. This provision shall not prevent an officer or employee who has taken a leave of absence from such duties in order to serve as a member of the school committee from returning to such office or employment following service as a member of the school committee.

Any person who has been finally convicted of a state or federal felony shall not be eligible to petition for or serve in any elective or appointive office or position under the city. Any school committee member who has been finally convicted of a state or federal felony shall be deemed to have vacated said office and shall be disqualified from serving in any other elective or appointive office or position under the city.

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

Section 4-1. - Appointments; qualifications.

The city council shall appoint and may remove by an affirmative vote of seven members the city manager. The city manager shall be a person of proven administrative ability, especially qualified by education and training with at least five years prior experience as a city or town manager, or an assistant city or town manager or the equivalent public or private sector level experience, and shall hold a bachelors degree or similar or higher level

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degree from a recognized, accredited college or university. The city council may from time to time establish such additional qualifications as deemed necessary and appropriate.

The city council shall enter into an employment agreement with the city manager. Said employment agreement and any renewals of said employment agreement shall be for a period of at least two years.

The city manager shall devote full time to the duties of the office and shall not hold any other elective or appointive office, nor shall the city manager engage in any other business unless such action is approved in advance in writing by the city council.

The city manager need not be a resident of the city or of the commonwealth at the time of appointment, but shall establish residence within the city within twelve months following appointment, unless the city council shall waive such requirement.

SECTION 6. Said charter is hereby further amended by striking out section 4-8, as so appearing, and inserting in place thereof the following section:-

Section 4-8. - Annual review of the city manager.

Annually the city council shall prepare and deliver to the city manager a written evaluation of the city manager's performance. The president of the Chelsea city council shall annually appoint a committee to perform the city manager's evaluation.

The city council shall publish in at least one newspaper of general circulation in the city a notice stating the date and time of the city council meeting when the city manager's annual review shall be scheduled. Such notice shall appear at least fourteen days before said meeting.

SECTION 7. Said charter is hereby further amended by striking out section 6-2, as so appearing, and inserting in place thereof the following section:-

Section 6-2. - Licensing commission.

(a) Establishment; composition of commission. Until such time as provided by paragraph (a) of section 6-1, there shall be a licensing commission which shall consist of four residents of the city and the director of inspectional services. One resident member shall serve as chairman. The four resident members shall be appointed in accordance with section 4-2.

(b) Powers and duties. Except as otherwise provided by this charter, the licensing commission shall act as the licensing authority for the city with all power to grant, suspend or revoke licenses and permits for intoxicating liquors, and all licenses and permits now or hereafter vested by law in the mayors and city councils of cities of the commonwealth.

SECTION 8. Said charter is hereby further amended by striking out section 6-3, as so appearing, and inserting in place thereof the following section:-

Section 6-3. - Traffic and parking commission.

(a) Establishment composition of commission. Until such time as provided otherwise by paragraph (a) of section 6-1, there shall be a traffic and parking commission which shall consist of the police chief, who shall serve as chairperson, the fire chief, the director of public works, the director of community development, or their designees, and three resident members appointed in accordance with section 4-2. The officer or employee

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appointed as parking clerk in accordance with the laws of the commonwealth shall serve as clerk to the traffic and parking commission.

(b) Powers and duties. The traffic and parking commission shall have exclusive authority, except as otherwise provided by this charter, to adopt, amend, alter, and repeal rules and regulations, not inconsistent with the General Laws, relative to vehicular traffic in the city, and to the movement, stopping or standing of vehicles on, and their exclusion from, all or any streets, ways, highways, roads and parkways under the control of the city, including rules and regulations, designing any way or part thereof under said control as a through way under and subject to the provisions of section nine of chapter eighty-nine of the General Laws, and may prescribe penalties for violation of any rule or regulation adopted hereunder.

All rules and regulations promulgated by authorized vote of the traffic and parking commission, except temporary or emergency rules and regulations promulgated for less than thirty days, shall become effective on the thirtieth day following the day on which notice of proposed rule or regulation is filed with the city council, unless the city council shall within such period by majority of the full city council vote to reject such rule or regulation or has sooner voted to affirm it. Upon passage of any rule or regulation by the traffic and parking commission, said rule or regulation shall be published in at least one newspaper of general circulation in the city.

Ten residents of the city, who are eighteen years of age or older, may petition the traffic and parking commission relating to any rule or regulation adopted or proposed to be adopted provided the rule or regulation has not been in effect for a period no longer than ninety days. The traffic and parking commission shall hold a public hearing thereon within thirty days after the filing with the traffic and parking commission of such petition.

If a public hearing shall be held on any proposed rule or regulation, the proposed rule or regulation shall not be adopted until the public hearing has been concluded. After the public hearing has been held, any vote on the subject matter must be passed by a majority of the full membership on the traffic and parking commission.

All rules and regulations adopted after any public hearing shall be published in a least one newspaper of general circulation in the city.

SECTION 9. Said charter is hereby further amended by striking out section 7-2, as so appearing, and inserting in place thereof the following section:-

Section 7-2. - Preliminary election.

(a) Signature requirements. The number of signatures of voters required to place the name of a candidate on the official ballot to be used at a preliminary election shall be as follows: For the office of councillor-at-large the signature requirement shall be not less than fifty. For the office of school committee member, the signature requirement shall be not less than fifty. For the office of district councillor the signature requirement shall be not less than fifty signatures from said district.

(b) Ballot position. The order in which names of candidates appear on the ballot for each office shall be determined by a drawing by lot conducted by the city clerk in the presence of such candidates or their representatives as may choose to attend such drawings.

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The city clerk shall provide notice to candidates of their ballot position.

(c) Determination of candidates for election. The two persons receiving at a preliminary election the highest number of votes for nomination for an office shall be the sole candidates for that office whose names may be printed in the official ballot to be used at the regular election at which such office is to be filled, and no acceptance of a nomination at a preliminary election shall be necessary to assure its validity.

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

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

(d) Nomination of candidates. If at the expiration of the time for filing petitions of candidates to be voted for at any preliminary election, not more than twice as many such petitions have been filed with the city clerk for an office as are to be elected to such office, the candidates whose petitions have thus been filed shall be deemed to have been nominated to said office and their names shall be voted on for such office at the succeeding regular election, and the city clerk shall not print said names upon the ballot to be used at said preliminary election and no other nomination to said office shall be made.

SECTION 10. Said charter is hereby further amended by striking out section 9-3, as so appearing, and inserting in place thereof the following section:-

Section 9-3. - Definitions.

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

(a) "Charter", this charter and any amendments to it made through any methods provided under Article LXXXIX of the Amendments to the Constitution of the Commonwealth.

(b) "City", the city of Chelsea.

(c) "City agency or agency", any board, commission, committee, department or office of city government, whether elected, appointed or otherwise constituted.

(d) "City bulletin board", the bulletin board located outside the office of the city clerk.

(e) "Emergency", a sudden, unexpected, unforeseen happening, occurrence or condition which necessitates immediate action.

(f) "Majority vote", a majority of those present and voting, provided a quorum is present when a vote is taken, unless a higher number is required by law, this charter, or by the city council's own rules.

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(g) "Multiple-member body", any board, commission or committee, except advisory bodies, appointed by the city manager.

(h) "Resident", an inhabitant of the city.

(i) "Remove from the district", a person's place of regular domicile is not within the territorial limits of the district.

(j) "Remove from the city", a person's place of regular domicile is not within the territorial limits of the city.

(k) "Voters", registered voters of the city as defined by the laws of the commonwealth, including but not limited to, the residency, age, and citizenship requirements of voters.

SECTION 11. Said charter is hereby further amended by striking out section 9-5, as so appearing, and inserting in place thereof the following section:-

Section 9-5. - Multiple-member bodies.

(a) Multiple-member bodies; composition; terms of office. Except as otherwise provided by this charter, all multiple-member bodies shall consist of three or more members appointed for terms of three years each, so arranged that the term of one-third of the members, or as nearly that number as may be possible, shall expire each year. All members of multiple-member bodies shall take the oath of office within four weeks of their appointment and must take the oath of office prior to entering upon the duties of their office. Unless a member of a multiple-member body serves by virtue of office or employment, all members shall be residents of the city. This requirement may be waived upon the recommendation of the city manager with the approval of the city council.

(b) Method of appointment. All appointments to multiple-member bodies shall become effective in accordance with section 4-2.

Any officials appointed to serve on multiple-member bodies may be removed from office by the city manager for such cause as the city manager deems sufficient and such cause shall be stated in the order of removal. A member of a multiple-member body shall be deemed to have vacated office if said member fails to attend regularly scheduled meetings for a period of three consecutive months without express leave from the chair of such multiple-member body or if such member is absent from such duties for the period of one year notwithstanding the permission from the chair to be absent. Any member of a multiple-member body shall be deemed to have vacated office if such member is finally convicted of any felony and shall not be eligible to serve in any other elective or appointive office or position under the city.

(c) Uniform procedures applicable to multiple-member bodies. In order to acquaint new members of multiple-member bodies with the affairs which will come before them, the chair of each such multiple-member body shall make available to each new member, the minutes of the meetings of the two prior years and copies of any applicable laws, rules, or regulations governing such multiple-member body.

All multiple-member bodies shall meet regularly at such times and places as they shall determine, unless some other provision is made by administrative order. Special meet-

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ings of any multiple-member body shall be held on the call of the chair or by a majority of its members, by written notice delivered in hand or to the place of residence of each member and which contains notice of the matters to be acted upon. Except in the case of any emergency, all notices shall be delivered at least forty-eight hours in advance of the time set for such meeting. A copy of such notice shall, forthwith, be posted upon the city bulletin board.

Each multiple-member body shall determine its own rules of order of business unless another provision is made by administrative order, and shall provide for the keeping of a journal of its proceedings. Such rules and journals shall be available for public inspection.

If requested by any member, any vote of any multiple-member body shall be taken by a call of the roll and the vote shall be recorded in the journal; provided, however, if the vote is unanimous, only that fact need be recorded.

A majority of the members of a multiple-member body shall constitute a quorum, but a smaller number may meet and adjourn from time to time.

(d) Notice of vacancies. Whenever a vacancy occurs on a multiple-member body, whether because of death, resignation, removal from the city, removal by the city manager or the pending expiration of a term for which a person has been appointed, public notice of the vacancy or pending expiration of the term shall be given in the following manner: by publication in at least one newspaper of general circulation in the city, by title, length of term, brief description of duties and a general indication of the qualifications desired of candidates. Such notice shall also state the time in which persons who desire to be considered for appointment of such offices shall file a statement of interest, with whom, and shall indicate the form in which such applications should be made. A copy of all such notices shall be posted on the city bulletin board and in one or more public places within the city.

SECTION 12. Said charter is hereby further amended by striking out section 9-6, as so appearing, and inserting in place thereof the following section:-

Section 9-6. - Disqualification from office.

Any person who has been finally convicted of a state or federal felony shall not be eligible to petition for or serve in any elective or appointive office or position under the city.

SECTION 13. Said charter is hereby further amended by striking out section 9-7, as so appearing, and inserting in place thereof the following section:-

Section 9-7. - Charter review.

In every year ending in zero the city council shall establish a charter review committee consisting of members of the city council, the school committee and residents of the city to examine and review the charter and report to the city council findings, conclusions and recommendations.

SECTION 14. Section 10-6 of said charter, as so appearing, is hereby amended by striking out subsections (g), (h) and (i).

Approved August 1, 2002.

Chapter 192. AN ACT PROVIDING FOR CAPITAL FACILITY IMPROVEMENTS AND REPAIRS.

Be it enacted, etc., as follows:

SECTION 1. To meet the remaining expenditures necessary in carrying out section 2E of chapter 88 of the acts of 1997, section 19 of chapter 289 of the acts of 1998, sections 2A and 36 of chapter 55 of the acts of 1999, section 2A of chapter 150 of the acts of 2000, and sections 2E and 81 of chapter 236 of the acts of 2000, 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 \$101,804,155. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Capital Outlay Loan, Act of 2002, and shall be issued for such maximum terms of years, not exceeding 20 years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution, but all such bonds shall be payable not later than June 30, 2027. All interest and payments on account of principal of such obligations shall be payable from the General Fund unless otherwise specified. Bonds and interest thereon issued under authority of this section shall be general obligations of the commonwealth.

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

Approved August 1, 2002.

Chapter 193. AN ACT RELATIVE TO FARMER-DISTILLERY LICENSES.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 138 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the definition of "Farmer-brewery" the following 2 definitions:-

"Farmer-distiller", a person who grows fruits, flowers, herbs, vegetables, cereal grains or hops for the purpose of producing alcoholic beverages and who is licensed to operate a farmer-distillery under section 19E.

"Farmer-distillery", a plant or premise where distilled spirits are produced, manufactured or distilled.

SECTION 2. Said chapter 138 is hereby further amended by inserting after section 19D the following section:-

Section 19E. (a) For the purpose of encouraging the development of domestic farms, the commission shall issue a farmer-distillery license to an applicant who is both a citizen and resident of the commonwealth and to applying partnerships composed solely of such individuals, and to applying corporations organized under the laws of the commonwealth or organized under the laws of any other state of the United States and admitted to do business

in the commonwealth, unless:-

(1) such person does not comply with reasonable application procedures required by the commission;

(2) the commission determines that such person is not of responsible character;

(3) a church or school located within 500 feet of the farmer-distillery premises has objected to the issuance of a license in accordance with section 16C;

(4) the commission determines that the applicant retains or owns an interest, directly or indirectly, in the business of a licensee under section 12 or 15;

(5) the commission determines that the applicant retains or owns an interest, directly or indirectly, in more than 1 business licensed under section 18;

(6) the applicant has not furnished the requisite license fee or bond; or

(7) the commission determines that the co-partners, corporate officials or stockholders of the applicant do not meet the requirements of paragraphs (2), (4) and (5) or that the agent or manager who intends to conduct the farmer-distillery business on the applicant's behalf does not meet the requirements or that the co-partners, officials, stockholders, agent or manager remain undisclosed.

(b) The commission may on its own motion, and shall upon the written request of an applicant who has been refused a farmer-distillery license or who has been refused transfer or renewal of such a license, hold an evidentiary hearing, notice of which shall be mailed to the applicant at the address given in his application. Such hearing shall be before the commission, a member of the commission or an examiner authorized by the commission. The commission shall present its reasons for refusing issuance, transfer or renewal of the license. The applicant may appear in person or by counsel, may call and examine witnesses, may cross examine witnesses whom the applicant did not call or whom the presiding officer deems hostile and may present evidence, including rebuttal evidence. The hearing shall be stenographically or sound recorded. If an examiner conducts the hearing, the examiner shall report on the hearing to the commission. The commission shall decide within 30 days of the completion of the hearing whether to issue the farmer-distillery license or grant the transfer or renewal. If the commission refuses to grant the license or its transfer or renewal, notice in writing of the refusal shall be mailed to the applicant following the hearing. In all such cases, the commission shall keep on file a statement in the form of an opinion of the reasons for the refusal and shall furnish a copy of the statement to the applicant.

(c) An applicant who has appeared before the commission at such a hearing and who has been refused a farmer-distillery license or the transfer or renewal of such a license may appeal to the superior court of the county where the applicant resides or has his principal place of business or to the superior court for Suffolk county.

(d) An applicant for an original farmer-distillery license or for the transfer of such a license shall, within 7 days after filing an application with the commission, send written notice of his application by registered mail, return receipt requested, to:

(1) each school which offers instruction and training to children of compulsory school age in accordance with sections 1 and 4 of chapter 71 and which is located within a

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radius of 500 feet from the premises on which the farmer-distillery is to be operated; and
(2) each church as defined in section 16C which is located within a radius of 500 feet from such premises.

The notice shall also state that the church or school has the right to object under said section 16C to the issuance or transfer of the farmer-distillery license. If the authorities in charge of any such school or church complain to the commission in writing that a farmer-distillery license has been issued or transferred without the mailing of the requisite notice, and that they object to such issuance or transfer, the commission shall hold a hearing to determine whether the requisite notice was mailed. If, after a hearing, the commission determines that notice was not mailed as required, then the commission shall cancel the farmer-distillery license unless:

(i) such school or church had actual notice, prior to issuance or transfer, of the application and of the right to object under said section 16C; or

(ii) such school or church did not complain as soon as possible after actual notification of the application and of the right to object.

(e) A farmer-distiller aggrieved by the cancellation of his license, or a school or church aggrieved by the commission's refusal to cancel a farmer-distillery license, may appeal as provided in subsection (d).

(f) A farmer-distiller may operate a farmer-distillery under such conditions as the commission may prescribe by regulation.

(g) A farmer-distiller may import the unfermented juice of fruits, flowers, herbs and vegetables and may, using wine or fermented juice produced by the farmer-distiller, distill such wine or fermented juice on the premises of the farmer for the purpose of manufacturing or producing neutral spirits, brandy, gin and other distilled spirits with or over fruits, flowers, plants and pure juices therefrom, and from natural flavoring materials, and with extracts derived from infusion, percolation or maceration of such materials; provided, however, that a farmer-distiller may not import wine or alcohol into the commonwealth.

(h) A holder of a farmer-distillery license may sell distilled products:-

(1) at wholesale to a person holding a valid license to manufacture alcoholic beverages under section 19;

(2) at wholesale to a person holding a valid license as a wholesaler and importer under section 18;

(3) at wholesale to a person holding a valid farmer-distillery license under this section;

(4) at wholesale in kegs, casks, barrels and bottles to a person holding a license to sell under section 12, 13 or 14 and, for the sole purpose of resale in containers in which the distilled product was delivered, to a person holding a license to sell under section 15; provided, however, that the total annual sales to sections 12, 13, 14 and 15 licensees shall not exceed 50,000 gallons;

(5) at wholesale to a registered pharmacist holding a certificate of fitness under section 30;

(6) at wholesale to churches and religious societies, educational institutions, incorporated hospitals, homes for the aged, manufacturers of food products and manufacturers of drugs and chemicals as authorized by, and subject to, section 28;

(7) at retail by the bottle to consumers for consumption off the farmer-distillery premises;

(8) at wholesale to a person in a state or territory in which the importation and sale of distilled products is not prohibited by law; and

(9) at wholesale to a person in a foreign country.

(i) A farmer-distiller may not sell at retail to consumers a distilled product not produced by the farmer-distillery or produced for the farmer-distillery and sold under the farmer-distillery brand name. All retail sales shall be made on the farmer-distillery premises.

(j) A farmer-distiller may be licensed by local licensing authorities to sell distilled products for consumption on the farmer-distillery premises in accordance with the pertinent provisions of section 12 and with such regulations as the commission may prescribe.

(k) Distilled products sold by a licensee under this section shall be sold and delivered in such a manner and under such conditions and with such labels or other marks to identify the producer as the commission may prescribe.

(l) A farmer-distiller holding a farmer-distillery license under this section shall keep such records as the commission may prescribe and shall file with the commission, as required, duplicates of copies of such records. The commission shall, at all times through its designated officers or agents, have access to all books and records or other documents of a licensed farmer-distillery relating to a licensee's farmer-distillery business.

(m) The annual license fee for a farmer-distiller, in respect to each farmer-distillery, shall be computed based on the proof gallons produced by the farmer-distillery as follows:-

5,000 proof gallons or less per year:	\$22 per year
More than 5,000 but not more than 20,000 proof gallons per year:	\$44 per year
More than 20,000 but not more than 100,000 proof gallons per year:	\$82 per year
More than 100,000 but not more than 200,000 proof gallons per year:	\$110 per year
More than 200,000 but not more than 1,000,000 proof gallons per year:	\$110 per year
Each additional 1,000,000 proof gallons per year:	\$111 per year.

For the purpose of this section "proof gallon" shall have the meaning set forth in section 21.

(n) An applicant for a farmer-distillery license shall, at the time of filing an application, pay a license fee based on a reasonable estimate of the amount of proof gallons to be produced during the year covered by the license. A person holding a farmer-distillery license shall report annually at the end of the year covered by the license the amount of proof gallons produced during the year. If the total amount of distillery beverages exceeds the amount permitted by the fee already paid, the licensee shall pay such additional fee as is owing under this section.

SECTION 3. Section 33 of said chapter 138, as appearing in the 2000 Official Edition, is hereby amended by inserting after the word "holidays", in line 32, the following

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words:- ; provided further, that a licensee under section 19E may sell distilled products at retail by the bottle to consumers for consumption off the distillery premises on Sundays and legal holidays.

Approved August 3, 2002.

Chapter 194. AN ACT PROVIDING FOR THE REPAIR OF A CERTAIN ROAD IN THE CITY OF LEOMINSTER.

Be it enacted, etc., as follows:

Item 6033-9917 of section 2B of chapter 235 of the acts of 2000 is hereby amended by striking out, in lines 18 and 19, the words "Tanzio road" and inserting in place thereof the following words:- Malburn street.

Approved August 3, 2002.

Chapter 195. AN ACT RELATIVE TO EMERGENCY TELECOMMUNICATIONS.

Be it enacted, etc., as follows:

SECTION 1. Section 18A of chapter 6A of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in line 1, the words "eighteen B to eighteen F" and inserting in place thereof the following:- 18B to 18I.

SECTION 2. Said chapter 6A is hereby further amended by inserting after section 18H, inserted by section 6 of chapter 61 of the acts of 2002 , the following section:-

Section 18I. Notwithstanding any general or special law to the contrary, a municipality may modify, change or alter telephone company equipment used in the municipality's enhanced 911 system in order to permit the monitoring of emergency 911 communications by the fire department of the municipality at a secure location staffed at all times by fire department personnel fully trained in such monitoring. The emergency 911 communications shall be monitored in a manner that prevents any broadcast of them to the general public. The secure location used for monitoring emergency 911 communications shall be restricted to trained fire department personnel when such communications are being monitored. No such modification or change in a municipality's telephone company equipment or enhanced 911 system shall cause any degradation of the state's 911 system.

Approved August 3, 2002.

Chapter 196. AN ACT ESTABLISHING A MUNICIPAL POLICE TRAINING COMMITTEE.

Be it enacted, etc., as follows:

SECTION 1. Section 17 of chapter 6 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in lines 15 and 16, the words "Massachusetts criminal justice training council" and inserting in place thereof the following words:- municipal police training committee.

SECTION 2. Said chapter 6, as so appearing, is hereby further amended by striking out the caption preceding section 116 and inserting in place thereof the following caption:-

MUNICIPAL POLICE TRAINING COMMITTEE.

SECTION 3. Said chapter 6 is hereby further amended by striking out section 116, as so appearing, and inserting in place thereof the following section:-

Section 116. There shall be a municipal police training committee within the executive office of public safety. Members of said committee shall be as follows:- 5 chiefs of police to be appointed by the governor from nominations submitted by the Massachusetts Chiefs of Police Association, 1 of whom shall be from the western Massachusetts region, 1 of whom shall be from the central Massachusetts region, 1 of whom shall be from the southeastern Massachusetts region, 1 of whom shall be from the northeastern Massachusetts region and 1 of whom shall be from the Massachusetts Bay Transportation Authority, 1 chief of police selected by the Massachusetts Chiefs of Police Association, 1 police officer to be appointed by the governor from nominations submitted by the Massachusetts Police Association executive board and the Massachusetts Police Training Officers Association executive board, the commissioner of police of the city of Boston, the colonel of state police, the attorney general and 1 person to be designated by the secretary of public safety, or their respective designees. All such appointments shall be for terms of 3 years with their successors appointed in a like manner.

The following persons shall be advisory, nonvoting members of the committee: the personnel administrator, the commissioner of correction, the commissioner of youth services, the commissioner of probation, the chairman of the parole board, the executive director of the committee on criminal justice, the chief administrative justice for the trial court, the chief justice of the district court department, the commissioner of education, the chairman of the criminal law committee of the Massachusetts Bar Association, or their respective designees, and the special agent in charge of the Boston office of the Federal Bureau of Investigation, if consent is given by the director of said bureau, or his designee. The governor shall appoint 5 additional advisory, nonvoting members of the committee, 1 of whom shall be an administrator of a city or town, 1 of whom shall be a clerk of the superior court, 1 of whom shall be a member of the committee for public counsel services, 1 of whom shall be a sheriff of a county or a former county, and 1 of whom shall be a district attorney of a district, or their respective designees.

The committee shall elect a chairperson annually and shall, as needed, provide nominations for the selection of an executive director to the secretary of public safety. The

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secretary shall select an executive director from the nominations submitted by the committee. The position of executive director shall be classified in accordance with section 45 of chapter 30 and the salary shall be determined in accordance with section 46C of said chapter 30 .

The committee shall set policies and standards for the training of municipal police officers and candidates for appointment as municipal police officers in accordance with applicable laws and regulations, including the training mandated by sections 116A to 116C, inclusive, of this chapter, section 36B of chapter 40 , sections 96B and 97B of chapter 41 and section 24M of chapter 90 . The committee shall review and recommend to the secretary an annual appropriation for the administration of the committee, as well as for the operations of a headquarters and regional training centers, and for the delivery of standardized training at the centers.

SECTION 4. Section 116A of said chapter 6, as so appearing, is hereby amended by striking out, in lines 1 and 2, and in lines 57 and 60, the words "Massachusetts criminal justice training council" and inserting in place thereof, in each instance, the following words:- municipal police training committee.

SECTION 5. Section 116B of said chapter 6, as so appearing, is hereby amended by striking out, in lines 1 and 4, the words "criminal justice training council" and inserting in place thereof, in each instance, the following words:- municipal police training committee.

SECTION 6. Said section 116B of said chapter 6, as so appearing, is hereby further amended by striking out, in line 6, the word "council" and inserting in place thereof the following word:- committee.

SECTION 7. Section 116C of said chapter 6, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "Massachusetts criminal justice training council" and inserting in place thereof the following words:- municipal police training committee.

SECTION 8. Said section 116C of said chapter 6, as so appearing, is hereby further amended by striking out, in lines 29 and 34, the words "Massachusetts Criminal Justice Training Council" and inserting in place thereof, in each instance, the following words:- municipal police training committee.

SECTION 9. Said chapter 6 is hereby further amended by striking out section 117, as so appearing, and inserting in place thereof the following section:-

Section 117. The committee shall meet monthly and at other times when ordered by the governor, secretary or chairman or upon the written request of 3 members. Committee members shall serve without compensation but may be reimbursed for their necessary expenses incurred in the discharge of their official committee duties. The committee shall advise the advisory, nonvoting members of the dates and times of committee meetings and the advisory, nonvoting members may attend such meetings.

SECTION 10. Section 118 of said chapter 6, as so appearing, is hereby amended by striking out, in line 1, the words "Said council" and inserting in place thereof the following words:- The municipal police training committee.

SECTION 11. Section 119 of said chapter 6 is hereby repealed.

SECTION 12. Section 156 of said chapter 6, as so appearing, is hereby amended by striking out, in line 8, the words "criminal justice training council" and inserting in place thereof the following words:- municipal police training committee.

SECTION 13. Section 18 of chapter 6A of the General Laws, as so appearing, is hereby amended by striking out, in line 5, the words "Massachusetts criminal justice training council" and inserting in place thereof the following words:- municipal police training committee.

SECTION 14. Said section 18 of said chapter 6A, as so appearing, is hereby further amended by striking out, in line 10, the words ", boards and councils" and inserting in place thereof the following words:- and boards.

SECTION 15. Section 18½ of said chapter 6A, as so appearing, is hereby amended by striking out, in line 11, the words "Massachusetts criminal justice training council" and inserting in place thereof the following words:- municipal police training committee.

SECTION 16. Section 36C of chapter 40 of the General Laws, as so appearing, is hereby amended by striking out, in line 7, the words "Massachusetts Criminal Justice Training Council," and inserting in place thereof the following words:- municipal police training committee.

SECTION 17. Section 96B of chapter 41 of the General Laws, as so appearing, is hereby amended by striking out, in lines 5 and 17, the words "department of criminal justice training" and inserting in place thereof, in each instance, the following words:- municipal police training committee.

SECTION 18. Said section 96B of said chapter 41, as so appearing, is hereby further amended by striking out, in lines 21, 28, 32, 35 and 39, the word "department" and inserting in place thereof, in each instance, the following word:- committee.

SECTION 19. Section 97B of said chapter 41, as so appearing, is hereby amended by striking out, in lines 8 and 9, the words "Massachusetts criminal justice training council" and inserting in place thereof the following words:- municipal police training committee.

SECTION 20. Said section 97B of said chapter 41, as so appearing, is hereby further amended by striking out, in line 20, the words "criminal justice council" and inserting in place thereof the following words:- municipal police training committee.

SECTION 21. Section 24M of chapter 90 of the General Laws, as so appearing, is hereby amended by striking out, in line 5, the words "criminal justice training council" and inserting in place thereof the following words:- municipal police training committee.

SECTION 22. Section 131 of chapter 140 of the General Laws, as so appearing, is hereby amended by striking out, in lines 310 and 311, the words "criminal justice training council" and inserting in place thereof the following words:- municipal police training committee.

SECTION 23. Section 31 of chapter 147 of the General Laws, as so appearing, is hereby amended by striking out, in lines 3 and 6, the words "criminal justice training council"

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and inserting in place thereof, in each instance, the following words:- municipal police training committee.

SECTION 24. Section 10A of chapter 269 of the General Laws, as so appearing, is hereby amended by striking out, in lines 2 and 3, the words "Massachusetts criminal justice training council" and inserting in place thereof the following words:- municipal police training committee.

SECTION 25. Said section 10A of said chapter 269, as so appearing, is hereby further amended by striking out, in line 17, the words "Massachusetts criminal training council" and inserting in place thereof the following words:- municipal police training committee.

Approved August 3, 2002.

Chapter 197. AN ACT FACILITATING THE USE OF LAND TRANSFER OF DEVELOPMENT RIGHTS.

Be it enacted, etc., as follows:

Section 9 of chapter 40A of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the third paragraph the following paragraph:-

Zoning ordinances or by-laws may provide for special permits authorizing the transfer of development rights of land within or between districts. These zoning ordinances or by-laws shall include incentives such as increases in density of population, intensity of use, amount of floor space or percentage of lot coverage, that encourage the transfer of development rights in a manner that protect open space, preserve farmland, promote housing for persons of low and moderate income or further other community interests.

Approved August 3, 2002.

Chapter 198. AN ACT AUTHORIZING THE TOWN OF WAYLAND TO CONVEY CERTAIN PARK LAND.

Be it enacted, etc., as follows:

SECTION 1. The park and recreation commission of the town of Wayland may transfer the care, custody and control of a certain parcel of park land to the board of selectmen of the town. The parcel is shown as the shaded area on a plan of land entitled, "Compiled Plan of Land in Wayland, Massachusetts, showing Route 20 takings for Highway Purposes", dated July 1, 2002, drawn by the town surveyor's office of the town of Wayland.

SECTION 2. The board of selectmen may convey, by sale or otherwise, all or any

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part of the parcel described in section 1 to the commonwealth for highway purposes.

Approved August 3, 2002.

Chapter 199. AN ACT PROVIDING FOR THE PAYMENT OF CERTAIN RETIREMENT BENEFITS.

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

Be it enacted, etc., as follows:

Notwithstanding any general or special law to the contrary, the teachers' retirement board shall pay to Carol Mellett, the surviving spouse of Thomas Mellett, a former teacher at the Blue Hills regional high school, a joint and last survivor's allowance in accordance with subdivision (2) of section 12 of chapter 32 of the General Laws. This survivor's allowance shall be calculated based on Thomas Mellett having attained 30 years of creditable service. Carol Mellett, shall, before any survivor's retirement allowance is paid, pay to the board, in one sum, the balance of the alternative superannuation retirement benefit accelerated payment agreement entered into by Thomas Mellett. If the remaining amount cannot be paid due to the limitations established under section 415 of the Internal Revenue Code, Carol Mellett shall be entitled to an actuarially reduced benefit in accordance with section 5 of said chapter 32.

Approved August 3, 2002.

Chapter 200. AN ACT AUTHORIZING THE TOWN OF PLYMOUTH TO USE CERTAIN LAND FOR PUBLIC WAY PURPOSES.

Be it enacted, etc., as follows:

The town of Plymouth acting by and through its board of selectmen, may use a certain parcel of water supply land for public way purposes. The board may grant a temporary easement over the parcel for access to the Plymouth Industrial Park. The parcel is shown on a plan of land entitled "Plan for an Industrial Park Connector Road Prepared for Atlantic Properties and the Town of Plymouth" which is on file in the office of the town clerk.

Approved August 3, 2002.

Chapter 201. AN ACT AUTHORIZING FARMER-BREWERS TO SELL MALT BEVERAGES ON SUNDAYS AND LEGAL HOLIDAYS.

Be it enacted, etc., as follows:

Section 33 of chapter 138 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the word "holidays", in line 32, the following words: - ; provided, further, that a licensee under section 19C may sell malt beverages at retail by the bottle to consumers for consumption off the brewery premises on Sundays and legal holidays.

Approved August 3, 2002.

Chapter 202. AN ACT AUTHORIZING THE COMMONWEALTH TO CONVEY CERTAIN LAND IN THE CITY OF BOSTON.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to convey certain land located in the city of Boston, 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 301 of chapter 60 of the acts of 1994, and sections 40E to 40I, inclusive, of chapter 7 of the General Laws, the commissioner of the division of capital asset management and maintenance may convey, for the purpose of developing facilities to be used by the University of Massachusetts medical school, in this act referred to as the "project", to the designated developer of Lot 3A of the former Boston state hospital site on terms and conditions consistent with the Land Disposition Agreement previously entered into between the commissioner and the developer, certain parcels of land located in the city of Boston, more particularly described below, as the commissioner shall determine necessary for implementing the purposes of said section 301.

SECTION 2. The parcels are labeled "Lot 3A-1" and "Lot 3A-2" on the plan entitled "Lot 3A/Additional Land" on file in the office of the division of capital asset management and maintenance. The commissioner may grant such easements as may be necessary to facilitate the project.

SECTION 3. Notwithstanding the foregoing, the amount of consideration for the conveyance of all or any of the parcels shall be determined under section 301 of chapter 60 of the acts of 1994.

SECTION 4. In consideration for the transfer of Lot 3A-1 and Lot 3A-2 to the designated developer for the purposes of facilities to be used by the University of Massachusetts medical school, "West Main Street" as shown on that certain plan entitled

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"Commonwealth of Mass. Division of Capital Asset Mgmt and Maintenance" dated November 29, 2001, prepared by Rizzo Associates, Inc., recorded at the Suffolk county registry of deeds at Book 27754, Page 20, shall not be materially altered in dimension or character from that existing on the date hereof; it being intended that to the extent said West Main street traverses said Lot 3A and Lot 3A-2, the road shall be a private way, open to public travel for access to and from Lots 3A, 3A-1 and 3A-2, and secondary access to and from portions of the former Boston state hospital campus other than Lots 3A, 3A-1 and 3A-2. Accordingly, West Main street shall not be dedicated for public use nor shall it be subject to a taking for public purposes under chapter 79 of the General Laws, or any other provision of the General Laws, without action of the general court.

SECTION 5. Notwithstanding sections 40E to 40I, inclusive, of chapter 7 of the General Laws, the corporation established under section 14 of chapter 138 of the acts of 1992 may develop Lot 3A-1 and Lot 3A-2 for the project. The University of Massachusetts may enter into 1 or more leases for terms of up to 30 years with the corporation for the use of the project. Any lease between the corporation and the developer of the aforesaid Lots 3A, 3A-1 and 3A-2 shall require that any land or buildings so leased be transferred to the corporation at the end of the lease term. Any leases relative to said Lots 3A, 3A-1 and 3A-2 shall be subject to the approval of the secretary of administration and finance. The corporation shall submit any lease to the secretary at least 45 days prior to executing a lease. The secretary shall in writing, approve or disapprove any leases within 40 days of receipt thereof, or such leases shall be deemed approved.

Approved August 3, 2002.

Chapter 203. AN ACT GRANTING RETIREMENT BENEFITS TO THE WIDOW AND CHILDREN OF STEVEN F. GREENE.

Be it enacted, etc., as follows:

Notwithstanding any general or special law to the contrary, the town of West Springfield may provide the widow and children of Steven F. Greene, late of 134 Maple Street in the town of West Springfield, retirement benefits pursuant to chapter 32 of the General Laws, as if Steven F. Greene had died on February 1, 2000.

Approved August 5, 2002.

Chapter 204. AN ACT RELATIVE TO BETTERMENT ASSESSMENTS IN THE TOWN OF PROVINCETOWN.

Be it enacted, etc., as follows:

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SECTION 1. Notwithstanding any general or special law to the contrary, the town of Provincetown may assess interest on apportionments of sewer betterment assessments at a rate equal to the rate of interest chargeable to the town for the betterment project to which the assessments relate.

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

Approved August 5, 2002.

Chapter 205. AN ACT RELATIVE TO VOTING PRECINCTS FOR THE CITY OF CHICOPEE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, Ward 3, Precinct A of the city of Chicopee shall be 1 precinct for the purpose of forming congressional, representative, senatorial and councilor district and for the purpose of reporting election results to the office of the state secretary, but shall have 2 polling places for the purpose of any state or municipal and presidential preference elections. One of these polling places shall be located to the east of interstate highway route 391, to serve voters residing in Ward 3, precinct A east of that route. The other polling place shall be located to the west of interstate highway 391, to serve voters residing in Ward 3, precinct A, west of that route.

SECTION 2. Notwithstanding any general or special law to the contrary, Ward 6 Precinct A of the city of Chicopee shall be 1 precinct for the purpose of forming congressional, representative, senatorial and councilor districts and for the purpose of reporting election results to the office of the state secretary, but shall have 2 polling places for the purpose of any state, municipal and presidential preference elections. One of these polling places shall be located to the south of Champion drive and to the south of the Westover Air Force Base boundary, to serve voters residing in Ward 6, precinct A, south of that drive and south of that boundary. The other polling place shall be located to the north of Champion drive and to the north of the Westover Air Force Base boundary, to serve voters residing in Ward 6, precinct A, north of that drive and north of that boundary.

SECTION 3. Notwithstanding any general or special law to the contrary, Ward 6, Precinct B in the city of Chicopee shall be 1 precinct for the purpose of forming congressional, representative, senatorial and councilor districts and for the purpose of reporting election results to the office of state secretary, but shall have 2 polling places for the purpose of any state, municipal, and presidential preference elections. One of these polling places shall be located to the east of interstate highway route 291 and north of the Massachusetts turnpike to serve voters residing in Ward 6, precinct B in the Burnett road area. The other polling place shall be located to the west of interstate highway route 291 and south of The Massachusetts Turnpike to serve voters residing in Ward 6, precinct B in the Sheridan Circle area.

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SECTION 4. Notwithstanding any general or special law to the contrary, Ward 2, Precinct C of the city of Chicopee shall be 1 precinct for the purpose of forming congressional, representative, senatorial and councilor districts and for the purpose of reporting election results to the office of the state secretary, but shall have 2 polling places for the purpose of any state, municipal, and presidential preference elections. One of these polling places shall be located to the north of the Chicopee River to serve voters residing in Ward 2, precinct C north of that river. The other polling place be located to the south of the Chicopee River to serve voters residing in Ward 2, precinct C south of that river.

SECTION 5. The city clerk of the city of Chicopee and the board of registrars of the city of Chicopee may take all necessary actions to assure compliance with this act, including, but not limited to, such actions as will assure the accuracy of the voting lists as located at each such polling place.

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

Approved August 5, 2002.

**Chapter 206. AN ACT RELATIVE TO THE WITHDRAWAL OF CANDIDATES
NOMINATED FOR ELECTIVE OFFICE IN THE CITY OF MALDEN.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, a candidate nominated for municipal office in the city of Malden, if no preliminary election is required, may withdraw his name from nomination within 6 days succeeding 5:00 p.m. of the day on which the preliminary election would have been held.

SECTION 2. If after the deadline for withdrawals from nomination, a candidate nominated for a municipal office in the city of Malden files with the city clerk a statement duly signed and notarized of his intention not to seek the office for which he has been nominated, the city clerk shall cause notice of the statement of withdrawal to be attached to the specimen ballots delivered to each polling place where the name of the nominated candidate appears on the ballot.

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

Approved August 5, 2002.

**Chapter 207. AN ACT RELATIVE TO THE EMPLOYMENT OF CERTAIN
MINORS.**

Be it enacted, etc., as follows:

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Section 62 of chapter 149 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the word "description," in line 8, the following words:- except golf carts on a golf course if the minor is licensed to operate a motor vehicle, and.

Approved August 5, 2002.

Chapter 208. AN ACT AUTHORIZING THE TOWN OF CANTON TO APPOINT CERTAIN POLICE OFFICERS.

Be it enacted, etc., as follows:

Notwithstanding any other general or special law to the contrary, the town of Canton may appoint as a police officer any person who was eligible for such appointment at the time the most recent civil service examination was given, but has been rendered ineligible for appointment by the town's acceptance of section 58A of chapter 31 of the General Laws by a vote of the town under Article 37 of the warrant for the 2001 annual town meeting. This authority to appoint such person as a police officer shall continue until the current civil service list expires.

Approved August 5, 2002.

Chapter 209. AN ACT RELATIVE TO THE TERMS OF CERTAIN BONDS ISSUED BY THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to facilitate forthwith the issuance of certain state bonds, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding any general or special law to the contrary, the bonds which the state treasurer may issue under section 3 of chapter 142 of the acts of 2002 shall be issued for a term not to exceed 7 years. All such bonds shall be payable not later than June 30, 2013, as recommended by the governor in a message to the general court dated August 10, 2001, pursuant to Section 3 of Article LXII of the Amendments to the Constitution.

Approved August 6, 2002.

Chapter 210. AN ACT AUTHORIZING THE TOWN OF BREWSTER TO ESTABLISH A CAPITAL INVESTMENT FUND.

Notwithstanding any general or special law to the contrary, the town of Brewster may establish and maintain a special fund to be known as the Capital Investment Fund.

The town of Brewster may appropriate to the fund by a majority vote at an annual or special town meeting in any year an amount not exceeding 10 per cent of the amount raised in the preceding fiscal year by taxation of real estate and personal property. The aggregate amount of the fund at any time shall not exceed 10 per cent of the equalized valuation of the town as defined in section 1 of chapter 44 of the General Laws.

The town treasurer of the town of Brewster shall be the custodian of the fund and may deposit proceeds in national banks or invest the same in securities as are legal for the investment of funds of savings banks under the laws of the commonwealth or in federal savings and loan associations situated in the commonwealth. Any interest earned on the fund shall be added to and become part of the fund.

Monies in the fund may be appropriated at an annual or special town meeting by a $\frac{2}{3}$ vote. Monies in the fund may be appropriated for any purpose for which the town would be authorized to borrow money under sections 7 and 8 of chapter 44 of the General Laws, other than clauses (1) and (2) of said section 8 of said chapter 44 and for debt services on such projects.

The capital planning committee shall operate in an advisory capacity to town meeting and consider matters relating to appropriations from said fund, and may, but is not required to, make recommendations to the town or to any board, committee or official thereof, relative to such matters and establish policies relative to the funding of capital projects of the town and set priorities and schedules for capital projects.

Approved August 6, 2002.

Chapter 211. AN ACT RELATIVE TO LIQUOR LIABILITY INSURANCE.

Be it enacted, etc., as follows:

SECTION 1 Section 2 of chapter 223 of the acts of 1985 is hereby amended by striking out, in line 1, the word "temporary".

SECTION 2. Section 13 of said chapter 223 is hereby repealed.

Approved August 6, 2002.

Chapter 212. AN ACT RELATIVE TO THE ENHANCED EMERGENCY TELEPHONE SYSTEM IN THE CITY KNOWN AS THE TOWN OF WEYMOUTH.

Be it enacted, etc., as follows:

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SECTION 1. Notwithstanding sections 18A to 18F, inclusive, of chapter 6A of the General Laws, the city known as the town of Weymouth may modify, change or alter telephone company equipment utilized in the city's enhanced 911 system. The modifications, changes or alterations of equipment shall permit audio monitoring of emergency 911 telephone communications at the fire department headquarters of the city. The emergency 911 communications shall be monitored at a secure location within the fire department headquarters staffed at all times by fire department personnel fully trained in such monitoring. The emergency 911 communications shall be monitored in a manner that prevents any broadcast of them to the general public. The secure location used for monitoring emergency 911 communications shall be restricted to trained fire department personnel when such communications are being monitored. No such modification or change in the city's telephone company equipment or enhanced 911 system shall cause any degradation of the state's 911 system.

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

Approved August 6, 2002.

Chapter 213. AN ACT FURTHER REGULATING ADVERTISING ON MOTOR FUEL DISPENSING DEVICES.

Be it enacted, etc., as follows:

Chapter 94 of the General Laws is hereby amended by striking out section 295C, as appearing in the 2000 Official Edition, and inserting in place thereof the following section:-

Section 295C. A retail dealer of motor fuel shall publicly display and maintain on each pump or other dispensing device from which motor fuel is sold by him, at least 1 sign, clearly visible, stating the price per gallon of each grade of motor fuel sold from the pump or device. A sign shall be not less than 8 inches by 10 inches in size. The price shown on a sign shall include all taxes imposed with respect to the manufacture or sale of the motor fuel sold at that pump or device and shall contain either a statement of the taxes included in the price or, without specifying the amount of the taxes, shall state that such taxes are included in the price. All figures, including fractions, on a sign, other than figures and fractions used in a price computing mechanism and constituting a part of a pump or dispensing device, shall be the same size.

No sign, advertising material or other display or product that is placed upon, above or around a pump or dispenser shall directly or indirectly obscure the posted price sign as required by the preceding paragraph.

Approved August 6, 2002.

Chapter 214. AN ACT AUTHORIZING THE CITY OF HOLYOKE TO ENTER INTO CONTRACTS FOR A SEWER WORKS SYSTEM AND OPERATION.

Be it enacted, etc., as follows:

SECTION 1. (a) The city of Holyoke, acting by and through its board of public works may, notwithstanding any general or special law or regulation to the contrary, enter into a contract or contracts for the lease, operation and maintenance, repair or replacement, financing, design, construction and installation of new facilities or systems and modifications to the existing sewer works system, necessary to ensure adequate services and ensure the ability of the city's sewer works system, as such terms are defined in section 10, to operate in full compliance with all applicable requirements of federal, state and local law; provided, however, that such contracts shall not be subject to the competitive bid requirements set forth in sections 38A½ to 38O, inclusive, of chapter 7, section 39M of chapter 30 or sections 44A to 44M, inclusive, of chapter 149 of the General Laws; provided, further, that each such contract shall be awarded pursuant to chapter 30B of the General Laws, except for clause (3) of paragraph (b) of section 6, clause (3) of paragraph (e) and paragraph (g) of said section 6 and sections 13 and 16 of said chapter 30B.

(b) The request for proposals for such contract or contracts shall specify the method for comparing proposals to determine the proposal offering the lowest overall cost to the city, including, but not limited to, all capital equipment and capital improvement costs, operating and maintenance costs and capital financing costs. If a contract is awarded to an offeror who did not submit the proposal offering the lowest overall cost, the city shall explain the reason for the award in writing.

(c) The request for proposals shall set forth mandatory performance guarantees that the selected offeror will be required to meet in operating the sewer works system, as constructed or improved. The contract which is negotiated with the selected offeror based on the request for proposals shall obligate the selected offeror to meet such mandatory performance guarantees, and shall set forth the minimum design requirements for such construction or improvements and the acceptance tests to be conducted upon the completion of the construction or improvements in order to demonstrate that the system is capable of meeting the performance guarantees.

SECTION 2. (a) Notwithstanding any general or special law to the contrary, a contract or contracts entered into pursuant to section 1 may provide for a term, not exceeding 20 years, and an option for renewal or extension of operation, maintenance, repair and replacement services for 1 additional term not exceeding 5 years. Any renewal or extension shall be at the sole discretion of the city of Holyoke in accordance with the original contract terms and conditions or contract terms and conditions more favorable to and acceptable to the city.

(b) A contract entered into pursuant to this act may provide that the city shall not be exempt from liability for payment of the costs to lease, finance, permit, design, construct and install modifications, new equipment and systems for the sewer works system and to operate,

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maintain, repair and replace the sewer works system as necessary to ensure the ability of the sewer works system to operate in full compliance with all applicable requirements of federal, state and local law, provided that any costs relating to leasing, financing, permitting, design, construction and installation of modifications, new equipment and systems shall be amortized over a period that is no longer than the useful life of said modifications, equipment and systems.

(c) A contract entered into pursuant to this act may provide for such activities deemed necessary to carry out the purposes authorized herein, including, but not limited to, equipment purchases, facility or land lease, equipment installation, repair and replacement, performance testing and operation, studies, design and engineering work, construction work, ordinary repairs and maintenance, and the furnishing of all related material, supplies and services required for the construction, management, maintenance, operation, and repair and replacement of the city's sewer works system.

SECTION 3. Notwithstanding section 2-352 of the Holyoke code of ordinances, for the purposes of this request for proposals, the chief procurement officer shall be the superintendent of the department of public works. The chief procurement officer shall solicit proposals through a request for proposals which shall include those items in clauses (1) and (2) of paragraph (b) of section 6 of chapter 30B of the General Laws and the proposed key contractual terms and conditions to be incorporated into the contract, some of which may be deemed mandatory or nonnegotiable; provided, however, that such request for proposals may request proposals or offer options for fulfillment of other contractual terms, and such other matters as may be determined by the city. The request for proposals shall provide for the separate submission of price and shall indicate when and how the offerors shall submit price.

SECTION 4. The chief procurement officer shall make a preliminary determination of the most advantageous proposal from a responsible and responsive offeror taking into consideration price, estimated life-cycle costs and the other evaluation criteria set forth in the request for proposals. The chief procurement officer may negotiate all terms of the contract not deemed mandatory or nonnegotiable with such offeror. If after negotiation with such offeror, the chief procurement officer determines that it is in the city's best interests, said chief procurement officer may initiate negotiations with the next most advantageous proposal from a responsible and responsive offeror taking into consideration price, estimated life-cycle costs and the other evaluation criteria set forth in the request for proposals, and may negotiate all terms of the contract not deemed mandatory or nonnegotiable with such offeror. Said chief procurement officer shall award the contract to the most advantageous proposal from a responsible and responsive offeror taking into consideration price, estimated life-cycle costs, the evaluation criteria set forth in the request for proposals, and the terms of the negotiated contract. Subject to the approval of the board of public works, the chief procurement officer shall award the contract by written notice to the selected offeror within the time for acceptance specified in the request for proposals. The city and offeror may extend the time for acceptance by mutual agreement.

SECTION 5. Notwithstanding any other provisions of this act, it shall be a mandatory term of any request for proposals issued by the city regarding the subject matter of this act, in order to maintain stable and productive labor relations and to avoid interruption of the operation of the sewer works system and to preserve the health, safety and environmental conditions of residents of the city of Holyoke and surrounding communities, that any and all employees, as applicable, hereinafter referred to as system employees, working on the operation and maintenance of the sewer works system, be offered employment by any party entering into a contract with the city for the operation and maintenance of the sewer system, and it shall be a mandatory term of any request for proposals, that any party entering into a contract shall employ all system employees employed at the sewer works system as of the date of execution of the contract and continue such employment throughout the term of the contract, unless any such employee voluntarily leaves the employ of the party or is terminated for just cause by the party. Furthermore, it shall be a mandatory term of any such request for proposals that any party entering into such contract with the city shall provide a salary and benefits package to all system employees, which is equivalent to the combined value of the salary and benefits package provided to such employees by the city and that the party shall accept assignment and assume existing collective bargaining agreements and adopt all terms and conditions of employment provided by said collective bargaining agreements. It shall also be a mandatory term of any request for proposals that during the unexpired term of any existing collective bargaining agreement and upon the termination of such collective bargaining agreements that the party shall meet its legal obligations, including bargaining in good faith, with regard to any labor organization representing system employees engaged in the operation and maintenance of the sewer works system. Notwithstanding any other provisions of this act, any proposal submitted to the city regarding the subject matter of this act not complying with the above terms, shall be disqualified from further consideration by the city.

SECTION 6. Any contract or contracts awarded pursuant to this act shall be subject to such terms and conditions as the board of public works shall determine to be in the best interests of the city of Holyoke and shall be subject to the approval of the mayor. Any such contract shall provide that prior to the construction, modification or installation of new equipment and systems, the city shall cause a qualified wastewater engineer, as applicable, to independently review and approve plans and specifications for the modifications, new equipment and systems. Such contract shall further provide that prior to acceptance of any modifications, new equipment or systems, including work undertaken pursuant to section 7 and estimated to cost more than \$100,000, adjusted in accordance with adjustment factors as determined by the city, the city shall cause a qualified wastewater engineer, as applicable, to inspect said modifications, new equipment and systems and certify that the construction or installation has been completed in accordance with the approved plans and specifications.

SECTION 7. The provisions of any general or special law or regulation relating to the advertising, bidding or award of contracts, to the procurement of services or to the design and construction of improvements, except the provisions of sections 26 to 27H, inclusive,

of chapter 149 of the General Laws, shall not be applicable to any selected offeror which is awarded a contract as provided in this section. The construction of any new capital improvement or any renovation, modernization, installation, repair or replacement work estimated to cost more than \$100,000, adjusted in accordance with adjustment factors as determined by the city, not specifically included in the initial contract or contracts for the lease, operation or maintenance, financing, design, construction, repair or replacement, and installation of modifications, new equipment and systems necessary for any particular part of the sewer works system, shall be procured on the basis of advertised sealed bids; provided, however, that bids need not be solicited if the contractor causes such construction, renovation, modernization, installation, repair or replacement work to be completed without direct or indirect reimbursement from the city, or other adjustment to the fees paid by the city, including, but not limited to, any adjustment to sewer rates paid by the city users. Bids shall be based on detailed plans and specifications and the contract shall be awarded to the lowest responsible and eligible bidder. The contractor may act as an agent of the city in solicitation of bids for the construction of any new capital improvement or for any renovation, modernization, installation, repair or replacement work pursuant to this section; provided that the city shall cause a qualified wastewater engineer, as applicable, to independently assess the need for such capital improvement, renovation, modernization, installation, repair or replacement work and to review and approve the contractor's proposed plans and specifications prior to advertising for bids. Based on the recommendation of the qualified wastewater engineer, as applicable, the city may approve, modify, or reject the contractor's proposed plans and specification.

SECTION 8. Notwithstanding any general or special law or regulation to the contrary, the department of environmental protection may issue project approval certificates with respect to the design/build contract or contracts procured by the city under this act for improvements to the sewer system works, and any such design/build services included in such contract or contracts shall be eligible for assistance under the Massachusetts Water Pollution Abatement Trust established by section 2 of chapter 29C of the General Laws, and any future revolving loan fund programs established by the commonwealth or the department of environmental protection.

SECTION 9. The selected offeror shall furnish to the city performance bonds, payment bonds, or other forms of security for the selected offeror's obligations, and insurance, satisfactory to the city.

SECTION 10. The following words as used in this act shall, unless the context requires otherwise, have the following meanings:-

"Sewer works system", the existing sewer works system in the possession of and under the jurisdiction, ownership, control and regulation of the city of Holyoke and its department of public works, including, without limiting the generality of the foregoing, all works, instrumentalities or parts thereof, all main, trunk, intercepting, connecting, lateral, outlet and other sewers, outfalls, storm water sewers including catch basins and surface drains, pumping and ventilating stations, structures, and other adjuncts thereto, wastewater

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treatment facilities and pump stations and combined sewer overflow consolidation and treatment facilities and any other property or interests in property, real or personal, incidental to and included in such sewer works system, and all facilities, betterments, extensions, improvements and enlargements thereto.

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

Approved August 6, 2002.

Chapter 215. AN ACT AUTHORIZING THE TOWN OF DEDHAM TO REIMBURSE CERTAIN SEWER USE FEES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the town treasurer of the town of Dedham may pay, from available funds, to Anisia Gifford the sum of \$70.69 such sum being reimbursement for sewer use fees paid in error for the fiscal year 1998.

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

Approved August 6, 2002.

Chapter 216. AN ACT AUTHORIZING THE CITY OF LOWELL TO PAY A CERTAIN UNPAID BILL.

Be it enacted, etc., as follows:

SECTION 1. The city of Lowell, through its school department, may pay to The Judge Rotenberg Educational Center, Inc. an unpaid bill incurred by said city and totaling \$120,046.29. The bill is legally unenforceable against said city by reason of the services having been provided before the execution of a written contract and in the absence of a written order, in accordance with section 7-96 of the Lowell city code, and the city solicitor has rendered an opinion that the services performed before the contract and approval could not be paid for. The services are as certified for payment by the school department of said city wherein the bill was contracted. The money so appropriated to pay such bill shall be paid by the Lowell school department from funds of the school department.

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

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SECTION 3. Any person who knowingly files a certificate required by section 2 which is false, and who thereby receives payment for services which were not rendered to the city of Lowell, shall be punished by imprisonment for not more than 1 year or by a fine of not more than \$300 or both.

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

Approved August 6, 2002.

Chapter 217. AN ACT AUTHORIZING THE TOWN OF WESTFORD TO ISSUE AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES.

Be it enacted, etc., as follows:

Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Westford may grant to Westford Convenience Store a license to sell 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.

Approved August 6, 2002.

Chapter 218. AN ACT RELATIVE TO ENHANCING ENGLISH OPPORTUNITIES FOR ALL STUDENTS IN THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. The second paragraph of section 1A of chapter 69 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by adding the following 2 sentences:- There shall be within the department an office of language acquisition to assist the commissioner in overseeing and monitoring the development and implementation of English language learners programs established under chapter 71A . The office shall compile best practices relative to effective programs and techniques to assist limited English proficient students in becoming proficient in English and shall disseminate such information to school districts on an annual basis.

SECTION 1A. Section 1 of said chapter 69, as so appearing, is hereby amended by inserting after the word "children", in line 3, the following words:- including a limited English proficient student as defined in section 1 of chapter 71A , and also.

SECTION 2. Section 1I of said chapter 69, as so appearing, is hereby amended by striking out, in lines 48 and 49, the words "programs of transitional bilingual education" and

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inserting in place thereof the following words:- English language learners programs established under chapter 71A .

SECTION 3. Said section 11 of said chapter 69, as so appearing, is hereby further amended by inserting after the word "mastery", in line 52, the following words:- of academic standards and curriculum frameworks established under sections 1D and 1E.

SECTION 4. Said section 11 of said chapter 69, as so appearing, is hereby further amended by striking out the thirteenth paragraph and inserting in place thereof the following paragraph:-

Each school district required to provide an English language learners program under chapter 71A shall file the following information with the department annually:

(a) the type of English language learners programs provided;

(b) with regard to limited English proficient students (i) the number enrolled in each type of English language learners program; (ii) the number enrolled in English as a second language who are not enrolled in another English language learners program; (iii) the results of basic skills, curriculum assessment, achievement and language proficiency testing, whether administered in English or in the native language; (iv) the absentee, suspension, expulsion, dropout and promotion rates; and (v) the number of years each limited English proficient student has been enrolled in an English language learners program;

(c) the number of students each year who have enrolled in institutions of higher education and were formerly enrolled in an English language learners program;

(d) the academic progress in regular education of students who have completed an English language learners program;

(e) for each limited English proficient student receiving special education, the number of years in the school district prior to special education evaluation and the movement in special education programs by program placement;

(f) the number of limited English proficient students enrolled in programs of occupational or vocational education;

(g) the name, national origin, native language, certificates held, language proficiency, grade levels and subjects taught by each teacher of an English language learners program, bilingual aides or paraprofessionals, bilingual guidance or adjustment counselors and bilingual school psychologists;

(h) the per pupil expenditures for each full time equivalent student enrolled in an English language learners program;

(i) the sources and amounts of all funds expended on students enrolled in English language learners programs, broken down by local, state and federal sources, and whether any such funds expended supplanted, rather than supplemented, the local school district obligation; the participation of parents through parent advisory councils; and

(j) whether there were any complaints filed with any federal or state court or administrative agency, since the program's inception, concerning the compliance with federal or state minimum legal requirements; the disposition of such complaint and the monitoring and evaluation of any such agreement or court order relative to such complaint.

SECTION 5. Said section 1I of said chapter 69, as so appearing, is hereby further amended by adding the following paragraph:-

The commissioner annually shall analyze and publish data reported by school districts under this section regarding English language learners programs and limited English proficient students. Publication shall include, but need not be limited to, availability on the department's worldwide web site. The commissioner shall submit annually a report to the joint committee on education, arts and humanities on such data on a statewide and school district basis, including, but not limited to, by language group and type of English language learners program.

SECTION 6. Section 2 of chapter 70 of the General Laws, as so appearing, is hereby amended by striking out, in lines 73 and 74, the words "transitional bilingual programs" and inserting in place thereof the following words:- English language learners programs established under chapter 71A but, in the case of an innovative program, only the limited English proficient students enrolled in such program shall be considered in calculating bilingual enrollment.

SECTION 7. Section 34H of chapter 71 of the General Laws, as so appearing, is hereby amended by striking out, in lines 7 and 8, the words "transitional bilingual education program" and inserting in place thereof the following words:- English language learners program established under chapter 71A .

SECTION 8. Section 38G of said chapter 71, as so appearing, is hereby amended by inserting after the word "commonwealth", in line 301, the following words:- ,including the need for high quality teachers of English language learners programs established under chapter 71A for limited English proficient students.

SECTION 9. Said section 38G of said chapter 71, as so appearing, is hereby further amended by adding after the twenty-first paragraph the following paragraph:-

In addition to any other requirements in this section, in order to receive a provisional or standard educator certificate, persons applying for such certification shall have completed such courses or training sessions as the board shall require in second language acquisition.

SECTION 10. The first paragraph of section 38Q of said chapter 71, as so appearing, is hereby amended by adding the following 2 sentences:- In any school district with limited English proficient students, the plan shall provide training for teachers in second language acquisition techniques for the re-certification of teachers and administrators. All professional development plans required by this section shall be filed annually with the commissioner of education.

SECTION 11. The second paragraph of said section 38Q of said chapter 71, as so appearing, is hereby amended by inserting after the first sentence the following sentence:- The plan shall include data that demonstrates, statewide and by school district, the types of professional development provided for educators who work with limited English proficient students.

SECTION 12. The fourth paragraph of section 59C of said chapter 71, as so appearing, is hereby amended by adding the following sentence:- Parent advisory councils, established under section 3 of chapter 71A, may, at their request, meet at least once annually with the school council.

SECTION 13. The fifth paragraph of said section 59C of said chapter 71, as so appearing, is hereby amended by inserting after the fourth sentence the following sentence:- In school districts with language minority student populations, the plan to improve student performance shall include a description of the opportunities to be provided by the school to ensure the progress of limited English proficient students in developing oral comprehension, speaking, reading and writing of English, and also in meeting academic standards and curriculum frameworks established under sections 1D and 1E of chapter 69.

SECTION 14. Section 89 of said chapter 71, as so appearing, is hereby amended by striking out, in line 459, the words "transitional bilingual education services" and inserting in place thereof the following words:- English language learners programs under chapter 71A.

SECTION 15. Chapter 71A, as appearing in the 2000 Official Edition, is hereby amended by striking out section 1, and inserting in place thereof the following section:-

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

"Academic standards", academic standards established under section 1D of chapter 69 of the General Laws.

"Commissioner", the commissioner of education.

"Curriculum frameworks", curriculum frameworks established under section 1E of chapter 69 of the General Laws.

"Department", the department of education.

"English as a second language", a part-time program supporting the development of English language and skills for limited English proficient students transitioning or assigned to regular education classes.

"English language learners program", any of the following, or any combination thereof: transitional bilingual education, two-way bilingual education, structured English immersion, English as a second language, or other full time innovative program designed to accelerate English language proficiency and academic achievement approved by the department under section 2A.

"Limited English proficient student", (1) a student who was not born in the United States whose native language is other than English and who is not able to perform ordinary class work in English; or (2) a student who was born in the United States of non-English speaking parents and who is not able to perform ordinary class work in English.

"Office of language acquisition", the office of language acquisition established in section 1A of chapter 69.

"Modified bilingual-world language bilingual education", a full-time program of whole school instruction for limited English proficient students and fully English proficient

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students that incorporates both the language and the culture of the language minority group to include it in all aspects of the school curricula in an English speaking classroom where teachers are trained in English as a second language techniques.

"Structured English immersion", a full-time program of academic instruction and English language learning for limited English proficient students in which primarily English is the medium of classroom instruction and the native language of such student is used for support and clarification.

"Transitional bilingual education", a full-time program of instruction (1) in all those courses or subjects which are required by the student's school district which shall be given in the native language of the limited English proficient students who are enrolled in the program and also in English, (2) in the reading and writing of the native language of the limited English proficient students who are enrolled in the program and in the oral comprehension, speaking, reading and writing of English, and (3) in the history and culture of the country, territory or geographic area which is the native land of the parents of the limited English proficient students who are enrolled in the program and in the history and culture of the United States.

"Two-way bilingual education", a full-time program in which the curriculum is structured so that limited English proficient students of the same language group and fully English proficient students develop full literacy in 2 languages by being taught in the same classroom in which the medium of instruction is both English and the language of the limited English proficient students.

SECTION 16. Said chapter 71A , as so appearing, is hereby further amended by striking out section 2 and inserting in place thereof the following section:-

Section 2. Each school district shall determine annually, not later than the first day of March, under regulations promulgated by the department, the number of limited English proficient students within their school system in grades kindergarten through 12. At the beginning of any school year, the school committee shall establish a policy requiring that the district offer at least 1 English language learners program for all limited English proficient students. Every school district shall assess, using uniform assessment instruments prescribed by the department, the language dominance, level of English proficiency, and ability to perform regular education classroom work in English of a newly enrolled student who may be of limited English proficiency and the academic level of such student, for the purpose of placing the student in an English language learners program. Every limited English proficient student enrolled in a public school system shall participate in an English language learners program established by the school district in which the student resides, unless the parents or legal guardian of the student decide otherwise in accordance with section 3. An English language learners program shall consist of any of the following, or any combination thereof: transitional bilingual education, two-way bilingual education, structured English immersion, English as a second language, or other innovative program designed to accelerate English language proficiency approved by the department under section 2A. No school district with 20 or more limited English proficient students in any 1 language group may offer

only English as a second language. In any school district with 50 or more limited English proficient students in any 1 language group at the elementary school level, the school committee shall establish a policy requiring that the district offer at least 2 English language learners programs for those students. In any school district with 50 or more limited English proficient students in any 1 language group at the middle school level, the school committee shall establish a policy requiring that the district offer at least 2 English language learners programs for those students. In any school district with 50 or more limited English proficient students in any 1 language group at the high school level, the school committee shall establish a policy requiring that the district offer at least 2 English language learners programs for those students. The policy shall be consistent with the school district's course enrol- lment standards. In determining the types of English language learners programs to be offered, the policy determination of the school committee shall reflect that strong consideration was given to the programs requested by the parents or legal guardians of limited English proficient students.

SECTION 17. Said chapter 71A is hereby further amended by inserting after section 2 the following two sections:-

Section 2A. At least once every 3 years, each school district with any limited English proficient students shall submit a district plan to the commissioner for approval in accordance with regulations promulgated by the department. The office of language acquisition shall make recommendations to the commissioner on whether any such plan shall be approved. The district shall provide any limited English proficient student with an appropriate English language learners program to assist such student in becoming proficient in using the English language and to enable the student to participate effectively in the district's regular or advanced educational programs and extracurricular activities. To the extent practical, districts shall make available reasonable enrichment opportunities for interested limited English proficient students, either during or outside the regular school day, including, but not limited to, as part of an English language learners program or through foreign language courses or after school programs, to help them maintain their native language skills. The district plan shall define and address all elements and goals of the program or programs to be chosen by the district. Prior to developing a district plan, the district shall notify parents or legal guardians of limited English proficient students within the district that such a plan is being developed, and shall involve such parents or legal guardians in the development and review of such plan.

In a school district with 20 or more limited English proficient students in any 1 language group, the district plan shall include, but not be limited to, the following:

(1) A description of programs and services currently being provided by the district to limited English proficient students.

(2) A description of the range of English language learners programs and services the district will make available to all limited English proficient students with a rationale for each option proposed, and a justification for any proposed changes in existing programs and services.

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(3) A description of the opportunities the district will make available to limited English proficient students for instruction in maintaining or developing proficiency in their native language, including, but not limited to, as part of an English language learners program or through foreign language classes or after school programs.

(4) A description of how English language learners programs or services will be provided to ensure that a student has the opportunity to: (a) become proficient in using the English language for oral communication and literacy in English; (b) master curriculum content according to the district's curriculum guidelines, state academic standards and curriculum frameworks; and (c) be able to participate in the district's regular or advanced educational programs and extracurricular activities.

(5) A description of the qualifications and certification status of all staff who will provide English language learners programs and services to limited English proficient students.

(6) A description of the uniform assessment instruments, prescribed by the department, to be utilized by the district to determine the language dominance, level of English proficiency and ability to perform regular education classroom work in English of a newly enrolled student who may be of limited English proficiency and the academic level of such student, for the purpose of placing such student in a program established under this chapter. Such description shall include the qualifications of staff administering such assessments.

(7) A description of how the student's oral comprehension, speaking, reading and writing of English will be assessed annually by qualified personnel, using uniform assessment instruments prescribed by the department, and how these assessments will be used in conjunction with other evaluation information to determine when the student has achieved a level of English language proficiency that will enable the student to perform regular education class work.

(8) A description of how the school district will evaluate the effectiveness of English language learners programs and services provided to limited English proficient students in terms of helping such students attain English language proficiency and master academic standards and curriculum frameworks.

(9) A description of the measures that will be used to ensure that former limited English proficient students in regular education classrooms have the opportunity to continue their progress in all areas of the curriculum, including compliance with the academic standards and curriculum frameworks.

(10) A description of the measures that will be used to ensure that limited English proficient students whose parents or legal guardians have chosen to enroll them in a regular education classroom and not in an English language learners program will be provided the opportunity to continue to progress in all areas of the curriculum, including compliance with the academic standards and curriculum frameworks.

(11) A description of the training to be provided for all staff in working with culturally and linguistically diverse student populations. Such description shall also include

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a staff development plan that describes how the district will build capacity among all staff in the school district to serve limited English proficient students.

(12) A description and documentation of how principals, teachers, parents or legal guardians of limited English proficient students, parent advisory councils and the general public were included in the development and review of the district plan.

(13) A description of how parents or legal guardians of limited English proficient students will be informed when it is determined through assessments prescribed by the department that their child can participate fully in the English language curriculum without native language or other language support services.

(14) A description of how parents or legal guardians of limited English proficient students will be provided the opportunity to continue to remain involved in English language learners programs.

In a school district with fewer than 20 limited English proficient students in any 1 language group, the district plan shall include, but not be limited to, the following:-

(1) A description of the programs and services currently being provided by the district to limited English proficient students.

(2) A description of the range of English language learners programs and services the district will make available to all limited English proficient students with a rationale for each option proposed, and a justification for any proposed changes in existing programs and services.

(3) A description of the qualifications and certification status of all staff who will provide English language learners programs and services to limited English proficient students.

(4) A description of the uniform assessment instruments, prescribed by the department, to be utilized by the district to determine the language dominance, level of English proficiency, and ability to perform regular education classroom work in English of a newly enrolled student who may be of limited English proficiency and the academic level of such student, for the purpose of placing such student in an English language learners program. Such description shall include the qualifications of staff administering such assessments.

(5) A description of how the student's oral comprehension, speaking, reading and writing of English will be assessed annually by qualified personnel, using uniform assessment instruments prescribed by the department, and how these assessments will be used in conjunction with other evaluation information to determine when the student has achieved a level of English language proficiency that will enable the student to perform regular education class work.

A district plan shall be valid for 3 years. In the third year, a school district shall submit an updated district plan to the commissioner for approval in the manner provided herein for submission of a district plan. In addition to the requirements of this section for a district plan, the updated district plan shall also include documentation evidencing the academic outcomes for limited English proficient students served under the prior district plan.

In a school district with 20 or more limited English proficient students in any 1 language group, no district plan or updated district plan shall be submitted to the commissioner until after a public hearing, with due notice to interested parties, has been held on such plan. The district shall make any such plan available for public inspection at least 10 days prior to any public hearing. Due notice shall include notification published in a newspaper of general circulation in the district, and other reasonable steps to notify parents of limited English proficient students within the district and other interested parties of such hearing, not less than 15 days prior to any such hearing. Any such notification shall include a brief description of the plan, the date, time and place of the hearing, and shall indicate the place where the plan is available for public inspection. Notices to parents or legal guardians of limited English proficient students required by this section shall, to the maximum extent possible, be in a language understandable by the parents or legal guardians.

If the commissioner determines that a district is not in compliance with this section, or that a district plan cannot be approved as submitted, the office of language acquisition shall provide advice and technical assistance to the district and shall set a date certain for the submission of a revised district plan. Regulations promulgated by the department to implement this chapter shall include, but not be limited to, measures to deal with districts that fail to submit district plans, or that submit district plans that the commissioner does not approve.

The district shall send report cards and progress reports, including, but not limited to, progress in becoming proficient in using the English language, and other school communications to the parents or legal guardians of students enrolled in English language learners programs in the same manner and frequency as report cards and progress reports of other students enrolled in the district. The reports shall, to the maximum extent possible, be written in a language understandable to the parents and legal guardians of such students.

Limited English proficient students in any English language learners program shall be taught to the same academic standards and curriculum frameworks as all students, and shall be provided the same opportunities to master such standards and frameworks as other students. Districts shall regularly assess mastery of academic standards and curriculum frameworks; provided, that such assessments may be conducted in a language other than English so long as the student remains in an English language learners program.

In order to encourage innovation and best practices, school districts may develop innovative programs designed to accelerate English language proficiency. Any such program shall provide limited English proficient students with the opportunity to develop oral comprehension, speaking, reading, and writing of English and to meet academic standards and curriculum frameworks. Such programs may include, but not be limited to, modified bilingual world language bilingual education. All such programs shall be submitted to the department for review and approval. The office of language acquisition shall review and make recommendations on all such programs.

The office of educational quality and accountability shall conduct on-site visits to school districts with approved district plans, established under this section, at least once ev-

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ery 5 years for the purpose of evaluating the effectiveness of such plan and to validate evidence of educational outcomes. The evaluation shall include, but not be limited to, a review of individual student records of all limited English proficient students, a review of the programs and services provided to limited English students to determine if they are in accordance with the district plan, and a review of the drop out rate of limited English proficient students formerly enrolled in the district's English language learners program or programs within the prior 3 years.

In the event a review and evaluation undertaken under this section demonstrates that a district is substantially out of compliance with the district plan, or is failing to adequately improve educational outcomes for limited English proficient students enrolled in English language learners programs, the commissioner may recommend to the board of education that any school within the district be declared under-performing under sections 1J and 1K of chapter 69.

Section 2B. School districts shall assess annually all limited English proficient students in the oral comprehension, speaking, reading, and writing of English by means of English proficiency uniform assessment instruments intended for limited English proficient students, which have been prescribed by the department. Except as provided in this section, any limited English proficient student may remain in an English language learners program for a period of 2 years, or until such time as the student achieves a level of English language proficiency that will enable the student to perform successfully in classes in which instruction is given only in English as determined by scores on English proficiency assessments as set forth in this section, whichever occurs first. Only full-day kindergarten shall be counted toward the time limitations set forth in this section. School districts shall develop an intensive English learning success plan for any limited English proficient student whom the district determines fails to achieve scores on English proficiency assessments that, in the determination of the department, reflect sufficient progress toward achieving English language proficiency following the student's first year in any English language learners program. Any such plan shall be developed with the participation and approval of the student's parents or legal guardian. The plan shall concentrate on the needs of the student to master English language literacy skills and shall specify such instruction or services as intensive English classes, intensive tutoring, after or before school programs, summer programs, literacy mentoring, and other academic supports that will assist the student in the rapid acquisition of English necessary to access academic standards and curriculum frameworks at grade level. Any student who fails to achieve scores on English proficiency assessments that, in the determination of the department, reflect sufficient proficiency that will enable the student to perform successfully in classes in which instruction is given only in English, may remain or be placed in such intensive plan for up to 1 additional year, with the approval of the student's parents or legal guardian.

Any limited English proficient student enrolled in a two-way bilingual education program who has achieved sufficient scores on English proficiency assessments that, in the

determination of the department, reflect a level of English proficiency appropriate to the student's grade level, may remain enrolled in such programs for longer than 3 years.

If later evidence suggests, as determined by the school district, that a limited English proficient student transferred from an English language learners program to a regular education program prior to his third year in such English language learners program is still disadvantaged by a lack of English proficiency and may benefit from being reenrolled, under an intensive English learning success plan, in an English language learners program offered by the district, such student, with the approval of the student's parents or legal guardian, may be so reenrolled for a length of time equal to that which remained at the time he was transferred.

Nothing in this chapter shall be construed to prohibit, limit, restrict or prevent, an educational agency, as defined in 20 U.S.C. 1720 from complying with the provisions of 20 U.S.C. 1703 (f).

In the event of any conflict between this chapter and an individual educational plan developed for a school age child with a disability under chapter 71B, the provisions of such plan shall prevail.

SECTION 18. Said chapter 71A, as so appearing, is hereby further amended by striking out section 3, and inserting in place thereof the following section:-

Section 3. School districts shall notify, in writing, the parents or legal guardian of a limited English proficient student of the English language learners program that are available within the district, and shall recommend a specific program for the student. Such notice shall be sent by mail not later than 10 days after the enrollment of the student in the school district. The notice shall contain a simple, non-technical description of the purposes, method and content of the various programs, reasons for the school district's recommendation of a specific program, and shall inform the parents or legal guardian that they have the right to visit English language learners program classes in the school district, and to come to the school for a conference to explain the nature of the various English language learners programs. The notice shall further inform such parents or legal guardian that they have the absolute right, if they so desire, to choose any English language learners program for the student from among those provided by the school district, to prevent the student from being placed in an English language learners program, or to withdraw the student from a program, in the manner as hereinafter provided in this section. The notice shall also inform such parents or legal guardian of the existence of any parent advisory council established within the district under this section. Any such notice shall be written in English and in the language of which the parents or legal guardians so notified possesses a primary speaking ability.

In any case where a district recommends that a student be placed in an English language learners program, the parents or legal guardian of such student shall have the right, either at the time of the original notification under this section, or at the close of any marking period thereafter, to choose an English language learners program for the student from among those provided by the school district, to prevent the student from being placed in an

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English language learners program, or to withdraw the student from such program by sending written notice of such decision by mail to the school authorities of the school district in which the student is enrolled. Such written notice shall be sent not later than 10 school days after receipt of the notice sent by the school district, under this section. In the case of a student who is to be withdrawn from an English language learners program, the written notice shall be sent not later than 10 school days after the close of any marking period.

Each school district operating an English language learners program or programs for 20 or more limited English proficient students in any 1 language group shall establish a parent advisory council. The parent advisory council shall be comprised of parents or legal guardians of students who are enrolled in English language learners programs within the district. Each parent advisory council shall have at least 1 representative from every language group in which a program is conducted in a given district. Membership shall be restricted to parents or legal guardians of students enrolled in English language learners programs within the district. The duties of the parent advisory council shall include, but not be limited to, advising the school district on matters that pertain to the education of students in English language learners programs, meeting regularly with school officials to participate in the planning, development, implementation, and evaluation of the district plan required by this chapter, 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 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 English language learners programs for the district or other appropriate school personnel as designated by the superintendent.

SECTION 19. Said chapter 71A , as so appearing, is hereby further amended by striking out section 4, and inserting in place thereof the following section:-

Section 4. A school district may allow a non-resident limited English proficient student to enroll in or attend its English language learners programs, and the tuition for such student shall be paid by the school district in which the student resides.

Any school district may join with any other school district or districts to provide English language learners programs required or permitted by this chapter.

SECTION 20. Said chapter 71A , as so appearing, is hereby further amended by striking out section 5, and inserting in place thereof the following section:-

Section 5. In order to ensure daily opportunities for speaking English and for contact with English speaking peers, limited English proficient students shall participate fully with their English-speaking peers in those regular education classrooms, subjects or activities in which verbalization in English is not essential to understanding, including, but not necessarily limited to, homeroom, art, music, physical education, recess and lunch. Each school district shall ensure that limited English proficient students have practical and meaningful opportunity to participate fully in the extra-curricular activities of the regular education pro-

grams in the district. English language learners programs shall be located, whenever feasible, in the regular public schools of the district rather than separate facilities.

Students enrolled in an English language learners program, whenever possible, shall be placed in classes with students of approximately the same age and level of educational attainment. If students of different age groups or educational levels are combined, the school district so combining shall ensure that the instruction given each student is appropriate to the student's level of educational attainment and the school district shall keep adequate records of the educational level and progress of each student enrolled in a program. The maximum student-teacher ratio and age span shall be set by the department and shall reflect the unique educational needs of children enrolled in English language learners programs.

SECTION 21. Said chapter 71A , as so appearing, is hereby further amended by striking out section 6 and inserting in place thereof the following section:-

Section 6. The commissioner shall grant certificates to teachers of bilingual education or English as a second language under section 38G of chapter 71 ; provided, that teachers of structured English immersion, or innovative programs approved by the department under section 2A shall be certified in bilingual education or English as a second language. No person shall be eligible for employment by a school district as a teacher of bilingual education, or English as a second language, except as provided in this section, unless he has been granted a certificate by the commissioner under said section 38G with respect to the type of position for which he seeks employment. Nothing in this section shall be construed to prevent a school committee from prescribing additional qualifications.

In cases of shortages of certified teachers of bilingual education or English as a second language, as determined by the commissioner, the commissioner may grant a waiver to a teacher of bilingual education or English as a second language who is not certified with respect to the type of position for which he seeks employment, if he presents the commissioner with satisfactory evidence indicating he: (1) possesses a speaking and reading ability in a language, other than English, in which English language learners programs are offered and is proficient in written and oral English; (2) is of sound moral character; (3) possesses a bachelor's degree or earned a higher academic degree; (4) meets such requirements as to courses of study, semester hours therein, experience and training as may be required by the board of education that will enable him to become a certified teacher of bilingual education, or English as a second language in the state; and (5) is legally present in the United States and possess legal authorization for employment. Any waiver shall be subject to annual renewal by the commissioner; provided, that the waiver may be renewed not more than 4 times. In granting a waiver under this section, the commissioner shall give preference to persons who have been certified as teachers in their country or place of national origin.

SECTION 22. Said chapter 71A , as so appearing, is hereby further amended by striking out section 7 and inserting in place thereof the following section:-

Section 7. A school district may establish, on a full or part-time basis, preschool or summer school English language learners programs for limited English proficient students

or join with the other school districts in establishing such pre-school or summer programs. Preschool or summer programs shall not substitute for English language learners programs required to be provided during the regular school year. A school district may establish after school programs to assist limited English proficient students in developing and maintaining native language proficiency.

SECTION 23. Section 8 of said chapter 71A, as so appearing, is hereby amended by striking out, in lines 4 and 5, the words "transitional bilingual education program", and inserting in place thereof the following words:- English language learners program.

SECTION 24. Notwithstanding any general or special law to the contrary, each school district shall, within 5 years of the effective date of this act, have at least 1 teacher who is certified in English as a second language, bilingual education or other English language learners program under section 38G of chapter 71 or regulations promulgated thereto.

SECTION 25. Notwithstanding any general or special law to the contrary, any school district with 200 or more limited English proficient students enrolled in the school system that appoints a person to be its director of English language learners programs shall appoint a person who is certified in English as a second language, bilingual education or other English language learners program under section 38G of chapter 71 or regulations promulgated thereto.

SECTION 26. Notwithstanding any general or special law to the contrary, any limited English proficient student, as defined in section 1 of chapter 71A of the General Laws, who was enrolled in a public secondary school in the commonwealth directly from a country other than the United States of America, and who was unable to achieve proficiency in the English language, as determined by English proficiency assessments established under section 2B of said chapter 71A, prior to leaving such public secondary school, to the extent possible shall be given access to English language and literacy skill instruction courses offered through the adult basic education program established under section 1H of chapter 69 of the General Laws.

SECTION 27. Notwithstanding any general or special law to the contrary, within 5 years of the effective date of this act, if the department of education implements any foreign language requirement on school districts, such requirement shall be mandatory for elementary schools.

SECTION 28. Notwithstanding section 53 of chapter 54 of the General Laws to the contrary, the attorney general and state secretary shall jointly review the ballot question title and 1 sentence statements prepared by them under said section 53 for the initiative petition of Lincoln J. Tamayo and others submitted for the November 2002 state election to determine whether any changes should be made to the title or statement to ensure a fair, accurate and neutral ballot question title and description, in view of the passage of this act.

Notwithstanding section 54 of chapter 54 of the General Laws to the contrary, the state secretary shall seek updated arguments from the opponents and proponents of the initia-

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tive petition of Lincoln J. Tamayo and others that reflect changes made to the law under this act.

SECTION 29. Sections 1 and 17 shall take effect on January 1, 2003.

SECTION 30. Sections 2 through 16, inclusive, and 18 through 27, inclusive, shall take effect on July 1, 2003.

Emergency Letter: August 6, 2002 @ 3:14 P.M.

Approved August 6, 2002.

Chapter 219. AN ACT AUTHORIZING THE DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO GRANT A CERTAIN EASEMENT IN THE TOWN OF TEWKSBURY TO THE TEWKSBURY HOUSING AUTHORITY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of sections 40E to 40J, inclusive, of chapter 7 of the General Laws, the commissioner of the division of capital asset management and maintenance may grant to the Tewksbury Housing Authority an easement and right-of-way across certain parcels of land in the town which is bounded on 1 side by the westerly sideline of Livingston street. The easement shall include only the amount of land necessary for vehicular entry to, and exit from, the adjacent property and shall be prescribed in consultation with the department of public health. The easement and right-of-way is a portion of lot 30 on the town of Tewksbury Assessor's Map number 73, and shall be more precisely delineated by the commissioner based on the records in the Middlesex county registry of deeds or registry district of the land court, or on a survey, as the commissioner may determine to be appropriate. The Tewksbury Housing Authority or its contractor shall be responsible for any costs for appraisals, surveys and all other expenses and liabilities relating to the granting and exercise of the easement.

SECTION 2. If the easement and right-of-way ceases to be used for the purposes authorized herein or is used for any other purpose, then upon notice by the commissioner, all interest in the easement and right-of-way shall revert to the commonwealth upon terms and conditions as the commissioner may prescribe.

Approved August 7, 2002.

Chapter 220. AN ACT AUTHORIZING THE COMMISSIONER OF THE DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO CONVEY CERTAIN LAND IN THE TOWN OF WESTBOROUGH.

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

is to transfer forthwith certain land owned by the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 40H of chapter 7 of the General Laws, the commissioner of the division of capital asset management and maintenance may transfer care and control of approximately 12 acres of land currently used for agricultural purposes on the corner of Norse and Glen streets in the town of Westborough to the department of food and agriculture to be preserved under an agricultural preservation restriction pursuant to sections 31, 32 and 33 of chapter 184 of the General Laws. The 12 acres are part of a larger tract of land owned by the commonwealth shown as "Lot 1 43.38 Acres" on a plan entitled "Land in Westborough, Mass. surveyed for the Town of Westborough scale 1"=100' February, 1990".

SECTION 2. Notwithstanding section 40H of chapter 7 of the General Laws, the commissioner of the division of capital asset management and maintenance may sell and convey by deed the remainder of Lot 1 on the plan referred to in section 1 to the town of Westborough for cemetery purposes. The exact boundaries of the remainder of Lot 1 to be sold to the town of Westborough shall be established by the commissioner based on a final land survey to be completed before the conveyance of the remainder.

SECTION 3. The consideration paid by the town of Westborough for the parcel described in section 2 shall be the full and fair market value of the property, determined by independent appraisal, for use as a cemetery. The inspector general shall review and approve the appraisal and his review shall include a review of the methodology used for the appraisal. The inspector general shall prepare a report of his review and file the report with the commissioner of the division of capital asset management and maintenance for submission to the joint committee on state administration in accordance with section 6. The sale price paid as consideration shall be deposited in the General Fund of the commonwealth.

SECTION 4. The town of Westborough shall assume all costs of any engineering, surveys, appraisal, deed preparation and other expenses considered necessary by the commissioner for the conveyance of the property described in section 2 or for any costs and liabilities and expenses of any nature or kind for the development, maintenance or operation thereof, including a certified survey commissioned by the division of capital asset management and maintenance.

SECTION 5. If the parcel described in section 2 ceases to be used at any time for the purposes and uses required by this act, then, upon notice by the commissioner of the division of capital asset management and maintenance, the parcel shall revert to the commonwealth upon terms and conditions as the commissioner may determine.

SECTION 6. Thirty days before the execution of any agreement authorized by this act, or any subsequent amendment thereof the commissioner of the division of capital asset

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management and maintenance shall submit the agreement or amendment and a report thereon to the inspector general for his review and comment. The inspector general shall issue his review and comment within 15 days of receipt of any agreement or amendment. The commissioner shall submit the agreement and any subsequent amendments thereof, the reports, and the comments of the inspector general, if any, to the house and senate committees on ways and means and the joint committee on state administration at least 15 days before execution of any agreement authorized by this act.

Approved August 7, 2002.

Chapter 221. AN ACT DESIGNATING A CERTAIN BRIDGE IN THE TOWN OF ANDOVER AS THE JOSEPH A. HORAN BATAAN AND CORRIGIDOR VETERANS MEMORIAL BRIDGE.

Be it enacted, etc., as follows:

Chapter 304 of the acts of 1988 is hereby amended by inserting after the word "the", in line 3, the following words:- Joseph A. Horan and.

Approved August 7, 2002.

Chapter 222. AN ACT FURTHER REGULATING BUSINESS PRACTICES BETWEEN MOTOR VEHICLE MANUFACTURERS, DISTRIBUTORS AND DEALERS.

Be it enacted, etc., as follows:

SECTION 1. Section 20E of chapter 90, as appearing in the 2000 Official Edition, is hereby amended by striking out subsection (b) and inserting in place thereof the following subsection:-

(b) Within 45 days, the registered owner shall furnish to the parking clerk in writing the name, address, date of birth, driver's license number and state of issuance of the driver's license of the lessee or rentee at the time of the violation.

SECTION 2. Said section 20E of said chapter 90, as so appearing, is hereby further amended by adding the following subsection:-

(j) All motor vehicle rental agreements or contracts shall contain language informing the rentees or lessees of their liability for payment of parking violations and, in the event of more than one lessee or rentee, that each lessee or rentee is joint and severably liable for payment of parking violations.

SECTION 3. The General Laws are hereby amended by striking out chapter 93B and inserting in place thereof the following chapter:-

CHAPTER 93B.

REGULATION OF BUSINESS PRACTICES BETWEEN MOTOR VEHICLE MANUFACTURERS, DISTRIBUTORS AND DEALERS.

Section 1. As used in this chapter the following words shall have the following meanings:

"Boundary", the property line of the address of the principal new motor vehicle sales facility approved by the manufacturer or distributor in the franchise agreement and utilized by a dealership of a specific line make; or in the case of a proposed new location, the property line of the address of the principal new motor vehicle sales facility that is intended to be used by the proposed new person or the relocating existing dealer.

"Dealer", "motor vehicle dealer" or "dealership", any person who, in the ordinary course of its business, is engaged in the business of selling new motor vehicles to consumers or other end users pursuant to a franchise agreement and who has obtained a class 1 license pursuant to the provisions of section 58 and 59 of chapter 140. It shall not include: (1) receivers, trustees, administrators, executors, guardians, or other persons appointed by or acting under judgment, decree or order of any court, or (2) public officers while performing their duties as such officers.

"Distributor", any person who is not a manufacturer or a motor vehicle dealer, and who sells or distributes new and unused motor vehicles to motor vehicle dealers within the commonwealth or to any wholesaler who in turn sells or distributes such vehicles to motor vehicle dealers within the commonwealth; or any branch office or division maintained by any of such persons for directing and supervising their franchisor representatives.

"Dual" or "dualing", a motor vehicle dealer occupying and conducting business operations for one line make of new motor vehicles which is located in the dealership facilities described in the franchise agreement as dedicated, wholly or in part, to the operations governed by the franchise agreement, and from which it conducts its business operations for another line make of new motor vehicles.

"Franchise" or "franchise agreement", an oral or written arrangement for a definite or indefinite period in which a manufacturer or distributor grants to a motor vehicle dealer a license to use a trade name, service mark, or related characteristic, and in which there is a community of interest in the marketing of new motor vehicles or services related thereto at wholesale, retail, leasing, or otherwise.

"Franchisor representative", a person employed by a manufacturer or distributor for the purpose of promoting the sale of new motor vehicles or for supervising, servicing, instructing or contracting motor vehicle dealers or prospective motor vehicle dealers; and any officer, agent or other authorized representative of a manufacturer or distributor.

"Manufacturer", any person engaged in the business of manufacturing or assembling new and unused motor vehicles; any person holding majority ownership in any person encompassed within this definition of the term "manufacturer"; or any branch office or division

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maintained by the person for directing and supervising a franchisor representative.

"Motor vehicle", any motor driven vehicle or house trailer required to be registered under chapter 90 regardless of curb weight or required to be registered under sections 20 to 35, inclusive, of chapter 90B having a curb weight of not more than 1,000 pounds, or a truck camper.

"New motor vehicle", a motor vehicle which has not been previously sold to any person except a manufacturer, distributor or motor vehicle dealer for resale.

"Person", a natural person, corporation, partnership, limited liability company, limited liability partnership, trust or other entity.

"Powersport vehicle", any motor vehicle defined as a motorcycle or motorized bicycle by section 1 of chapter 90 and required to be registered under chapter 90 regardless of curb weight or any motor vehicle required to be registered under sections 20 to 35, inclusive, of chapter 90B having a curb weight of not more than 1,000 pounds.

"Recreational vehicle", a motor vehicle defined as an auto home or house trailer by section 1 of chapter 90 and required to be registered under chapter 90, or a truck camper.

"Relevant market area", the geographic area surrounding the boundary of a dealership, determined as follows:

(1) If all boundaries of a dealership located in the counties of Bristol, Essex, Hampden, Middlesex, Norfolk, Plymouth or Suffolk are 8 or more miles from the border of the counties of Barnstable, Berkshire, Dukes, Franklin, Hampshire, Nantucket and Worcester, then the geographic area shall be the entire land mass encompassed in a circle with a radius of 8 miles from any boundary of the dealership.

(2) If all boundaries of a dealership located in the counties of Barnstable, Berkshire, Dukes, Franklin, Hampshire, Nantucket or Worcester are 14 or more miles from the border of the counties of Bristol, Essex, Hampden, Middlesex, Norfolk, Plymouth and Suffolk, then the geographic area shall be the entire land mass encompassed in a circle with a radius of 14 miles from any boundary of the dealership.

(3) For all dealerships in the commonwealth which are not included within paragraphs (1) or (2), inclusive, of this definition, the geographic area shall be a land mass comprised of circular arc segments with a radius of 8 miles from any boundary of the dealership for the arc segments that fall within the counties of Bristol, Essex, Hampden, Middlesex, Norfolk, Plymouth and Suffolk; and with a radius of 14 miles from any boundary of the dealership for the arc segments that fall within the counties of Barnstable, Berkshire, Dukes, Franklin, Hampshire, Nantucket and Worcester.

(4) For any motor vehicle dealer who deals in whole or in part in powersport vehicles, notwithstanding subparagraphs (1), (2) and (3), the geographic area shall be the entire land mass encompassed in a circle with a radius of 20 miles from any boundary of the dealership for that part of the dealership which deals in said powersport vehicles.

(5) For any motor vehicle dealer who deals in whole or in part in recreational vehicles, notwithstanding subparagraphs (1), (2), (3) and (4), the geographic area shall be the greater of the entire land mass encompassed in a circle with a radius of 25 miles from any

boundary of the dealership or the area of responsibility of the dealer as defined in the franchise agreement or the combination of the 25 miles boundary and the area of responsibility for that part of the dealership which deals in recreational vehicles.

(6) For the purposes of this chapter, a radius measurement shall be drawn from the closest boundary of the existing dealership to the closest boundary of the site for the proposed dealership or relocation.

"Sale" or "sell", the issuance, transfer, agreement for transfer, exchange, pledge, hypothecation, mortgage in any form, whether by transfer in trust or otherwise, or lease of any motor vehicle or interest therein or of any franchise related thereto; and any option, subscription or other contract, or solicitation, looking to a sale, offer or attempt to sell, or lease in any form, whether spoken or written. The delivery or gift, for any purpose including as a bonus, of a motor vehicle or franchise interest, shall be considered a sale of the motor vehicle or franchise interest.

Section 2. Any person who engages directly or indirectly in purposeful contacts in the commonwealth in connection with the offering or advertising for sale or has business dealings with respect to a motor vehicle in the commonwealth shall be subject to this chapter and shall be subject to the jurisdiction of the courts of the commonwealth, upon service of process in accordance with chapter 223A.

Section 3. (a) Unfair methods of competition and unfair or deceptive acts or practices, as defined in section 4, are hereby declared to be unlawful.

(b) In construing subsection (a) the courts may be guided by the interpretations of the Federal Trade Commission Act, 15 U.S.C. 45.

(c) The attorney general may make rules and regulations interpreting the subsection (a). The rules and regulations shall not be inconsistent with the rules, regulations and decisions of the Federal Trade Commission and the federal courts interpreting the Federal Trade Commission Act, 15 U.S.C. 45.

Section 4. (a) It shall be a violation of subsection (a) of section 3 for any manufacturer, distributor, franchisor representative or motor vehicle dealer to engage in any action which is arbitrary, in bad faith, or unconscionable and which causes damage to the manufacturer, distributor, franchisor representative, motor vehicle dealer or to the public.

(b) It shall be a violation of subsection (a) of section 3 for a manufacturer, distributor or franchisor representative, to coerce, any motor vehicle dealer:

(1) to accept or buy any motor vehicle, appliance, equipment, part or accessory, or any other commodity or service which has not been ordered or requested by the motor vehicle dealer; or to require a motor vehicle dealer to accept, buy, order or purchase a motor vehicle, appliance, equipment, optional part or accessory, or any commodity or service or anything of value whether supplied or rendered by the manufacturer, distributor or franchisor representative in order to obtain any motor vehicle or any other commodity which has been ordered or requested by the motor vehicle dealer.

(2) to order or accept delivery of any motor vehicle with special features, appliances,

accessories or equipment not included in the list price of the motor vehicles as publicly advertised by the manufacturer or distributor thereof.

(3) to order for any person and require acceptance of any parts, accessories, equipment, machinery, tools, appliances or any commodity whatsoever.

(c) It shall be deemed a violation of subsection (a) of section 3 for a manufacturer, distributor or franchisor representative:

(1) to adopt, change, establish or implement a plan or system for the allocation or distribution of new motor vehicles to motor vehicle dealers which is arbitrary or unfair or to modify an existing plan so as to cause the same to be arbitrary or unfair; but it shall not be a violation of this paragraph for a manufacturer or distributor to maintain a pool of new motor vehicles in a reasonable quantity that are not included in the regular allocation, subject to the following limitations:

(i) the quantity of new motor vehicles selected by the manufacturer or distributor to include in the pool shall not exceed 15 per cent of all new motor vehicles that would otherwise be available in the current allocation and shall not exceed 15 per cent of any given model based on all new motor vehicles that would otherwise be available in the current allocation; and

(ii) new motor vehicles in the pool may be distributed in the discretion of the manufacturer or distributor for any business purpose that the manufacturer or distributor considers appropriate; provided, however, that such distribution is not in violation of paragraphs (5) or (6); but in distributing new motor vehicles from the pool to any dealership in which the manufacturer or distributor has an ownership or real estate interest, the manufacturer or distributor shall not exercise its discretion based solely on the fact that the manufacturer or distributor has an ownership or real estate interest in any dealership.

(2) to fail or refuse to advise or disclose to any motor vehicle dealer having a franchise agreement, upon written request therefor, the methodology upon which new motor vehicles of the same line make are allocated or distributed to motor vehicle dealers in the commonwealth and the methodology upon which the current allocation or distribution is being made or will be made to a motor vehicle dealer; but this paragraph shall not apply to any vehicles included in the pool of new motor vehicles described in paragraph (1).

(3) to refuse to deliver in reasonable quantities and within a reasonable time after receipt of an order by any motor vehicle dealer having a franchise agreement for the retail sale of new motor vehicles sold or distributed by the manufacturer or distributor, any motor vehicles covered by the franchise publicly advertised in media broadcast or distributed in the commonwealth by the manufacturer or distributor to be available for immediate delivery; but the failure to deliver any motor vehicle shall not be considered a violation of this chapter if the failure is due to an act of God, work stoppage or delay due to a strike or labor difficulty, shortage of materials, lack of available manufacturing capacity, freight embargo or a cause over which the manufacturer or distributor has no control.

(4) to coerce any motor vehicle dealer to enter into any agreement with the manufacturer, distributor or franchisor representative, or to do any other act prejudicial to the

dealer, by threatening to terminate any franchise agreement; but, notice in good faith, including notice of termination or nonrenewal, to any motor vehicle dealer based on the dealer's violation of any terms or provisions of its franchise agreement or of any law or regulation applicable to the conduct of a motor vehicle dealership, or petitioning any court for a declaration that the notice is issued for good cause, shall not constitute a violation of this chapter.

(5) to offer to sell or to sell any new motor vehicle to any motor vehicle dealer located in the commonwealth at a lower actual price therefor than the actual price offered contemporaneously to any other motor vehicle dealer located in the commonwealth for the same model vehicle similarly equipped or to utilize any device including, but not limited to, sales promotion plans or programs which result in the lesser actual price unless available on equal terms to all dealers located in the commonwealth; provided, however, that this paragraph shall not apply to sales to a motor vehicle dealer for resale to any unit of the federal government or any agency thereof or to the commonwealth or any of its political subdivisions; provided further, that this paragraph shall not apply to sales to a motor vehicle dealer of any motor vehicle ultimately sold, donated or used by the dealer in a driver education program. The preceding provisions of this paragraph shall not apply so long as a manufacturer, distributor or franchisor representative offers to sell or sells new motor vehicles to all motor vehicle dealers located in the commonwealth at an equal price. In connection with a sale of a motor vehicle or vehicles to a motor vehicle dealer for resale to any unit of the federal government or any agency thereof or to the commonwealth or to any political subdivision thereof, no manufacturer or distributor shall offer any discounts, refunds or any other similar type of inducement to any dealer without making the same offer available to all other of its dealers within the relevant market area, and if the inducements are made, the manufacturer or distributor shall give simultaneous notice thereof to all of its dealers within the relevant market area.

(6) to offer to sell or to sell any new motor vehicle to any person located in the commonwealth, except a distributor, at a lower actual price therefor than the actual price offered and charged contemporaneously to a motor vehicle dealer located in the commonwealth for the same model vehicle similarly equipped or to utilize any device which results in such lesser actual price unless the same is available on equal terms to all dealers located in the commonwealth; but this paragraph shall not apply to sales by a manufacturer or distributor to any unit of the federal government or any agency thereof or to the commonwealth or any of its political subdivisions.

(7) to offer to sell or to sell parts or accessories to any new motor vehicle dealer located in the commonwealth for use in its own business for the purpose of repairing or replacing the same or a comparable part or accessory, at a lower actual price therefor than the actual price charged contemporaneously to any other new motor vehicle dealer located in the commonwealth for similar parts or accessories for use in its own business; but in those cases where motor vehicle dealers operate and serve as wholesalers of parts and accessories

to retail outlets, nothing herein contained shall be construed to prevent a manufacturer or distributor from selling to a motor vehicle dealer who operates and serves as a wholesaler of parts and accessories, the parts and accessories ordered by said motor vehicle dealer for resale to retail outlets at a lower actual price than the actual price charged a motor vehicle dealer who does not operate or serve as a wholesaler of parts and accessories.

(8) to impose upon any motor vehicle dealer or any director, officer, partner or stockholder thereof or any other person holding or otherwise owning an interest therein, by or through the terms and provisions of a franchise agreement or otherwise, unreasonable restrictions upon the financial arrangement or structure of a dealership, upon the method and manner by which the dealership finances or intends to finance its operation, equipment and facilities or upon the ability of any individual, proprietor or stockholder to use, sell or transfer any interest in the dealership or to enter into and implement any testamentary arrangement with respect thereto. A manufacturer or distributor may require that any director, officer, partner or stockholder of a motor vehicle dealer, or any other person holding or otherwise owning an interest therein, be identified as such and may establish reasonable standards concerning the capital and facilities needed for dealership operations and concerning continuity of dealership management. There shall be no assignment, delegation or transfer of the franchise or management or control thereunder without the written consent of the manufacturer or distributor, which consent shall not unreasonably be withheld. The manufacturer or distributor shall promptly mail a dealership application to a proposed assignee, delegee or transferee following any request therefor submitted by the proposed assigning, delegating or transferring motor vehicle dealer. The proposed assignee, delegee, or transferee shall submit the application to the manufacturer or distributor with all supporting documentation as specified therein by the manufacturer or distributor. The manufacturer or distributor shall, within 30 days of receipt of the application and all supporting documentation as specified therein, review it and notify the assignee, delegee, or transferee what additional information, data, or documents, if any, is needed by the manufacturer or distributor to complete its review. Upon the submission of all specified additional information, data, or documents by the assignee, delegee, or transferee, said manufacturer or distributor shall, within 30 days of receipt of all of the specified additional information, make its decision to approve or reject the proposed sale, assignment, or transfer. If the manufacturer or distributor does not reject such application within 30 days after the submission of all of the requested additional information, data, or documents, the application shall be considered approved for all purposes, unless the 30 day deadline is extended by mutual agreement of the manufacturer or distributor and the proposed assigning, delegating, or transferring dealer. If the manufacturer or distributor did not request any additional information, data, or documents, the manufacturer or distributor shall, within 60 days of the receipt of the application and all supporting documentation as specified therein, review the application and approve or reject it. If the manufacturer or distributor does not reject the application within 60 days of receipt of the application and all supporting documentation as specified therein, the application shall be considered approved for all purposes, unless the

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60 day deadline is extended by mutual agreement of the manufacturer or distributor and the proposed assigning, delegating, or transferring dealer. If a franchise agreement specifies that the consent of the manufacturer or distributor must be obtained before a dealer engages in dualing, the consent shall not unreasonably be withheld; but this sentence shall not modify or supersede any term of a franchise agreement requiring a dealer to maintain an exclusive facility for its operations.

(9) to obtain money, goods, services, anything of value, or any other benefit from any other person with whom the motor vehicle dealer does business, on account of or in relation to the transactions between the dealer and the other person as compensation except for services actually rendered, unless the benefit is promptly accounted for and transmitted to the motor vehicle dealer.

(10) to own or operate, either directly or indirectly through any subsidiary, parent company or firm, a motor vehicle dealership located in the commonwealth of the same line make as any of the vehicles manufactured, assembled or distributed by the manufacturer or distributor. A manufacturer or distributor shall not be in violation of this paragraph when: (i) owning or operating a dealership temporarily for a reasonable period, in any case not to exceed 1 year; (ii) in a bona fide relationship in which an independent person is required to make an initial ownership investment subject to loss in the dealership of not less than 7 per cent of the equity investment and can be reasonably expected, pursuant to a bona fide written agreement in effect between the manufacturer or distributor and the independent person, to acquire full ownership of the dealership on reasonable terms and conditions and within a reasonable period of time not to exceed 12 years unless good cause exists to extend said 12 year time period; provided, however, that the source for said initial ownership investment shall be from investors or lenders other than the manufacturer or distributor holding an ownership in the dealership; and provided, further, that for the purposes of clause (ii), good cause shall mean circumstances that are beyond the reasonable control of the independent person or the manufacturer or distributor holding an ownership in the dealership; (iii) owning or operating a dealership selling recreational vehicles temporarily during the transition from one owner of the dealership to another that the temporary period may be extended in 1 year increments for a maximum extension up to 2 years, if good cause is shown; provided, further, that the manufacturer or distributor who owns or operates a dealership selling recreational vehicles upon owning or operating the dealership shall immediately make a reasonable effort to notify all dealerships selling recreational vehicles in the commonwealth that the dealership is for sale, the earliest date that the manufacturer took ownership or began operating the dealership and the contact person to arrange the sale of the dealership.

(11) to coerce a motor vehicle dealer to assent to a release, assignment, novation, waiver or estoppel which would prospectively relieve any person from liability imposed by this chapter.

(12) to act to accomplish, either directly or indirectly through any parent company, subsidiary, or agent, what would otherwise be prohibited under this chapter on the part of the

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manufacturer or distributor. This section shall not limit the right of any parent company, subsidiary, or agent to engage in business practices otherwise lawful in accordance with the usage of the trade in which it is engaged.

(d) It shall be a violation of subsection (a) of section 3 for a motor vehicle dealer:

(1) to require a purchaser of a new motor vehicle, as a condition of sale and delivery thereof, to also purchase special features, appliances, equipment, parts or accessories not desired or requested by the purchaser; provided, however, that this prohibition shall not apply as to special features, appliances, equipment, parts or accessories which are already installed on the motor vehicle when received by the dealer; provided further, that the motor vehicle dealer prior to the consummation of the purchase reveals to the purchaser the substance of this paragraph;

(2) to represent and sell as a new motor vehicle any motor vehicle which has been used and operated for demonstration purposes or which is otherwise a used motor vehicle; or

(3) to assign, delegate or transfer its franchise agreement, or any ownership interest or management control in the dealership, without the prior written consent of the manufacturer or distributor, which consent shall not unreasonably be withheld.

Section 5. (a) It shall be a violation of subsection (a) of section 3 for a manufacturer, distributor or franchisor representative without good cause, in bad faith or in an arbitrary or unconscionable manner: (1) to terminate the franchise agreement of a motor vehicle dealer; (2) to fail or refuse to extend or renew the franchise agreement of a motor vehicle dealer upon its expiration; (3) to offer a renewal, replacement or succeeding franchise agreement containing terms and conditions the effect of which is to substantially change the sales and service obligations, capital requirements or facilities requirements of a motor vehicle dealer; or (4) to amend, add or delete any other material term or condition set forth in a motor vehicle dealer's franchise agreement.

(b) A manufacturer, distributor or franchisor representative shall send notice to a motor vehicle dealer in writing of the termination of the franchise agreement of the dealer at least 60 days before the effective date thereof, stating the specific grounds for such termination; and a manufacturer, distributor or franchisor representative shall send notice to a motor vehicle dealer in writing at least 60 days before the contractual term of its franchise agreement expires when the same will not be renewed stating the specific grounds for the nonrenewal, or when the same will be renewed but with changes, amendments, additions or deletions of the type described in subsection (a).

(c) If the basis for the termination of or refusal to renew the franchise agreement of a motor vehicle dealer is due to a failure to comply with the manufacturer's or distributor's reasonable sales performance criteria, the manufacturer, distributor or franchisor representative shall, at least 180 days before sending any notice of termination or nonrenewal described in subsection (b) inform said motor vehicle dealer in writing of the sales performance deficiency and shall include a specific statement as to what the dealer must achieve in terms of sales performance in order to cure the deficiency. The writing shall explicitly state that

a notice of termination or nonrenewal shall follow should the sales performance deficiency not be cured within the 180 day cure period. If the basis for the termination of or refusal to renew the franchise agreement of a powersport vehicle dealer is due to a failure to comply with the manufacturer's or distributor's reasonable sales performance criteria, the manufacturer, distributor or franchisor representative shall, at least 135 days prior to sending any notice of termination or nonrenewal described in subsection (b), inform the powersport vehicle dealer in writing of the sales performance deficiency and shall include a specific statement as to what the dealer must achieve in terms of performance in order to cure the deficiency. The writing shall explicitly state that a notice of termination or nonrenewal shall follow should the sales performance deficiency not be cured within the 135 day cure period.

(d) Notwithstanding subsection (b), only 15 days notice before an effective termination date shall be required if:

(1) a motor vehicle dealer's facilities have been abandoned or closed for more than 7 consecutive business days;

(2) a motor vehicle dealer or any dealer principal named in the franchise agreement has pleaded no contest, pleaded guilty to or has been convicted of a felony, whether or not related to the motor vehicle dealer's operation of its dealership;

(3) a motor vehicle dealer becomes insolvent, or any petition is filed by or against a motor vehicle dealer under any bankruptcy or receivership law; or

(4) any license that a motor vehicle dealer is required to have to operate its dealership is revoked, suspended or not renewed.

(e) In no event shall any franchise agreement expire, without the written consent of the motor vehicle dealer involved, before the expiration of the applicable notice period set forth in subsection (b) or (d), as applicable.

(f) Within the applicable notice period set forth in subsections (b) or (d), either the motor vehicle dealer or the manufacturer or distributor may file a complaint in the superior court, or if applicable in the federal district court for the district of Massachusetts, to enforce or enjoin a termination, nonrenewal or renewal upon changes, amendments, additions or deletions of the type described in subsection (a); but nothing contained in this subsection shall relieve a party from the requirements of subsection (b) of section 15. Unless otherwise agreed to in writing by the parties, trial shall be held within 120 days of the expiration of the applicable notice period but not sooner than 90 days after the expiration of the applicable notice period, notwithstanding any standing orders, presumptive time standards, or administrative directives issued or established by the superior court or the federal district court providing for either an earlier or later time for trial. Failure of either party to file a complaint within the time period set forth in subsections (b) and (d) shall bar the filing of a complaint on such grounds at any time in the future. If no protest is filed by any party having received proper notice, or if no injunction is issued during protest litigation, or if the injunction is vacated or dissolved, the termination, nonrenewal or modification may proceed.

(g) The court shall have authority, applying customary standards governing the issuance of injunctive relief in accordance with Massachusetts or Federal Rules of Civil Pro-

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cedure, as applicable, to enjoin the effective date of the termination or nonrenewal or to enjoin the implementation of a renewal franchise agreement, pending a determination by the trial court of the issues raised by a complaint filed pursuant to subsection (f). Pending a decision by the court on any motion for an injunction, the manufacturer or distributor and motor vehicle dealer shall in good faith perform all obligations incumbent upon them under the franchise agreement and applicable law.

(h) For purposes of this section, good cause may be found if the motor vehicle dealer failed to comply with or observe a provision of the franchise agreement that is material to the franchise relationship, including without limitation, reasonable sales and service performance criteria and capital, personnel, and facility requirements, which were communicated in writing to the motor vehicle dealer within a reasonable period before the effective date of the termination or nonrenewal, such that a reasonable opportunity to cure was afforded.

(i) For purposes of this section, the following conditions shall not constitute good cause:

(1) the motor vehicle dealer's refusal to purchase or accept delivery of any parts, accessories or any other goods, products or services provided or supplied by the manufacturer or distributor which were not ordered or requested;

(2) a manufacturer or distributor requiring, as a term or condition to entering into a renewal franchise agreement, that a motor vehicle dealer or dealer principal relinquish or diminish the extent of any right that exists under an expiring franchise agreement to dual; but if the expiring franchise agreement states that the motor vehicle dealer or dealer principal may not dual, the manufacturer or distributor may require the continuation of the provision as a condition to entering into a renewal franchise agreement.

(j) In determining whether good cause has been established for terminating, refusing to extend or renew or changing or modifying the obligations of the motor vehicle dealer as a condition to offering a renewal, replacement or succeeding franchise agreement, the court shall consider all pertinent circumstances, that may include, but shall not be limited to:

(1) the amount of business transacted by the affected motor vehicle dealer during the 3 year period immediately preceding such notice as compared to the business available to it;

(2) the investment necessarily made and obligations incurred by the affected motor vehicle dealer to perform its obligations under the existing franchise agreement;

(3) the permanency of the investment of the affected motor vehicle dealer;

(4) whether it is injurious or beneficial to the public welfare for the franchise agreement of the affected motor vehicle dealer to expire, to be modified, or to be terminated, or for the affected motor vehicle dealer to be replaced;

(5) whether the affected motor vehicle dealer has adequate motor vehicle sales and service facilities, equipment, vehicle parts and qualified personnel to reasonably provide for the needs of the consumers for motor vehicles handled by the affected motor vehicle dealer;

(6) whether the affected motor vehicle dealer has been and is rendering adequate services to the public; and

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(7) the existence and materiality of any breaches, defaults or violations by the affected motor vehicle dealer of the terms or provisions of the existing franchise agreement or of applicable law.

(k) In the event of a termination, the manufacturer or distributor shall:

(1) within 60 days from the effective date of the termination, repurchase all new, unused, undamaged and unaltered motor vehicles of the current model year that it sold to the dealer and any other such vehicles that it sold to the dealer within 180 days before the notice of termination, at a price equal to the amount paid therefor by the motor vehicle dealer less all incentives and allowances received by the dealer; provided, however, that the motor vehicles which are recreational vehicles of the current model year and any other recreational vehicles sold to the dealer within 180 days before the notice of termination shall be repurchased; provided, further, this paragraph shall not apply to a recreational vehicle manufacturer if the termination was initiated by the dealer for reasons other than the manufacturer's material breach of contract; provided, further, that the dealer has transferred to the manufacturer or distributor full right and legal title to the vehicles before their repurchase.

(2) if requested by the dealer within the same 60 day period, repurchase all genuine new and unused motor vehicle parts and accessories that it sold to the motor vehicle dealer so long as the same are undamaged, in their original packaging and listed in the current parts and accessories price list of the manufacturer or distributor, at a price equal to the wholesale price stated in the current parts and accessories price list of the manufacturer or distributor less all incentives and allowances received by the dealer and without reduction for such repurchase or for processing or handling the repurchase; if the dealer has transferred to the manufacturer or distributor full right and legal title to the parts and accessories before their repurchase; and

(3) if requested by the dealer within the same 60 day period, repurchase the new and used equipment that it sold to the motor vehicle dealer at its then fair market value, including, but not limited to, signs, special tools and manuals, which the manufacturer or distributor required the motor vehicle dealer to purchase; if the dealer has transferred to the manufacturer or distributor full right and legal title to the equipment before their repurchase.

(l) In the event that a termination or nonrenewal becomes effective, the former motor vehicle dealer shall immediately cease all use of, and remove from public display, all identifying marks or logotypes which it formerly was permitted to use under the franchise agreement, including but not limited to the prompt removal of signage from the dealership premises.

(m) The burden to establish that a termination, nonrenewal or renewal upon changes, amendments, additions or deletions of the type described in subsection (a) was for good cause shall be upon the manufacturer or distributor. The burden to establish that a termination, nonrenewal or renewal upon changes, amendments, additions or deletions of the type described in subsection (a) was in bad faith, or was in an arbitrary or unconscionable manner, shall be upon the motor vehicle dealer.

Section 6. (a) Except as provided in subsection (b) of this section, it shall be a violation of subsection (a) of section 3 for a manufacturer, distributor or franchisor representative without good cause, in bad faith or in an arbitrary or unconscionable manner to:

(1) grant or enter into a franchise agreement with a person who would be permitted under or required by the franchise agreement to conduct its dealership operations from a site any boundary of which is situated within the relevant market area of an existing motor vehicle dealer representing the same line make, regardless of whether said franchise agreement delineates a specific area of responsibility or provides that the area of responsibility of said existing motor vehicle dealer is to be shared or operated in common with others; or

(2) permit the relocation of an existing motor vehicle dealer representing the same line make as another existing motor vehicle dealer to a site any boundary of which is within the relevant market area of an existing motor vehicle dealer which is not relocating, regardless of whether the franchise agreement of either motor vehicle dealer delineates a specific area of responsibility or provides that the area of responsibility of either motor vehicle dealer is to be shared or operated in common with others; but a dealer of the same line make shall not be permitted to file a protest if the site of the proposed relocation is farther away from said protesting dealer than the existing location.

(b) Nothing contained in this section shall prohibit or prevent:

(1) the relocation of an existing motor vehicle dealer to a location within the existing dealer's own relevant market area; if the proposed new location is not within a 4 mile radius of any other same line make motor vehicle dealer unless the site of the proposed relocation is farther away from the protesting dealer than the existing location;

(2) the appointment of a successor motor vehicle dealer at the same location as its predecessor, or within a 2 mile radius from any boundary of the predecessor's former location, but at a location that is not within a 4 mile radius of any boundary of any other same line make motor vehicle dealer unless the site of the proposed location is farther away from the protesting dealer than the existing location, within 1 year from the date on which the predecessor ceased operations or was terminated, whichever occurred later; or

(3) the entering into of a renewal, replacement or succeeding franchise agreement with an existing motor vehicle dealer whose operations will continue at the dealer's then current location. Nothing contained in this paragraph shall relieve a manufacturer or distributor from complying with the provisions of section 5 if the renewal, replacement or succeeding franchise agreement contains any term or condition the effect of which is to substantially change the sales and service obligations, capital requirements or facilities requirements of the motor vehicle dealer, or amends, adds or deletes any other material term or condition set forth in the motor vehicle dealer's franchise agreement.

(c) Any manufacturer or distributor which intends to grant or enter into an additional franchise agreement or to approve the relocation of an existing dealer, other than an appointment, relocation or renewal of a type described in subsection (b), shall, at least 90 days before granting the additional franchise, entering into the franchise agreement or approving

the relocation, send written notice of its intention to do so to each motor vehicle dealer with a franchise agreement covering the same line make into whose relevant market area the proposed new franchise or relocated dealer will be located. The notice shall state the effective date on or after which the proposed franchise shall be granted or entered into or relocation approved, list specific grounds forming the basis for the appointment or relocation based upon information known by the manufacturer or distributor at the time that the notice is sent, and state the address to which any protest hereunder shall be delivered or sent.

(d) Within 45 days after the notice required under subsection (c) has been sent, any motor vehicle dealer into whose relevant market area the additional dealer is to be located or relocated may object to the appointment or relocation, as the case may be, by sending a protest in writing to the location specified in the manufacturer's or distributor's notice. The protest shall list the specific grounds forming the basis for filing the protest based upon information known by the protesting dealer at the time that the protest is sent.

(e) If a written protest is provided by a motor vehicle dealer in the manner and time required by subsection (d), either the motor vehicle dealer or the manufacturer or distributor may file a complaint, within 90 days after the notice required under subsection (c) was sent to the protesting motor vehicle dealer, in the superior court, or if applicable in the federal district court for the district of Massachusetts, to enforce or enjoin the proposed appointment or relocation; but nothing contained in this subsection shall relieve a party from the requirements of subsection (b) of section 15. Unless otherwise agreed to in writing by the parties, trial shall be held within 120 days of the expiration of the notice period set forth in subsection (c) but not sooner than 90 days after the expiration of the notice period, notwithstanding any standing orders, presumptive time standards, or administrative directives issued or established by the superior court or the federal district court providing for either an earlier or later time for holding the trial. Failure of either party to file a complaint within the time period set forth in this subsection shall bar the filing of a complaint on such grounds at any time in the future. If no protest is filed by any party having received proper notice, or if no injunction is issued during protest litigation, or if any such injunction is vacated or dissolved, the appointment or relocation may proceed.

(f) In all judicial proceedings concerning the protest:

(1) the fact that a protesting dealer has standing shall not be considered by the court in assessing the merits of the protest;

(2) the proposed new dealer appointee or proposed relocating dealer, as the case may be, if it so desires, shall be permitted by the court to participate as a party in an ongoing action solely for the purpose of presenting evidence concerning any of the factors listed in subsection (g); but the proposed new dealer appointee or proposed relocating dealer shall not be entitled to initiate a suit or to recover any damages or attorneys' fees pursuant to this chapter; and

(3) the court shall have the authority, applying customary standards governing the issuance of injunctive relief in accordance with Massachusetts or Federal Rules of Civil Procedure, as applicable, to enjoin the proposed appointment or relocation pending a determin-

ination by the trial court of the issues raised by a complaint filed pursuant to subsection (e).

(g) In determining whether the proposed appointment or relocation is for good cause, the court shall consider all pertinent circumstances, that include but are not limited to:

(1) whether the establishment of the additional franchise or relocation of the existing motor vehicle dealer appeared to be warranted by economic and marketing conditions including anticipated future changes;

(2) the retail sales and service business transacted by the protesting motor vehicle dealer or dealers and other motor vehicle dealers of the same line make with a place of business in the relevant market area to be served by the additional franchise or proposed new location of an existing motor vehicle dealer during the 3 year period immediately preceding the notice as compared to the business available to them;

(3) the investment necessarily made and obligations incurred by the protesting motor vehicle dealer or dealers to perform their obligations under existing franchise agreements;

(4) the permanency of the investment of the protesting motor vehicle dealer or dealers;

(5) whether it is beneficial or injurious to the public welfare for an additional franchise to be established or for the existing motor vehicle dealer to be relocated;

(6) whether the protesting motor vehicle dealer or dealers and other motor vehicle dealers of the same line make with a place of business in the relevant market area to be served by the additional franchise or proposed relocating motor vehicle dealer are providing adequate competition and convenient consumer care for the motor vehicles of the same line make owned or operated by residents and persons with places of business in the relevant market area to be served by the additional franchise or proposed relocating motor vehicle dealer;

(7) whether the protesting motor vehicle dealer or dealers and other motor vehicle dealers of the same line make with a place of business in the relevant market area to be served by the additional franchise or proposed relocating motor vehicle dealer have adequate motor vehicle sales and service facilities, equipment, vehicle parts and qualified personnel to reasonably provide for the needs of the consumers in the relevant market area to be served by the additional franchise or proposed relocating motor vehicle dealer; and,

(8) whether the establishment of an additional franchise or relocation of an existing motor vehicle dealer would increase competition and therefore be in the public interest.

(h) The burden to establish that a proposed appointment or relocation is for good cause shall be upon the manufacturer or distributor. The burden to establish that a proposed appointment or relocation is in bad faith, or is in an arbitrary or unconscionable manner, shall be upon the protesting motor vehicle dealer.

Section 7. (a) No manufacturer, distributor or dealer shall use any false or misleading advertisement in connection with its business as a manufacturer, distributor or dealer.

(b) Any motor vehicle dealer advertising the price of a new motor vehicle shall include all charges of any type, except taxes, and shall include, without limitation, any charges for freight, handling or preparation necessary or usual before delivery to the consumer.

Section 8. (a) Notwithstanding any terms or provisions of a franchise agreement to the contrary, a manufacturer or distributor shall indemnify its motor vehicle dealers and hold them harmless from and against all damages, liabilities, losses, and reasonable expenses of suit, including reasonable attorneys' fees, arising out of or incurred in the defense of any claim brought by any person seeking compensation or other relief predicated upon the negligent design or manufacture of a new motor vehicle, or any part or component thereof, manufactured or distributed by the manufacturer or distributor where the basis for liability is finally determined by a court to be solely the result of such negligence by manufacturer or distributor and not in any way the result of any fault or neglect on the part of the motor vehicle dealer. The manufacturer or distributor, after having been notified promptly in writing by the motor vehicle dealer that the claim has been asserted and is pending, shall assume the defense thereof and resolve the same at its own expense.

(b) Notwithstanding any terms or provisions of a franchise agreement to the contrary, a motor vehicle dealer shall indemnify the manufacturer of any new motor vehicle purchased or otherwise acquired by the motor vehicle dealer, and any distributor through which it purchased or acquired the same, and hold them harmless from and against all damages, liabilities, losses and reasonable expenses of suit, including reasonable attorneys' fees, arising out of or incurred in the defense of any claim brought by any person seeking compensation or other relief predicated upon the negligent act or omission of the motor vehicle dealer where the basis for liability is finally determined by a court to be solely the result of the negligence of the motor vehicle dealer and not in any way the result of any fault or neglect on the part of the manufacturer or distributor. The motor vehicle dealer, after having been notified promptly in writing by manufacturer or distributor that a claim has been asserted and is pending, shall assume the defense thereof and resolve the same at its own expense.

(c) Any person entitled to indemnification under this section may bring an action in superior court, or if applicable in the federal district court for the district of Massachusetts, by way of original complaint, counterclaim or third-party action. If the court finds for the person, recovery shall be in the amount of actual damages, plus reasonable attorneys' fees and costs; but the person against whom any claim is asserted under this section may tender within 30 days after service of the complaint in the action a written offer of settlement containing specific settlement terms. If the offer of settlement is not accepted within 15 days, and if the court finds that the relief offered was reasonable in relation to the actual damages, not including attorneys' fees and costs, the court award shall not exceed the amount offered.

Section 9. (a) Every manufacturer or distributor shall specify to its motor vehicle dealers the delivery and preparation work, if any, to be performed by its motor vehicle dealers. The compensation provided for the services shall be reasonable.

(b) Every manufacturer or distributor shall within a reasonable time fulfill its obligations under all express warranty agreements made by them with respect to any product manufactured, distributed or sold by them and shall adequately and fairly compensate any motor vehicle dealer who, in accordance with its franchise obligations, furnishes labor and materials pursuant to the warranty agreements. Unless the manufacturer or distributor and

motor vehicle dealer otherwise agree in writing, fair and adequate compensation shall, for purposes of this section, be computed at the rate normally charged by the motor vehicle dealer to the public for the labor and materials and shall include a fair charge for diagnostic and test services; provided, however, that fair and adequate compensation shall, for purposes of this section for powersport vehicles, be computed at the rate normally charged by the motor vehicle dealer to the public for the labor and materials and shall include a fair charge for diagnostic and test services; provided, further, that notwithstanding the foregoing fair and adequate compensation shall, for purposes of this section for recreational vehicles, be computed at the rate normally charged by the motor vehicle dealer to the public for the labor and materials and shall include a fair charge for diagnostic and test services, and shall, for the purposes of this section for recreational vehicles, be computed for the materials at the rate of not less than actual wholesale cost, plus a handling charge of 30 per cent of the cost and the cost, if any, of freight to return the warranty materials to the manufacturer. All claims made by a motor vehicle dealer under this section for labor and materials shall be either approved or disapproved within 30 days after their receipt. When the claim is disapproved the motor vehicle dealer who submits it shall be notified in writing of its disapproval within the 30 day period, and the notice shall state the specific grounds upon which the disapproval is based. All such claims shall be paid within 30 days following their approval.

(c) Every manufacturer or distributor shall retain the right to audit claims submitted by a motor vehicle dealer and paid by the manufacturer or distributor for warranty service, parts recall service, and sales incentive, bonus, or other claims relating to the sale of new motor vehicles or services, for 1 year after the date on which a claim is paid or the end of any program period, whichever is later, and to charge back any amounts paid on claims identified in subsections (d) and (e). If there is evidence of fraud or if there has been fraudulent concealment, said manufacturer or distributor shall have a right to audit records for periods exceeding 1 year.

(d) A warranty service or part recall service claim submitted by a motor vehicle dealer and paid by the manufacturer or distributor may be charged back to the motor vehicle dealer only if the claim was fraudulent or false, the repairs were not properly made or were not necessary to remedy the defective condition, or the motor vehicle dealer failed to comply with the reasonable written requirements of the manufacturer or distributor in effect at the time the claim was presented for payment.

(e) A sales incentive, bonus or comparable claim relating to the sale of new motor vehicles or services submitted by a motor vehicle dealer and paid by the manufacturer or distributor may be charged back to the motor vehicle dealer only if the claim was fraudulent or false, the sales were not made, the sales were not timely, or the motor vehicle dealer failed to comply with the reasonable written requirements of the manufacturer or distributor in effect at the time that the claim was presented for payment.

(f) The persons conducting an audit shall use their best efforts while present at the dealership facility not to unreasonably interfere with the ongoing business of the dealer. All audits shall be completed within a reasonable period of time.

(g) In conducting an audit or examination, the amount of a discrepancy for any period shall not be determined in whole or in part by extrapolating audit or examination results from a prior or subsequent period without the consent of the dealer.

(h) The results of each audit or examination shall be compiled in writing and a copy shall be timely provided to the motor vehicle dealer not later than the time that any charge back occurs. The motor vehicle dealer may protest the results of the audit, including the manner in which it was conducted.

(i) It shall be a violation of subsection (a) of section 3 for any manufacturer or distributor to audit or examine any sales or service account or activity of a motor vehicle dealer as retribution because the motor vehicle dealer exercised any right or remedy under this chapter or exercised any right pursuant to its franchise agreement.

(j) If a motor vehicle dealer is required to file an incentive payment claim with the manufacturer or distributor, then the motor vehicle dealer may submit any such incentive claim at anytime within 6 months after the date of the retail sale or the end of the program period, whichever is later; but if the incentive program does not require the motor vehicle dealer to file any claim form or take any action other than to report retail sales to the manufacturer or distributor, then the manufacturer or distributor may base the incentive payment upon the sales which the motor vehicle dealer timely and accurately reports, as determined by the reasonable written requirements of the manufacturer or distributor in effect at the time that the sales were made, during the period of the incentive program.

Section 10. (a) It shall be unlawful for a manufacturer or distributor, directly or indirectly, to coerce a motor vehicle dealer to agree to any restrictions relative to transfer, sale, ability to renew, termination, discipline, noncompetition covenants, site control, whether by sublease, collateral pledge of lease, or otherwise, right of first refusal to purchase, option to purchase, compliance with subjective standards and assertion of legal or equitable rights. A refusal by a dealer to grant the restrictions to a manufacturer or distributor shall not be a basis for the manufacturer or distributor to deny an appointment to a new dealer, renewal to an existing dealer or relocation of a dealer's facilities to an existing dealer; but if the dealer has previously and voluntarily granted any of these rights, the manufacturer or distributor may require the terms in a renewal of a franchise agreement.

(b) Nothing contained in subsection (a) shall prevent a motor vehicle dealer and a manufacturer or distributor from freely and voluntarily entering into an agreement containing the restrictions. If a manufacturer or distributor exercises a right of first refusal over a franchise or facilities as described in this subsection, the manufacturer or distributor shall notify the dealer in writing within 45 days of the receipt of the dealer's completed proposal for the transfer, assignment or sale, of its intention to exercise its right of first refusal. Within 30 days of the date of issuance of the notice of intent, the manufacturer or distributor shall exercise the right of first refusal or it shall be considered waived. The manufacturer or distributor shall reimburse all reasonable costs and expenses incurred by the proposed owner or transferee before the new motor vehicle dealer's receipt of the manufacturer or distributor's notice of intent to exercise its right of first refusal. The exercise of the right of first refusal

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shall result in the dealer and dealer's owners receiving consideration, terms, and conditions that are either the same as or greater than that which they have contracted to receive in connection with the proposed change or transfer. The manufacturer or distributor shall not exercise any right of first refusal over a sale by the motor vehicle dealer to a co-owner of the dealership, to a member of the management of the dealership who was previously approved by the manufacturer or distributor as a management employee, or to an immediate family member of the dealer or co-owner; but nothing contained in this subsection shall relieve a manufacturer or distributor from complying with paragraph (8) of subsection (c) of section 4 if a right of first refusal is not exercised in accordance with this subsection, nor relieve a motor vehicle dealer from complying with paragraph 3 of subsection (d) of said section 4.

(c) It shall be a violation of subsection (a) of section 3 for a manufacturer or distributor to falsely express an intention to exercise a right of first refusal or other right to acquire a motor vehicle dealership from a dealer as a means to influence the consideration or other terms offered by a person in connection with the acquisition of the motor vehicle dealership or to influence a person to refrain from entering into, or to withdraw from, negotiations for the acquisition of the motor vehicle dealership.

(d) A motor vehicle dealer's financial data shall, except for compliance with applicable law or in use in judicial or administrative proceedings, remain the property of the motor vehicle dealer and shall not be made publicly available by the manufacturer or distributor in a manner that identifies the dealer that provided the financial data without the written consent of said dealer.

Section 11. This chapter shall apply to all actions by a manufacturer or distributor which relate to the franchise relationship and which arise under any written or oral agreement between the manufacturer or distributor with a motor vehicle dealer including, but not limited to, the franchise offering, the franchise agreement, sales of goods, services or advertising, leases or mortgages of real or personal property, promises to pay, security interests, pledges, insurance contracts, advertising contracts, construction or installation contracts, servicing contracts, and all other such agreements in which said manufacturer or distributor has any direct or indirect interest.

Section 12. If a manufacturer or distributor renews its franchise agreements periodically, it shall do so as their contractual periods expire on terms equally available to all of its motor vehicle dealers in the commonwealth unless there is good cause to do otherwise. Any notification provided by a manufacturer or distributor to the effect that the market being served by a motor vehicle dealer is not considered viable in the future shall be void and unenforceable.

Section 13. Every manufacturer, distributor, and motor vehicle dealer shall have the right of free association with other manufacturers, distributors, or motor vehicle dealers for any lawful purpose.

Section 14. Upon the written request of a motor vehicle dealer, manufacturer or distributor, the attorney general may enforce compliance with this chapter in accordance with sections 4 to 8, inclusive, of chapter 93A.

Section 15. (a) Any manufacturer, distributor or motor vehicle dealer who suffers any loss of money or property, real or personal, as a result of the use or employment by a manufacturer, distributor or motor vehicle dealer of an unfair method of competition or an unfair or deceptive act or practice as defined by this chapter, any act prohibited or declared unlawful by this chapter, or any rule or regulation adopted under this chapter, may bring an action in the superior court, or if applicable in the federal district court for the district of Massachusetts, for damages and equitable relief, including injunctive relief, as described in the following sentence: The party filing suit may obtain equitable relief if it can be demonstrated: (1) that the unfair method of competition, deceptive act or practice, or violation if not enjoined would have a substantial likelihood of causing loss of money or property or of causing damage to the public, and (2) that all other customary standards governing the issuance of injunctive relief in accordance with Massachusetts or Federal Rules of Civil Procedure, as applicable, are met.

(b) Before filing suit under any section of this chapter except section 8, all parties to the dispute shall meet and confer for purposes of discussing settlement. Failure to do so may be deemed evidence during any court proceeding of bad faith on the part of the party making no reasonable effort, or ignoring others' efforts, to confer. If the party prevailing in the suit made no reasonable effort, or ignored others' efforts, to so confer, the party shall be prohibited from collecting an award of attorneys' fees as described in subsection (c).

(c) If the prevailing party in any action or protest brought under this chapter successfully demonstrates to the court that the actions, claims or defenses of the other party were asserted in bad faith, then the court shall, in addition to other relief provided for by this chapter and notwithstanding the amount in controversy and whether the prevailing party has sustained any actual damage, award to the prevailing party its reasonable costs of suit, including reasonable attorneys' fees.

(d) Any person against whom any claim is asserted under this section may tender within 30 days after service of the complaint in the action a written offer of settlement containing specific settlement terms. If the offer of settlement is not accepted within 15 days by the other person, and the court finds that the relief offered was reasonable in relation to the injury actually suffered, not including attorneys' fees and costs, the court award shall not exceed the offer. This subsection shall limit any award of attorneys' fees or costs awarded pursuant to subsection (c).

(e) The rights and remedies provided for in this chapter shall be the exclusive rights and remedies available under state law arising out of a violation of this chapter. Notwithstanding any term or provision of a franchise agreement to the contrary: (1) the laws of the commonwealth shall govern the interpretation of the franchise agreement of a motor vehicle dealer located in the commonwealth and the performance of the parties thereunder, and (2) the courts of the commonwealth and the federal courts with jurisdiction over cases filed in the district of Massachusetts shall have exclusive jurisdiction with respect to any action brought under this chapter or any action brought by a manufacturer, distributor or motor vehicle dealer concerning the franchise of a motor vehicle dealer located in the commonwealth.

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Section 16. (a) Any provision of a franchise agreement or practice thereunder in violation of this chapter shall be against public policy and shall be void and unenforceable.

(b) A clause or provision in a franchise agreement requiring the parties to submit to arbitration, mediation or any other alternative dispute resolution mechanism before filing suit shall be enforceable only if the parties have voluntarily entered into an agreement to submit to arbitration, mediation or any other alternative dispute resolution mechanism, and the matter is conducted at a reasonable location within the commonwealth; provided, however, that the provisions of this subsection shall not prohibit the enforceability of a clause or provision in a franchise agreement which requires the parties to submit to non-binding mediation; and provided, further, that said non-binding mediation is conducted at a reasonable location within the commonwealth.

Section 17. Except as provided in subsection (f) of section 5 and subsection (e) of section 6, actions arising out of this chapter shall be commenced within 4 years next after the cause of action accrues; but if a person liable hereunder fraudulently conceals the cause of action from the knowledge of the person entitled to bring it, the period prior to the discovery of its cause of action by the person so entitled shall be excluded in determining the time limit for the commencement of the action. If a cause of action accrues during the pendency of any civil, criminal or administrative proceeding against a person brought by the United States or any of its agencies under the anti-trust laws, the Federal Trade Commission Act, or any other federal act, or brought by the commonwealth or any of its political subdivisions under the laws of the commonwealth related to anti-trust laws or to franchising, the actions may be commenced within 1 year after the final disposition of the civil, criminal or administrative proceeding.

Section 18. All rights and remedies accorded motor vehicle dealers under this chapter shall apply with equal force and effect to a distributor in its dealings with the manufacturer from which it purchases new motor vehicles.

SECTION 4. Notwithstanding any general or special law, rule or regulation to the contrary, the joint committee on commerce and labor shall conduct an investigation and study of the implementation of the commonwealth's franchise statutes and their effects upon the commonwealth's economy, franchisor-franchisee relationships, and consumers in the marketplace. The investigation and study shall include, but not be limited to, an analysis of how the commonwealth's franchise statutes may impact price, choice, and convenience in the marketplace for consumers. The joint committee shall hold hearings and receive testimony from members of the general public and public and private officials, including, but not limited to, the attorney general, the director of the office of consumer affairs and business regulation, and organizations representing the interests of consumers, franchisors, and franchisees in the commonwealth. The joint committee shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation to carry its recommendations into effect, by filing the same with the clerks of the senate and house of representatives on or before December 31, 2002.

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SECTION 5. This act shall apply to all franchise agreements existing on or after the effective date of this chapter; provided, however, that clause (10) of subsection (c) of section 4 of chapter 93B of the General Laws, inserted by section 3 of this act, shall not apply to bona fide written agreements for the ownership of a dealership which were executed before the effective date of this chapter; provided, further, that section 10 of said chapter 93B shall not apply to agreements relative to site control and the right of first refusal which were executed before the effective date of this act; and provided, further, that this act shall not apply to any dispute between a motor vehicle dealer and a manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, or wholesale branch or division that has arisen pursuant to and is governed by paragraph (1) of subsection (3) of section 4 of said chapter 93B as constituted before the effective date of this act for which notice by the manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, or wholesale branch or division to enter into an additional franchise or selling agreement has or should have been delivered, as required by said paragraph (1), before the effective date of this act to the motor vehicle dealer to whom the notice was required to be given.

SECTION 6. Sections 1 and 2 shall take effect on September 1, 2003.

SECTION 7. Sections 3, 4 and 5 shall take effect on September 1, 2002.

Approved August 7, 2002.

Chapter 223. AN ACT RELATIVE TO COMPLAINTS OF SEXUAL HARASSMENT AND OTHER FORMS OF DISCRIMINATION.

Be it enacted, etc., as follows:

SECTION 1. Section 5 of chapter 151B of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in line 171, the words "six months" and inserting in place thereof the following words:- 300 days.

SECTION 2. Section 9 of said chapter 151B, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

This chapter shall be construed liberally for the accomplishment of its purposes, and any law inconsistent with any provision of this chapter shall not apply, but nothing contained in this chapter shall be deemed to repeal any provision of any other law of this commonwealth relating to discrimination; but, as to acts declared unlawful by section 4, the administrative procedure provided in this chapter under section 5 shall, while pending, be exclusive; and the final determination on the merits shall exclude any other civil action, based on the same grievance of the individual concerned.

SECTION 3. Section 1C of chapter 214 of the General Laws, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the fol-

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lowing 3 sentences:- The superior court shall have the jurisdiction to enforce this right and to award the damages and other relief provided in the third paragraph of section 9 of chapter 151B . Any such action shall be commenced in the superior court within the time allowed by said section 9 of said chapter 151B. No claim under this section that is also actionable under chapter 151B or chapter 151C shall be brought in superior court unless a complaint was timely filed with the Massachusetts commission against discrimination under said chapter 151B.

SECTION 4. Section 1 shall apply only to claims arising after the effective date of this act. Sections 2 and 3 shall apply to such claims and to claims pending on the effective date of this act.

Approved August 7, 2002.

Chapter 224. AN ACT RELATIVE TO THE CONVEYANCE OF A CERTAIN PARCEL OF LAND IN THE TOWN OF GRAFTON.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, but subject to sections 40F½, 40I and 40J of chapter 7 of the General Laws, the commissioner of the division of capital asset management and maintenance may, in consultation with the department of state police, convey by deed a certain parcel of land and structure located in the town of Grafton, currently being used by the department of state police, comprising approximately 5.2 acres and an existing substation, to the Massachusetts State Police Museum and Learning Center.

SECTION 2. The consideration to be paid by the Massachusetts State Police Museum and Learning Center to the commonwealth shall be equal to or greater than the full and fair market value for the land and structure described in section 1. The commissioner of the division of capital asset management and maintenance shall determine the full and fair market value of the property based upon an independent professional appraisal. The inspector general shall review and comment on the appraisal, and the review and comment shall include an examination of the methodology utilized for the appraisal. The commissioner shall, 30 days prior to the conveyance authorized by this act, submit the appraisal and a report thereon to the inspector general. The inspector general shall prepare a report of his review of the appraisal and file his report with the commissioner, and copies of the same shall be filed with the house and senate committees on ways and means and the chairmen of the joint committee on state administration. The State Police Museum and Learning Center shall be responsible for any costs for appraisals, surveys and other expenses relating to the conveyance of the land and structure.

Approved August 7, 2002.

Chapter 225. AN ACT RELEASING CERTAIN LAND IN HATFIELD FROM THE OPERATION OF AN AGRICULTURAL PRESERVATION RESTRICTION.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the release of certain agricultural preservation restrictions, 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. Pursuant to section 40E of chapter 7 and section 32 of chapter 184 of the General Laws but notwithstanding any other general or special law to the contrary, the commissioner of capital asset management and maintenance, in consultation with the commissioner of food and agriculture, may execute a certificate of release of a portion of that agricultural preservation restriction, in this act referred to as "APR", granted by Luther Belden, Inc., a Massachusetts corporation, in this act referred to as "owner", to the commonwealth, dated September 20, 1986, recorded at Book 2984, Page 0295, Hampshire county registry of deeds, the portion being more particularly described as follows:

Two certain parcels of land located on the northerly side of Depot Road in Hatfield, Hampshire County, Massachusetts, shown as "Parcel B" and "Parcel C" on a plan of land entitled: "Plan of Land in Hatfield, Mass., surveyed for Gerald L. and Linda J. LeVitre, scale: 1" = 100'" Daniel L. Werner, P.L.S., Greenfield, MA, dated January 18, 2001; said plan to be recorded in Hampshire county registry of deeds. Parcel B contains 0.517 acres and Parcel C contains 1.55 acres according to the described plan.

SECTION 2. Parcels B and C, described in section 1, to be released, are to be transferred by owner to the owner of nearby land, Gerald L. and Linda J. LeVitre, who have agreed to and shall concurrently transfer to owner 2 parcels of land also shown on the described plan and termed as Parcel A and a parcel referred to as Gerald and Linda LeVitre, Deed Book 3324, Page 55. The 2 parcels owned by LeVitre, that contain 0.517 acres and 6.755 acres, respectively, shall become part of the land of owner that is subject to the APR. In consideration of the release from the APR of Parcels B and C, owner has agreed to, and shall execute concurrently with the described transfers of Parcels B and C to LeVitre, a new, current agricultural preservation restriction and an option to purchase at agricultural value running to the commonwealth, to be recorded at the Hampshire county registry of deeds. The new APR and option shall prohibit the construction of future dwellings and grant the commonwealth an option to purchase at agricultural value an approximately 10-acre portion of the remaining APR land, as described in deed recorded in Book 1936, Page 90, and also on the land being transferred by LeVitre to owner. In the event that owner does not execute the new, current agricultural preservation restriction and option to purchase at agricultural value on the described land and the 2 LeVitre parcels are not duly transferred to owner and become subject to the new APR and option, the existing agricultural preservation restriction

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shall be reimposed on the 2 released parcels, unless the restriction is released or discharged by the commonwealth in its entirety in the interim.

SECTION 3. Except as partially released by this act, the referenced agricultural preservation restriction shall remain in full force and effect.

Approved August 7, 2002.

Chapter 226. AN ACT RELEASING CERTAIN LAND IN THE TOWN OF HADLEY FROM THE OPERATION OF AN AGRICULTURAL PRESERVATION RESTRICTION.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the release of certain agricultural preservation restrictions, 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. Pursuant to section 40E of chapter 7 and section 32 of chapter 184 of the General Laws but notwithstanding any other general or special law to the contrary, the commissioner of capital asset management and maintenance, in consultation with the commissioner of food and agriculture may execute a certificate of release of a portion of that agricultural preservation restriction, in this act referred to as "APR", granted by Antonio C. Costa and Genoveva Costa, in this act referred to as "Former Owner", to the commonwealth, dated October 28, 1984, recorded at Book 2555, Page 202, Hampshire county registry of deeds, the portion of the APR land to be released being more particularly described as follows:-

A certain parcel of land located on the northerly side of Mt. Warner Road in Hadley, Hampshire County, Massachusetts shown as "Parcel 3" on a plan of land entitled: "Plan of Land in Hadley, MA, prepared for Antonio C. and Genoveva Costa, Scale: 1" = 40'; June 5, 1990", Harold L. Eaton & Assoc., Inc., Registered Professional Land Surveyors, Hadley, MA. Said plan is recorded in Hampshire county registry of deeds in Book 166, Page 123.

SECTION 2. "Parcel 3", described in section 1, to be released is to be transferred by the current owner, Tso-Cheng Chang and Rose C. Chang, to Sidney Chang by a deed to be duly recorded. The current owner was deeded the entire premises subject to the agricultural preservation restriction, including the parcel to be released, by deed from former owner, dated February 16, 1996, recorded at Hampshire county registry of deeds in Book 4826, Page 0107. In consideration of the release of Parcel 3, current owner has agreed to, and shall execute concurrently with the described property transfer, a new, current agricultural preservation restriction and an option to purchase at agricultural value on all the remaining APR land, running to the commonwealth, to be recorded at the Hampshire county

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registry of deeds and prohibiting the construction of future dwellings and granting the commonwealth an option to purchase all the remaining APR land at agricultural value. In the event that current owner does not execute the new, current agricultural preservation restriction and option to purchase at agricultural value, the existing agricultural preservation restriction shall be re-imposed on the released parcel, unless the said restriction is released or discharged by the commonwealth in its entirety in the interim.

SECTION 3. Except as partially released by this act, the referenced agricultural preservation restriction shall remain in full force and effect.

Approved August 7, 2002.

Chapter 227. AN ACT PROVIDING FOR LIENS FOR MOLDERS.

Be it enacted, etc., as follows:

SECTION 1. Section 320 of chapter 94 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the definitions of "Customer" and "Molder" and inserting in place thereof the following 2 definitions:-

"Customer", any individual or entity who causes a molder to fabricate, cast, or otherwise make a die, mold, engraving plate, original art, pattern or form or who causes a molder to use a die, mold, form, engraving plate, original art or pattern to manufacture, assemble, print upon or otherwise make a plastic product or products.

"Molder", any individual or entity, including, but not limited to, a tool or die maker, who fabricates, casts or otherwise makes a die, mold, form, engraving plate, original art or pattern to produce a plastic product or who uses a die, mold, form, engraving plate, original art or pattern to manufacture, assemble, print upon or otherwise make a plastic product.

SECTION 2. Chapter 255 of the General Laws is hereby amended by inserting after section 31F the following section:-

Section 31G. (a) As used in this section, the words "customer" and "molder" shall be as defined in section 320 of chapter 94.

(b) Molders shall have a lien, dependent on possession, on all dies, molds, forms, engraving plates, original art or patterns in their hands belonging to a customer, for the balance due them from the customer for any manufacturing or fabrication work, and in the value of all material related to the work. The molder may retain possession of the die, mold, form, engraving plate, original art or pattern until the charges are paid. The lien created hereby shall have priority over any title, lien, interest or encumbrance in the die, mold, form, engraving plate, original art or pattern and shall not be surrendered or waived except by express written agreement of the parties involved. The lien provided by this section shall not apply if within 30 days of delivery of the product or products subject to such lien, the customer has provided the molder with written notice of defect and returned the products due to a defect.

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(c) Before enforcing the lien for purposes of sale pursuant to this section, notice in writing shall be given to the customer whether delivered in hand or sent by registered mail to the last known address of the customer. This notice shall state that a lien is claimed for the damages set forth in or attached to the writing for manufacturing or fabrication work contracted or performed for the customer. This notice shall also include a demand for payment.

(d) If the molder has not been paid the amount due within 60 days after the notice has been received by the customer as provided in subsection (c), the molder may sell the die, mold, form, engraving plate, original art or pattern at a public auction. The sale may be subject to a customer's rights under federal patent or copyright law.

(e) Before a molder may sell the die, mold, form, engraving plate, original art or pattern, the molder shall notify the customer by registered mail, return receipt requested. The notice shall include the following information:- (1) the molder's intention to sell the die, mold, form, engraving plate, original art or pattern 30 days after the customer's receipt of the notice; (2) a description of the die, mold, form, engraving plate, original art or pattern to be sold; (3) the time and place of the sale; and (4) an itemized statement for the amount due.

(f) If there is not a return of the receipt of the mailing or if the postal service returns the notice as being nondeliverable, the molder shall publish notice of the molder's intention to sell the die, mold, form, engraving plate, original art or pattern in a newspaper of general circulation in the city or town where the customer's last known place of business is located. The notice shall include a description of the die, mold, form, engraving plate, original art or pattern.

(g) The proceeds of said sale, after paying the expenses thereof, shall be applied to the payment of the indebtedness. Any excess shall be paid to any lien holder known to the molder at the time of the sale and any remainder to the customer, if the customer's address is known, or to the state treasurer for deposit in the General Fund if the customer's address is unknown to the molder at the time of the sale. The remedy herein provided to enforce the lien shall be in addition to any other remedy provided by law.

Approved August 7, 2002.

Chapter 228. AN ACT FURTHER REGULATING LIMITED LIABILITY COMPANIES RELATIVE TO CERTAIN ALCOHOLIC BEVERAGE LICENSES.

Be it enacted, etc., as follows:

SECTION 1. Section 15 of chapter 138 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the word "commonwealth", in line 11, the following words:- or to limited liability companies or limited liability partnerships organized under the laws of the commonwealth, subject to such conditions as

the commission may prescribe by regulation to address issues of citizenship and residency and the requirements for a citizen manager or citizen principal representative of an alien licensee under section 26 as qualifications for a limited liability company or limited liability partnership to hold a license pursuant to this section and sections 18, 18A, 19, 19B and 19C.

SECTION 2. Section 18 of said chapter 138 , as so appearing, is hereby amended by inserting after the word "commonwealth", in line 6, the following words:- and to limited liability companies and limited liability partnerships organized under the laws of the commonwealth, subject to such conditions as the commission may prescribe by regulation to address issues of citizenship and residency and the requirements for a citizen manager or citizen principal representative of an alien licensee under section 26 as qualifications for a limited liability company or limited liability partnership to hold a license pursuant to this section and sections 15, 18A, 19, 19B and 19C.

SECTION 3. Section 18A of said chapter 138, as so appearing, is hereby amended by inserting after the word "commonwealth", in line 6, the following words:- or to a limited liability company or a limited liability partnership organized under the laws of the commonwealth, subject to such conditions as the commission may prescribe by regulation to address issues of citizenship and residency and the requirements for a citizen manager or citizen principal representative of an alien licensee under section 26 as qualifications for a limited liability company or limited liability partnership to hold a license pursuant to this section and sections 15, 18, 19, 19B and 19C.

SECTION 4. Section 19 of said chapter 138, as so appearing, is hereby amended by inserting after the word "commonwealth", in line 5, the following words:- and to limited liability companies and limited liability partnerships organized under the laws of the commonwealth, subject to such conditions as the commission may prescribe by regulation to address issues of citizenship and residency and the need for a license manager under section 26 as qualifications for a limited liability company or limited liability partnership to hold a license pursuant to this section and sections 15, 18, 18A, 19B and 19C.

SECTION 5. Section 19B of said chapter 138 , as so appearing, is hereby amended by inserting after the word "commonwealth", in line 7, the following words:- and to applying limited liability companies and limited liability partnerships organized under the laws of the commonwealth, subject to such conditions as the commission may prescribe by regulation to address issues of citizenship and residency and the need for a license manager under section 26 as qualifications for a limited liability company or limited liability partnership to hold a license pursuant to this section and sections 15, 18, 18A, 19 and 19C.

SECTION 6. Section 19C of said chapter 138 , as so appearing, is hereby amended by inserting after the word "commonwealth", in line 7, the following words:- and to applying limited liability companies and limited liability partnerships organized under the laws of the commonwealth, subject to such conditions as the commission may prescribe by regulation to address issues of citizenship and residency and the need for a license manager under section 26 as qualifications for a limited liability company or limited liability partnership to hold a license pursuant to this section and sections 15, 18, 18A, 19 and 19B.

Approved August 7, 2002.

Chapter 229. AN ACT RELATIVE TO HANDICAPPED STICKERS FOR MOTORCYCLE LICENSE PLATES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to extend forthwith handicap access rights to persons owning motorcycles, 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 2 of chapter 90 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in lines 259 to 262, the words ", and the medical advisory board as established by section eight C, may determine such other standards of disability and handicap and of qualification for the issuance of said plates as said board deems proper" and inserting in place thereof the following words:- and the registrar may furnish emblems displaying the "International Symbol of Access" to be affixed to motorcycle registration plates in a location to be determined by the registrar; provided, however, that the medical advisory board established by section 8C may determine such other standards of disability and handicap and of qualification for the issuance of such plates or emblems as the board deems proper; and provided, further, that this sentence shall not apply to motorized bicycles.

Approved August 7, 2002.

Chapter 230. AN ACT ESTABLISHING AN AFFORDABLE HOUSING TRUST FUND IN THE TOWN OF PROVINCETOWN.

Be it enacted, etc., as follows:

SECTION 1. The town of Provincetown may establish a separate fund to be known as the Affordable Housing Trust Fund for the purpose of creating or preserving affordable housing by: (a) the town of Provincetown or the Provincetown Housing Authority; (b) a housing trust or community development corporation created under the laws of the commonwealth; or (c) an applicant for affordable housing program funds to the United States Department of Housing and Urban Development, the Massachusetts department of housing and community development, or the Barnstable county home consortium subject to the subsequent approval of funding by that agency. Expenditures from the Affordable Housing Trust Fund shall be authorized by a majority vote of said housing authority, in consultation with the Provincetown housing partnership. Such expenditures shall be used for the creation, preservation, and support of affordable housing, and for rehabilitation or restoration of such land for affordable housing that is acquired or created by said town, including the reuse of existing buildings or construction of new buildings on previously developed sites, and shall include funds to defray the cost of hiring of an affordable housing specialist by said town.

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SECTION 2. The town of Provincetown shall establish said fund as a separate account to be maintained by the town treasurer. The following monies shall be deposited in said account: (i) 25 per cent of the proceeds generated by the sale of any land acquired by the town through tax title foreclosure, and (ii) any gifts made to the town for the express purpose of the creation, preservation or support of affordable housing. The treasurer may invest the funds in such separate account in the manner authorized by sections 55 and 55A of chapter 44 of the General Laws. Any interest earned on the fund shall be credited and become part of such separate account.

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

Approved August 7, 2002.

Chapter 231. AN ACT INCREASING THE PENALTIES FOR SPEED LIMIT VIOLATIONS IN MARKED CONSTRUCTION ZONES.

Be it enacted, etc., as follows:

Section 17 of chapter 90 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the fourth sentence the following sentence:- Any person in violation of this section, while operating a motor vehicle through the parameters of a marked construction zone or construction area, at a speed which exceeds the posted limit, or at a speed that is greater than is reasonable and proper, shall be subject to a fine of 2 times the amount currently in effect for the violation issued.

Approved August 7, 2002.

Chapter 232. AN ACT FURTHER REGULATING MOTOR VEHICLE RENTAL AGREEMENTS.

Be it enacted, etc., as follows:

SECTION 1. Section 32E½ of chapter 90 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the word "executed", in line 57, the following words:- or by pre-selection of collision damage waiver in master, corporate or group rental agreements. A collision damage waiver shall not be considered insurance under this section or under any other General Laws.

SECTION 2. Said section 32E½ of said chapter 90, as so appearing, is hereby further amended by striking out, in line 60, the words "the notice required in section one" and inserting in place thereof the following words:- on the signature page of the individual rental agreement or within the master, corporate or group rental agreement when collision damage

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waiver is pre-selected the notice required in paragraph (1) of subsection (B).

SECTION 3. Said section 32E½ of said chapter 90, as so appearing, is hereby further amended by striking out subsections (D) and (E) and inserting in place thereof the following 3 subsections:-

(D) Notwithstanding any general or special law to the contrary, the rental company and its employees may offer or sell insurance only in connection with and incidental to the rental of private passenger automobiles or any other rental vehicle with a gross vehicle weight of less than 26,000 pounds and that does not require the operator to possess a commercial driver's license, whether at the time the rental agreement is executed or by pre-selection of coverage in master, corporate or group rental agreements, without the imposition of licensing, appointment, testing and education requirements if:

(1) the rental period does not exceed 90 consecutive days;

(2) at every rental office where rental agreements are executed, brochures or other written materials are readily available to the prospective renter that: (i) summarize clearly and correctly the material terms of coverage offered to renters, including the identity of the insurer; (ii) disclose that the coverage offered by the rental company may provide a duplication of coverage already provided by a renter's personal automobile insurance policy, homeowner's insurance policy, personal liability insurance policy, or other source of coverage; (iii) state that the purchase by the renter of the kinds of coverage specified in this section is not required in order to rent a vehicle; (iv) and describe the process for filing a claim in the event the renter elects to purchase coverage and in the event of a claim; and

(3) the renter agrees to purchase the coverage by initialing the appropriate portion of the rental agreement at the time the rental agreement is executed or by pre-selection of coverage in master, corporate or group rental, and a description of the coverage is provided to every renter who elects to purchase the coverage.

(E) Any person violating this section shall be punished by a fine of not more than \$100 for each violation. Each rental transaction in violation of this section shall constitute a separate violation. A civil penalty may be assessed in an action brought on behalf of the commonwealth.

(F) The director of consumer affairs and business regulation shall inform the office of the attorney general of any method, act or practice that the director determines to be a violation of this section.

Approved August 7, 2002.

**Chapter 233. AN ACT RELEASING CERTAIN LAND IN THE TOWN OF
WHATELY FROM THE OPERATION OF AN AGRICULTURAL
PRESERVATION RESTRICTION.**

Be it enacted, etc., as follows:

SECTION 1. Pursuant to section 32 of chapter 184 of the General Laws and notwithstanding any other general or special law to the contrary, the commissioner of food and agriculture may release a portion of that agricultural preservation restriction dated May 21, 1994, recorded in Franklin county registry of deeds at Book 2917, Page 11, said portion being more particularly bounded and described as follows:-

A certain parcel of land located on the westerly side of River Road in Whately, Franklin County, Massachusetts, shown on a plan of land entitled: "Plan of Proposed Relocation in Whately, Mass. of a portion of River Road surveyed for the Town of Whately, prepared by Franklin Regional Council of Governments Engineering Program", dated January 21, 1999; said plan to be recorded in Franklin County Registry of Deeds; said parcel being more particularly bounded and described as follows: Beginning at a broken concrete bound on the westerly sideline of River Road, said bound being the northeast corner of the parcel herein described; thence running S 08° 10' 18" W a distance of 100.68 feet to a point on the easterly sideline of the 1901 County Relocation (AKA Sugarloaf Street Extension); thence turning and running N 15° 17' 15" W a distance of 100.46 feet to a broken concrete bound on said easterly sideline; thence turning and running N 86° 09' 20" E a distance of 40.84 feet to the point of beginning. Containing 2009 square feet, more or less, according to said plan.

SECTION 2. The above-described land to be released is to be used only for the purpose of a permanent highway easement, in connection with, and as an integral part of, an acquisition and taking of certain land, by eminent domain by the board of selectmen of the town of Whately for the relocation of River road in said town of Whately. The acquisition, taking, and relocation being pursuant to a proposal, plan and description for same filed by said board of selectmen with the town clerk of said town of Whately on June 8, 1999, and approved by vote of a special town meeting of said town of Whately, on Article 9 of the warrant for said town meeting, held on June 22, 1999, authorizing the taking and accepting the relocation; all said actions being taken pursuant to chapters 79 and 82 of the General Laws . In the event that the land to be released is not used, or ceases to be used, for said purpose of a permanent highway easement, the agricultural preservation restriction shall be reimposed on said released parcel, unless the said restriction is released or discharged by the commonwealth in its entirety in the interim.

SECTION 3. Except as partially released by this act, the referenced agricultural preservation restriction shall remain in full force and effect.

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

Approved August 7, 2002.

Chapter 234. AN ACT ESTABLISHING A SICK LEAVE BANK FOR RACHEL A. JOYCE, AN EMPLOYEE OF THE DISTRICT COURT DEPARTMENT OF THE TRIAL COURT.

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

Be it enacted, etc., as follows:

Notwithstanding any general or special law, rule or regulation to the contrary, the district court department of the trial court shall establish a sick leave bank for Rachel A. Joyce, an employee of the district court department. Any employee of the district court department may voluntarily contribute 1 or more of his sick, personal or vacation days to the sick leave bank for use by Rachel A. Joyce. Whenever Rachel A. Joyce terminates employment with the trial court or requests to dissolve the sick leave bank, the balance of the sick leave shall be transferred to the trial court paid leave bank.

Approved August 7, 2002.

Chapter 235. AN ACT RELATIVE TO THE IMPLEMENTATION OF A HOUSING IMPROVEMENT PLAN IN THE CITY OF FALL RIVER.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding chapters 30B and 121B of the General Laws or any other general or special law to the contrary, and notwithstanding any contract or agreement existing between the commonwealth and the Fall River housing authority, the Fall River housing authority may transfer ownership of a certain parcel of land located in the city of Fall River, more commonly known as the Watuppa Heights state-aided public housing development, to a nonprofit corporation, organized for the purpose of developing affordable housing, to develop the parcel in accordance with this act. Buildings on the parcel shall be demolished and a mixed income, single family housing development with home ownership opportunities for persons of low and moderate income shall be constructed on the parcel. Outstanding state housing bonds, the proceeds of which were invested in the Watuppa Heights development, need not be repaid at the time of the transfer of the parcel.

SECTION 2. The Fall River housing authority shall provide the department of housing and community development with a development plan, referred to in this act as the Housing Improvement Plan, for the new mixed-income, single-family housing development, which shall allow for 26 single family homes, all of which shall be made available to families with incomes falling at or below 80 per cent of the area's median family income and half of which shall be made available to families whose incomes fall at or below 50 per cent of the

area's median family income. The Housing Improvement Plan shall: (1) provide for the relocation of all existing residents of the Watuppa Heights development to appropriate alternative and decent, safe and sanitary housing, within the purview of the Fall River housing authority, for those residents who choose this alternative; and (2) include the creation of recreational or open-space opportunities for neighborhood use. The Housing Improvement Plan shall also provide for not less than 30 years in the city of Fall River, for not fewer than an additional 100 housing units, including the 26 referred to above, which are affordable by families whose income is not more than 80 per cent of area median family income, of which not fewer than 90 units shall be affordable by families whose income is not more than 50 per cent of area median family income. These additional housing units may include renovated housing units not occupied as of January 1, 2002. Within 90 days after receipt of the Housing Improvement Plan, the department of housing and community development shall determine whether the plan provides for 100 additional housing units which meet the affordability levels required by this act and shall notify the mayor and city council of Fall River of its determination. Before any of the actions authorized by section 1 are undertaken the department of housing and community development shall first determine that the plan provides for 100 additional housing units meeting the affordability levels required by this act, and the mayor and city council of Fall River shall have approved the Housing Improvement Plan.

SECTION 3. The department of housing and community development shall establish an annual assistance fund of \$210,000 to be allocated from the Fall River housing authority's existing operating subsidy and to be used by the city of Fall River and the Fall River housing authority to implement the Housing Improvement Plan. Funds shall be diverted to the annual assistance fund from the operating subsidy only to the extent that the existing operating subsidy is no longer necessary pursuant to this act and the Housing Improvement Plan. As a part of the Housing Improvement Plan, the Fall River housing authority shall provide a funding schedule for this assistance and shall develop a process for transferring operating subsidy funding currently provided to the Fall River housing authority into funding for assistance as provided in this section.

SECTION 4. The department of housing and community development may re-allocate funds currently set aside for the Watuppa Heights renovation project to be used for demolition of Watuppa Heights, implementation of the Housing Improvement Plan, rehabilitation of other state-aided, family housing developments in Fall River, or rehabilitation or creation of housing units in other communities where there is a demonstrated need.

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

This bill was returned by the Lieutenant-Governor, Acting Governor to the House of Representatives, the branch in which it originated, with her objections thereto, was passed by the House on July 31, 2002, and in concurrence by the Senate on July 31, 2002, the objections of the Lieutenant-Governor, Acting Governor notwithstanding, in the manner prescribed by the Constitution, and therefore has the force of law.

Chapter 236. AN ACT PROVIDING FOR THE PRESERVATION AND IMPROVEMENT OF THE ENVIRONMENTAL ASSETS OF THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide for preservation and improvement of the environmental assets 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. To provide for a program of improvement and preservation of the environmental assets of the commonwealth, the sums set forth in this act, for the several purposes and subject to the conditions specified in this act, are hereby made available from the General Capital Projects Fund, subject to the provisions of law regulating the disbursement of public funds.

SECTION 2.

SECRETARY OF STATE.

0526-2010 For a program of matching grants to units of municipal government and to private non-profit organizations for the preservation of historic properties, landscapes and sites; provided, that such funds shall be awarded in accordance with regulations promulgated by the state secretary in his capacity as the chairman of the Massachusetts Historical Commission \$4,000,000

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Office of the Secretary.

2000-2010 For the development and management of bioserves, including, but not limited to, associated costs such as the planning, monitoring, maintenance, study and acquisition of interests in land by purchase or otherwise; provided, that all bioserve projects shall be approved by the secretary of environmental affairs; provided further, that projects may be carried out in cooperation with other federal, state, or local governmental agencies and conservation organizations; provided further, that said secretary may develop guidelines for the management and utilization of any interest in land, located within a bioserve, under the care and control of any department within the executive office of environmental affairs; and provided further, that said secretary may allocate funds from this item \$9,000,000

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- 2000-2011 For development and implementation of a stewardship program on lands under care and control of the department of environmental management and the department of fisheries, wildlife and environmental law enforcement, including but not limited to, resource and land use monitoring, signage, boundary monitoring, stewardship planning, law enforcement, ecological monitoring, and enforcement of conservation restrictions \$3,000,000
- 2000-2012 For the purpose of protecting the ecological integrity of the commonwealth's privately held and managed forestlands pursuant to the forest vision plan, so-called, including, but not limited to, acquisition of interests in land, research, planning, and monitoring; provided, that projects and funding shall be approved by the secretary of environmental affairs; provided further, that projects may be carried out in cooperation with other governmental agencies, private land owners, and conservation organizations according to management agreements approved by said secretary; provided further, that not less than \$45,000 shall be expended for cooperative extension service at the University of Massachusetts at Amherst for forest research and watershed protection planning \$10,000,000
- 2000-2013 For the self-help program to provide assistance to cities and towns in the acquisition of land pursuant to the provisions of section 11 of chapter 132A of the General Laws and any regulations promulgated by the secretary of environmental affairs to effect the provisions of this act or said section 11; provided, that notwithstanding the provisions of any general or special law to the contrary, the title to any land acquired with the funds authorized herein which is no longer used pursuant to the provisions of said section 11 of said chapter 132A as open space shall revert to the commonwealth to be managed as open space; provided further, that not less than \$200,000 shall be expended for the Winding River Land Conservancy, so-called, in the town of Westfield; provided further, that not less than \$1,000,000 shall be expended as a matching grant to assist the town of Falmouth in acquiring a certain parcel of conservation land at the intersection of Route 28 and Route 151; provided further, that said town shall provide \$3 for every dollar of state funding to meet said match; provided further, that \$350,000 shall be expended for

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fields restoration in the city of Lawrence; provided further, that funds may be expended from this item to be deposited into the Open Space Acquisition Revolving Fund established in section 2DDD of chapter 29 of the General Laws to administer no-cost loans to cities and towns for the acquisition of open space under section 3E of chapter 21 of the General Laws; provided further that \$250,000 shall be allocated to the town of Dedham for the purpose of construction and maintenance of passive recreation trails in the town-owned conservation land known formerly as the Striar property; provided further, that \$2,200,000 shall be expended for restoration of fields in the town of Norwood pursuant to the redevelopment master plan completed by Gale Associates, Inc.; provided further, that no funds shall be expended from this item for said restoration of fields in the town of Norwood unless and until the town of Norwood enters into a written maintenance agreement for said fields with the Norwood school department, the terms of which clearly delineate who shall be fiscally and organizationally responsible for the maintenance of said fields on an annual basis; provided further, that funds may be expended from this item for the costs of services essential to such projects rendered by agency employees or by consultants; provided further, that \$250,000 shall be expended to provide for adequate lighting along the Lake Innitou Recreational Area on Arlington road and Lake avenue in the city of Woburn; and provided further, that the amount expended from this item during any fiscal year for the costs of said employee or consultant services shall not exceed the level of expenditure for such costs of services for the fiscal year ending June 30, 2002 \$21,250,000

2000-2014 For the urban self-help program to provide assistance to cities and towns in the acquisition of land and construction and restoration of parks and recreation areas pursuant to the provisions of chapter 933 of the acts of 1977 and any regulations promulgated by the secretary of environmental affairs to effect the provisions of this act or said chapter 933; provided, that notwithstanding the provisions of any general or special law to the contrary, the title to any land acquired with the funds authorized herein which is no longer used pursuant to the provisions of said chapter 933 as open space

shall revert to the commonwealth to be managed as open space; provided further, that not less than \$250,000 shall be provided to the city of Haverhill for park and playground improvements; provided further, that not less than \$800,000 shall be expended for a matching grant for the renovation of Holden pool, constructed by the Metropolitan District Commission pursuant to 644b of section 2 of chapter 384 of the acts of 1934 in the town of Holden; provided further, that the match for said \$800,000 shall be \$2 of town funds for every \$1 of state funds; provided further, that not less than \$50,000 shall be allocated to the town of Easthampton; provided further, that \$150,000 shall be expended for improvements to Alfred H. Doherty Field in the town of Norwood; provided further, that not less than \$100,000 shall be expended for renovations and improvements to John J. Lane Park on Speen street in the town of Natick; provided further, that not less than \$100,000 shall be expended for terrace restoration in the LaBroad section of the city of Springfield; provided further, that not less than \$50,000 shall be expended for improvements to Emily Bill Park in the city of Springfield; provided further, that not less than \$350,000 shall be expended for acquisition and demolition of the Jones parcel, so-called, and the Craftsman's Corner parcel, so-called, and for land reclamation of the abutting cove in the city of Springfield; provided further, that upon acquisition and demolition of said land by the said city, said city shall convey said land to the Springfield parks department; provided further, that upon said conveyance, said parks department shall incorporate said land into the Five Mile Pond Park system, so-called; provided further, that \$500,000 shall be expended for the establishment of a neighborhood park at the Pierce Mill site, so-called, at the former location of the Pierce Mill on Belleville avenue in the city of New Bedford to provide access to the Acushnet river; provided further, that \$100,000 shall be expended to make the Main Street Plaza Park in the city of Woburn handicap accessible; provided further, that not less than \$180,000 shall be expended for the Tercentennial park in the town of Framingham; provided further, that \$500,000 shall be expended for improvements and restoration of Mary Jane Lee Park in the city of Salem; provided further, that not less than \$200,000 shall be expended for upgrading, improvement, and

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restoration of Victory Park in the city of Medford; provided further, that not less than \$1,500,000 shall be expended for improvements and restoration of parks and playgrounds in the city of Salem including Willows Water Front Park and boardwalk construction and site remediation on the South River Harborwalk and Riverfront Park; provided further, that \$382,714 shall be expended for access improvements to Den Rock Park in the city of Lawrence; provided further, that funds may be expended from this item for the costs of services essential to such projects rendered by agency employees or by consultants; and provided further, that the amount expended from this item during any fiscal year for the costs of said employee or consultant services shall not exceed the level of expenditure for such costs of services for the fiscal year ending June 30, 2002 \$22,162,714

2000-2015 For the state urban recreation fund grant program to cities and towns and state agencies and commissions for studies and the preparation of plans, if necessary, and for the purchase of land if needed, for demolition, construction, reconstruction, and rehabilitation in urban areas throughout the commonwealth with high population density, as determined by the secretary of environmental affairs; provided, that \$400,000, or fair market value, as determined by an independent appraisal, or the price negotiated by the secretary of environmental affairs, whichever is the least, shall be provided for a matching grant for the open space protection and preservation of the historic Hollis Street Fire Station area in the town of Framingham; provided further, that said match shall be \$4 of town funds for every \$1 of state funds; provided, that \$350,000 shall be expended for the Ruth Elizabeth playground, park and community building; and provided further, that \$1,050,000 shall be expended for a grant to the town of Shirley for the acquisition of 73 acres of land known as Longley Farm; provided further, that \$700,000 shall be expended for the construction of the Holyoke canal walk; and provided further, that not more than \$50,000 shall be expended for the Gus Canty recreational facility, so-called, for the implementation of a solar roof-top, so-called, in the town of Falmouth \$3,900,000

2000-2016 For the conservation partnership grant program, so called, to assist not-for-profit corporations in acquiring interests in lands suitable for purposes of conservation or recreation; pro-

vided, that such a corporation shall be formed for 1 of the purposes described in section 4 of chapter 180 of the General Laws and said corporation is also considered an exempt organization within the meaning of 18 U.S.C. section 501(c)(3); provided further, that grant funds shall be expended to reimburse an eligible corporation for money expended by it in establishing a project approved by the secretary of environmental affairs under said program in such amount as the secretary shall determine to be equitable in consideration of anticipated benefits from such project, but in no event shall the amount of such reimbursement exceed 50 per cent of the cost of such project; provided further, that no reimbursement shall be made hereunder to a corporation unless a project application is filed by such corporation with the secretary setting forth such plans and information as the secretary may require and approved by the secretary, nor until such corporation shall have certified, in a manner approved by the secretary, its ability to provide an amount equal to the total cost of the project, nor until the project has been completed, to the satisfaction of the secretary, in accordance with said approved plans; provided further, that all projects must include the corporation granting an appropriate perpetual conservation restriction, within the meaning of sections 31 and 32 of chapter 184 of the General Laws, to either the city or town in which the project is located, to be managed by either its conservation or recreation commission, or a state agency, or both; provided further, that all projects must provide appropriate public access as determined by the secretary; and provided further, that the secretary may promulgate rules and regulations to carry out the provisions of this item \$3,000,000

2000-2017 For the support of the commonwealth's watersheds, the Massachusetts watershed initiative, so called, biodiversity, ecosystems, and associated natural resources, including but not limited to, the restoration and preservation of land and water resources; monitoring, research, assessment, planning, environmental and recreational improvements; education, public awareness, participation and coordination of state action; for a program to manage and control aquatic invasive species through the coordination of federal, state and local aquatic invasive species management efforts; provided further,

that \$2,000,000 shall be expended for an aquatic nuisance control program to determine the extent of, manage and control aquatic invasive species in lakes, ponds, rivers and streams through the coordination of federal, state and local aquatic invasive species management efforts; for the prevention of new introductions of aquatic invasive species to the commonwealth's waters; the control and eradication of existing infestations; for the monitoring for the introduction of new invaders and the spread of established organisms; for the detection and eradication of pioneering aquatic invasive species posing high or unknown risk to aquatic ecosystems; for the control of the spread and distribution of aquatic invasive species in infested water bodies to reduce the risk of dispersal to uninfested waters; for educating the public regarding its role in preventing the introduction and transport of aquatic invasive species; for research to identify new measures for the prevention and control of aquatic invasive species; for evaluating the effectiveness of existing management measures; for the creation and maintenance of a database containing information about: (1) where infestation exists; (2) pre and post project survey information; and (3) the amount spent on each eradication project; provided further, that these funds shall be expended in a manner consistent with the Aquatic Invasive Species Management Plan, as approved by the secretary of environmental affairs; provided, that funds may be expended from this item on watershed-based analysis of the impact of the future buildout of each of the commonwealth's watersheds; and for the identification, planning, implementation, monitoring, and education relating to coastal and inland wetland restoration projects on public properties and non-public properties that contribute to any of the 8 interests specified in section 40 of chapter 131 of the General Laws and implemented under the Massachusetts wetlands restoration program, including those implemented under the corporate wetlands restoration partnership; provided further, that the secretary of environmental affairs may award grants to public and non-public entities to carry out the purposes of this item; provided further, that funds may be expended from this item for services essential to such projects rendered by agency employees or by consultants; provided further, that not less than \$1,000,000 shall be expended for the environmental

study of the New Tyngsborough Bridge crossing the Merrimack river in the town of Tyngsborough; provided further, that not less than \$500,000 shall be expended for the repair of retaining walls on Ten Mile river in the town of North Attleboro and the city of Attleboro; provided further, that \$350,000 shall be expended for Shawsheen river flood control; provided further, that \$200,000 shall be expended for studies, plans and repairs to the river bank of the Falls river in the town of Bernardston; provided, that \$4,358,300 be expended for the Webster Lake sediment control plan; provided further, that the secretary may allocate funds to the department of environmental management, the department of environmental protection, the department of fisheries, wildlife and environmental law enforcement, the metropolitan district commission, and the department of food and agriculture; provided further, that funds may be expended from this item for the costs of services rendered by agency employees or by consultants; and provided further, that the amount expended from this item during any fiscal year for the costs of said employee or consultant services shall not exceed the level of expenditure for such costs of services for the fiscal year ending June 30, 2002 \$20,000,000

2000-2018 For a grant program to cities and towns for projects to construct, reconstruct, and otherwise improve boat pump out facilities and to improve storm water drainage facilities along roads, highways, and bridges within the watersheds of the Massachusetts coastal zone; provided, that said grants shall be used to alleviate inadequacies, deficiencies, and pollutants in coastal waters caused by marine sanitation device discharges and storm water runoff from paved sources; and provided further, that said grants shall be subject to rules and regulations established by the secretary of environmental affairs to govern the application process and disbursement of grant funds under the provision of this item \$3,000,000

2000-2019 For the study, protection, preservation, public access, development, and enhancement activities for the commonwealth's coastal resources within coastal watersheds, including but not limited to infrastructure, research, and monitoring equipment, and harbor planning and coordination; provided, that \$50,000 shall be expended as a matching grant to the Mattapoissett River Valley Authority; provided further, that grants may be

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	awarded to cities and towns and non-public entities for projects funded herein; provided further, that the secretary of environmental affairs may allocate funds from this item to the department of environmental management, the department of environmental protection, the department of fisheries, wildlife and environmental law enforcement, the metropolitan district commission, and the department of food and agriculture	\$3,450,000
2000-2020	For the promotion and protection of the commonwealth's underwater archaeological resources which are nonrenewable resources of considerable recreational, economic, and historical value; provided, that such promotion and protection may include, but not be limited to, research, surveys, education, recoveries, curation, conservation and exhibit services, planning, grants, signs, buoys, moorings, equipment, vehicles, and vessels; and security, appraisal, and disposition costs pursuant to section 63 of chapter 91 of the General Laws; provided further, that funds may be expended from this item for the costs of services essential to such projects rendered by employees or by consultants; provided further, that the executive office of environmental affairs shall conduct an archeological study at the Sacarrappa Pond dam in the town of Oxford; provided further, that \$90,000 shall be expended for aquifer protection at Morses Pond in the town of Natick; and provided further, that the amount expended from this item during any fiscal year for the costs of said employee or consultant services shall not exceed the level of expenditure for such costs of services for the fiscal year ending June 30, 2002	\$1,000,000
2000-2021	For the development and support of local, regional, and state planning and land management capabilities in support of community preservation efforts, including but not limited to, the development of municipal open space and recreation plans and watershed-wide land conservation plans, and to facilitate coordination of the various land acquisition and development programs under the jurisdiction of the executive office of environmental affairs, and for outreach and education concerning principals of community preservation; provided, that funds may be expended on alternative futures analyses based on projected buildouts for commonwealth communities or watersheds; provided further, that the secretary of environmental affairs may provide grants to, including but not	

limited to, municipalities, regional planning agencies, and other public and non-public entities to implement said programs; provided further, that funds may be expended from this item for the costs of services rendered by agency employees or by consultants; and provided further, that the amount expended from this item during any fiscal year for the costs of said employee or consultant services shall not exceed the level of expenditure for such costs of services for the fiscal year ending June 30, 2002 \$9,000,000

2000-2022 For the programs and activities of the office of geographical and environmental information in support of community preservation and other programs; provided, that such funds may be allocated by the secretary of environmental affairs to the department of environmental management, the metropolitan district commission, the department of fisheries, wildlife and environmental law enforcement, the department of food and agriculture, and the department of environmental protection; provided further, that funds may be expended from this item for the costs of services essential to such projects rendered by employees or by consultants; provided further, that the amount expended from this item during any fiscal year for the costs of said employee or consultant services shall not exceed the level of expenditure for such costs of services for the fiscal year ending June 30, 2002; provided further, that the secretary may provide grants to, including but not limited to, municipalities, regional planning agencies, and other public and non-public entities to implement said programs; provided further, that funding may be expended for the creation of inventories of species and mapping of areas important for biological conservation and ecosystem protection; provided further, that priority shall be given to the development, from existing source materials where possible, of the following data bases: wetlands, soils, public water supply protection areas, land records, economic growth areas, transportation development, aquifer recharge areas, floodways, vernal pools, endangered and threatened species and species of special concern, public lands, recreation areas, zoning, hazardous and toxic waste sites, and historical and cultural resources; provided further, that not less than \$800,000 shall be allocated to the Berkshire Regional Planning Commission for

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	the purposes of the Berkshire GIS Education and Training Center, so-called; provided further, that funds may be expended from this item to complete the wetlands conservancy mapping program; and provided further, that such efforts shall be coordinated to the maximum extent feasible with federal, state, and local governments, regulated utilities and conservancy efforts	\$10,800,000
2000-2023	For improvements and replacements to the infrastructure and holdings of the executive office of environmental affairs; provided, that such improvements or replacements may include, but not be limited to, buildings, equipment, vehicles and communication and technology equipment	\$1,500,000
2000-2024	For the restoration of the commonwealth's natural resources held in trust for the benefit of the public by the secretary of environmental affairs as trustee of said resources, such resources having been lost, destroyed, or injured by the discharge of oil or other releases of hazardous materials and substances; the definition of natural resources shall include land, fish, wildlife, biota, air, drinking water supplies, wetlands, and other resources generally belonging to, managed by, held in trust by, or otherwise controlled by the trustee; with funds so authorized, the secretary, as trustee of the commonwealth's natural resources, shall conduct the necessary injury and damage assessment studies to determine the extent of injury to the resources and the required compensation by responsible parties to restore, replace, or acquire the equivalent of said injured resources; provided, that the secretary may also allocate funds if necessary for the costs of personnel; provided further, that such activities shall be conducted pursuant to section 5 of chapter 21E of the General Laws, sections 23 to 27, inclusive, of chapter 130 of the General Laws, section 42 of chapter 131 of the General Laws, 42 U.S.C. section 9607 (f), 33 U.S.C. section 1321, 33 U.S.C. section 2706 or any other relevant and appropriate authority; and provided further, that the amount of funds allocated from this item in any fiscal year for the costs of personnel shall not exceed the level expended for such personnel during the fiscal year ending June 30, 2002	\$1,500,000
2000-2025	For the purpose of a grant program to cities and towns for climate change planning and implementation projects directed to reducing the impact of climate change in the commonwealth	

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	at the local level; provided, that funding shall be made available to cities and towns that have established a community emissions reduction target and have completed an emissions inventory as approved by the secretary of environmental affairs; and provided further, that project activities may include, but not be limited to, technical assistance to municipal staff and elected officials, support to community groups working on plan implementation, public education efforts in support of the municipal programs, and coordination among communities for the purposes of implementing greenhouse gas reduction measures	\$600,000
2000-2026 For	a program of environmental education, outreach and collaboration with educational institutions and with cities and towns to ensure all environmental investments including, but not limited to, biodiversity days, community preservation, state park and reservation clean up and preservation, and the Massachusetts watershed initiative are carried out by the secretary of environmental affairs, the department of environmental management, the department of environmental protection, the department of fisheries, wildlife and environmental law enforcement, the metropolitan district commission and the department of food and agriculture to achieve the greatest long-term impact; provided, that grants may be awarded to public and nonpublic entities; and provided further, that the secretary may allocate funds for the purposes of this item	\$1,600,000
2000-2030 For	the purposes of partially matching the federal funds committed by the army corps of engineers to undertake the emerald necklace muddy river restoration project, so-called, a project to provide flood protection to the Massachusetts Bay Transportation Authority and other parties, to provide environmental and historic preservation benefits to the commonwealth; provided, that prior to any expenditure of funds from this item, the city of Boston and the town of Brookline shall enter into a memorandum of understanding, so-called, with the executive office of environmental affairs and the executive office of administration and finance that details the local portion of the required non-federal matching funds and establishes a long-term maintenance and management program for said project	\$24,000,000

Department of Environmental Management.

- 2100-0008 For the construction of bike paths; provided, that not less than \$500,000 shall be expended for the design and construction of an extension of the Shining Sea Bikeway, so-called, from its present terminus to County road, so-called, in the town of North Falmouth; provided further, that \$1,400,000 shall be expended for the acquisition, design and construction of the southern extension of the Ashuwillticook Trail in the city of Pittsfield; provided further, that not less than \$550,000 shall be expended for the construction of a rail-to-trail program in the town of Dedham; provided further, that not less than \$250,000 shall be provided to the city of Haverhill for the development of the Riverfront Bike and Recreation Trail, so-called; provided further, that the department is hereby authorized and directed to expend \$240,000 for the construction of the Pitman Bicycle path in the town of Reading; provided further, that said town shall be required to contribute not less than 20 per cent of the total project cost for said path; provided further, that said contribution by said town may be in the form of monies or goods or services provided in kind; provided further, that the town of Reading shall be responsible for any local engineering costs associated with the Pitman Bicycle path project; provided further, that \$100,000 shall be expended for safety lights on the Connecticut river bikeway walkway in the city of Springfield; provided further, that \$1,000,000 shall be expended on the development of the Billerica Rail-to-Trail, so-called; and provided further, that \$65,000 shall be expended for the completion of the Trail One bike path in the city of Salem \$10,000,000
- 2100-0009 For improvements to state piers \$3,000,000
- 2100-2011 For the acquisition of land and interests therein by the department of environmental management, including planning, study, and associated costs; provided, that the purposes of this program are to protect and enhance the state's natural resources, outdoor recreational opportunities, heritage, and to promote biodiversity and forestry management by expanding and improving the state parks system, to promote land protection partnerships with public and non-public entities, to enhance boundary delineation and land records management, and access to coastal areas and other water resources, bikeways,

trails and sites of exceptional ecological, historic, cultural, or recreational value; provided further, that funds may be expended from this item for the costs of services essential to such projects rendered by department employees or by consultants; provided further, that \$300,000, or fair market value, as determined by an independent appraisal, or the price negotiated by the secretary of environmental affairs, whichever is the least, shall be provided for the acquisition of land and interests therein for conservation purposes of certain land in the town of Hampden and abutting the town of Wilbraham and further described as land located off Session drive in Hampden and between Mountainview drive in Hampden and the Hampden-Wilbraham town line; provided further, that \$12,000,000, or fair market value, as determined by an independent appraisal, or the price negotiated by the secretary of environmental affairs, whichever is the least, shall be provided for the purchase of certain parcel of land known as Rattlesnake hill in the town of Sharon; provided further, that \$3,000,000, or fair market value, as determined by an independent appraisal, or the price negotiated by the secretary of environmental affairs, whichever is the least, shall be provided for the acquisition for general recreation and conservation purposes certain property located in the city of Pittsfield and in the town of Lenox known as the Bousquet Ski area; provided further, that said department is further authorized, subsequent to the acquisition of said property, to enter into a lease for a period of up to 25 years, with the provision for renewal periods of an additional 20-year term or less, for the purposes of maintaining and continuing the existing ski area and related recreational operations at such property or to acquire said property to pre-existing leasehold agreements for such operations; provided further, that not more than \$1,000,000 shall be expended towards the purchase of the property known as Yentile Farm in the town of Wilmington; provided further, that not less than \$1,000,000, or fair market value, as determined by an independent appraisal, or the price negotiated by the secretary of environmental affairs, whichever is the least, shall be provided toward the purchase of land defined in the Greater Callahan Open Space and Greenway plan, so-called, located in the towns of Framingham, Sudbury and Southborough and in the

city of Marlborough; provided further, that not less than \$500,000, or fair market value, as determined by an independent appraisal, or the price negotiated by the secretary of environmental affairs, whichever is the least, shall be provided to the Lynn Water and Sewer Commission for the purchase of approximately 13 acres of land for the protection of its watershed; provided further, that the department shall have an appraisal performed on the certain parcel of land known as the Providence and Worcester Railroad Southbridge spur prior to September 1, 2002; provided further, that \$3,000,000, or fair market value, as determined by an independent appraisal, or the price negotiated by the secretary of environmental affairs, whichever is the least, shall be expended for the purchase of a certain parcel of land known as Webb campgrounds in the town of Oak Bluffs; provided further, that not less than \$1,000,000 shall be expended towards the purchase of the Rubicam, Pola, and Cook property, so-called, in the town of Sandwich; provided further, that \$375,000, or fair market value, as determined by an independent appraisal, or the price negotiated by the secretary of environmental affairs, whichever is the least, shall be provided for the purchase of approximately 6.5 acres of land in between Hawes Brook and Eliot Field in the town of Norwood; provided further, that not less than \$1,500,000 shall be expended for the purchase of open space in the city of New Bedford; provided further, that upon purchase of said land, the state will not be held liable or responsible for any remediation efforts pursuant to chapter 21E ; provided that, not more than \$1,150,000 shall be expended to preserve the parcel of land at Parcella Park drive, Martindale road and state highway route 128 in the town of Randolph; provided further, that \$1,750,000 shall be expended for the acquisition of the Dunn property, so-called, in the town of West Newbury; and provided further, that the amount expended from this item during any fiscal year for the costs of said employee or consultant services shall not exceed the level of expenditure for such costs of services for the fiscal year ending June 30, 2002 \$46,425,000

2100-2012 For a program of capital improvements to the commonwealth's state forest and parks system, including the design, repair, associated costs, construction and reconstruction of buildings

and properties owned by the department of environmental management including, but not limited to, state forests, parks, reservations, beaches, trails, and other properties and facilities, for supporting information technology improvements and modernization, and development and implementation of an enhanced Massachusetts geographic information system and related activities; provided, that funds may be expended from this item for the costs of services essential to such projects rendered by department employees or by consultants; provided, that not less than \$500,000 shall be provided to the Veteran's memorial skating rink in the city of Haverhill; provided further, that not less than \$50,000 shall be expended for improvements to the septic system at Fountain Park in the town of Wilbraham; provided further, that not less than \$1,000,000 shall be expended for the renovation and safety improvements to the Greenleaf Park in the city of Springfield; provided further, that \$250,000 shall be expended for the restoration of the main access road in the Mount Tom State reservation in the city of Holyoke; provided further, that not less than \$80,000 shall be expended for improvements to the Holyoke Heritage State park railroad in the city of Holyoke; provided further, that \$1,000,000 shall be expended for the establishment of a Mystic Valley flood prevention fund; provided further, that not less than \$2,000,000 shall be expended as a matching grant for the construction, renovation, equipment, rehabilitation, or handicap accessibility improvements of 2 ice-skating or recreational facilities in the city of Pittsfield; provided further, that said match shall be \$3 of private funds for every \$1 of state funds used for new construction, and \$1 of private funds for every \$1 of state funds used for renovation, equipment, or rehabilitation or handicap accessibility improvements; provided further, that not less than \$700,000 shall be expended for renovations and improvements to the fields and clubhouse facilities and additional safety improvements for parks and playgrounds and for Marshal Roy Park in the city of Springfield; provided further, that not less than \$100,000 shall be expended for the reconstruction and repair of the open air dancing pavilion at Nickerson State Park in the town of Brewster; provided further, that the department of environmental management shall

recapture from tree overgrowth and maintain certain scenic vistas in the state forests in the 4 western Massachusetts counties; provided further, that not less \$90,000 shall be expended for recreational fields in the town of Amherst; provided further, that \$150,000 shall be expended to complete construction of a boardwalk in Ames Nowell State park in the town of Abington; provided further, that not less than \$50,000 shall be expended for the Cooperative Extension Service at the University of Massachusetts at Amherst for the Greater Mill River Coalition for forest research and watershed planning; provided further, that \$100,000 shall be expended for the repair and upgrade of Forefathers Monument Park in the town of Plymouth; provided further, that \$1,200,000 shall be expended for capital repairs and improvements to the Vietnam Veterans Skating Rink in the town of North Adams; provided further, that said facilities shall permit residents of the commonwealth use of the ice-skating facilities at a reduced rate of admission; provided further, that funds may be expended from this item for handicapped accessibility and compliance with the Americans with Disabilities Act; provided further, that \$35,000 shall be expended for Winthrop parks and recreation; provided further, that \$100,000 shall be expended for equipment and repairs at Horseneck beach state reservation; provided further, that \$220,000 shall be made available to the town of Reading for costs incurred from purchasing Marion Woods property along the Ipswich river; provided further, that \$200,000 shall be provided for improvements at Fort Phoenix state reservation; provided further, that \$650,000 shall be expended for improvements to the Van Horn park in the city of Springfield; provided further, that \$890,000 shall be expended for Blunt park in the city of Springfield; provided further, that \$500,000 shall be expended for Tree Top Park, so called, in the city of Springfield; provided further, that \$200,000 shall be expended for the repair and installation of an irrigation system at Pilgrim state park along the Plymouth waterfront; and provided further, that \$227,000 shall be expended for a brush breaker fire prevention apparatus for Myles Standish State Park; provided further, that not less than \$325,000 shall be expended for repairs to the Manning pool in the city of Brockton; provided further, that \$2,000,000 shall be expended

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for the repair and renovations of the Collins-Moylan Memorial Skating Rink in the town of Greenfield; provided further, that not less than \$200,000 shall be expended for improvements for parks and playgrounds in the town of Dedham; provided further, that not more than \$300,000 shall be expended for the repair and renovation of the ice rink in the west suburban arena in the town of Natick; provided further, that said town shall raise a \$2 of private funds for every \$1 of state funds; provided further, that \$1,000,000 shall be expended for construction and renovation at Grey Court Park in Methuen; provided further, that \$750,000 shall be expended for Forest Park in the city of Springfield; and provided further, that the amount expended from this item during any fiscal year for the costs of said employee or consultant services shall not exceed the level of expenditure for such costs of services for the fiscal year ending June 30, 2002 \$32,200,000

2100-2013 For the planning, implementation, and associated costs for forest management, including, but not limited to, a program of habitat improvements, bio-diverse forestry, and wildlife enhancement at properties owned by the department of environmental management, and for the restoration of a network of trails and roads for forestry management and fire prevention, including but not limited to the clearing of debris, creation of optimum defensive fire positions, road clearing and associated costs; and for fire suppression and safety training; provided, that funds appropriated herein may be expended for the costs of services essential to such projects rendered by department employees or by consultants \$1,400,000

2100-2014 For a program of equipment purchase and replacement for programs and services of the department of environmental management, including but not limited to, rolling stock, so-called, and other specialized equipment for the department, beach sanitizers, farm and ground equipment, pick-up trucks and other vehicles, information technology equipment, including the enhancement of the department's telecommunication system; provided, that funds may also be expended for the rehabilitation of durable equipment; and provided further, that not less than \$1,100,000 shall be expended for the energy efficiency initiative project, so-called, at Springfield Technical Community College \$5,000,000

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- 2100-2015 For enhanced environmental compliance with laws and regulations, personnel training and planning for environmental stewardship, site assessment and remediation at state forests and parks and other properties throughout the state under the care, custody, and control of the department of environmental management, including any after-acquired properties and facilities; provided, that funds may be expended from this item for the costs of engineering and other services essential to such projects rendered by department employees or by consultants; provided further, that not less than \$500,000 shall be expended in enhancing compliance with section 16 of chapter 270 of the General Laws, including but not limited to increasing patrolling of state parks, reservations, parks, rinks, pools, piers, and other facilities and properties under the jurisdiction of the department of environmental management by park rangers and state police and posting signage indicating the penalties applicable for violations of the section and the proper authorities to contact to report such violations; and provided further, that the amount expended from this item during any fiscal year for the costs of said engineering, employee or consultant services shall not exceed the level of expenditure for such costs of services for the fiscal year ending June 30, 2002 \$4,000,000
- 2100-2016 For a program of dam inspection and repair of department-owned and municipal-owned dams; provided, that funds may be used for ongoing studies, for the preparation of plans, if necessary, associated costs, and for the ongoing repair, construction, reconstruction, and improvement of dams and flood control projects of the department; provided further, that the department of environmental management shall give priority to dams and flood control projects which pose the greatest risk to public health, and for a program of planning, permitting and construction of fish ways and other aquatic habitat improvements, including the removal or breaching of selected dams and impoundments on land under the care, custody, and control of the department; provided further, that funds may be expended from this item for the costs of services essential to such projects rendered by department employees or by consultants; provided further, that not less than \$350,000 shall be expended for renovations and improvements to White-hall dam in the town of Hopkinton;

provided further, that \$250,000 shall be provided for repairs to Lake Monomonac dam in the town of Winchendon; provided further, that \$178,000 shall be expended to reimburse the town of Hadley for emergency repairs to the Connecticut river dike; provided further, that not less than \$20,000 shall be expended for repair and restoration of the Box Mill Hill dam in the town of Upton; provided further, that not less than \$250,000 shall be expended for repairs and restoration of Whitings Pond dam in the town of North Attleboro; provided further, that not less than \$750,000 shall be expended for the repair and reconstruction of the West Pond dam in the city of Gloucester; provided further, that no funds shall be expended for said repair and reconstruction unless said city obtains control of said dam; provided further, that \$85,000 shall be expended for the Perryville pond and Village dams in the town of Rehoboth; provided further, that \$45,000 shall be provided for repairs to Kelliher dam in the town of Kingston; and provided further, that the amount expended from this item during any fiscal year for the costs of said employee or consultant services shall not exceed the level of expenditure for such costs of services for the fiscal year ending June 30, 2002 \$9,057,000

2100-2017 For the support of the lakes and ponds and associated watersheds of the commonwealth, including but not limited to, environmental improvements, assessments, planning, research, monitoring, including volunteer monitoring, education, public awareness and participation, and coordination of state activities; provided, that matching grants may be awarded to public and non-public entities to carry out the purposes of this item; provided further, that \$30,000 shall be expended for the dredging of Jordan pond in the town of Shrewsbury; provided further, that \$35,000 shall be expended for the dredging of Nashawannuck pond in the town of Easthampton; provided further, that \$124,000 shall be expended for the purposes of compliance with the Americans with Disabilities Act at Beaver pond in the town of Franklin; provided further, that \$500,000 shall be expended for Operation Seawall Restoration in the town of Marshfield; provided further, that \$500,000 shall be expended for restoration of the Milford pond; provided further, that \$50,000 shall be expended for the renovation of Pine banks in the cities of Malden and Melrose;

provided further, that \$900,000 shall be expended for the dredging and clean-up of Hardy pond in the city of Waltham; provided further, that \$100,000 shall be expended for 1 aquatic plant harvester to be shared by the towns in Barnstable county; and provided further, that \$100,000 shall be expended for 1 aquatic plant harvester in the town of Plymouth; and provided further, that \$100,000 shall be expended for the dredging of Ellisville Harbor in the town of Plymouth; provided further, that \$37,500 shall be expended for the installation of an in-pond Forebay, so-called, for water quality improvements for Hammond Pond, known as phase II of the Hammond Pond rehabilitation project in the city of Newton; provided further, that not less than \$200,000 shall be expended for the direct removal of debris and the restoration of the Mill River from Johnny Appleseed Park to the Connecticut River in the city of Springfield; provided further, that not less than \$100,000 shall be expended for an assessment and study to determine improvement needs for Lake Massasoit in the city of Springfield; provided further, that \$250,000 shall be expended for the restoration of Cedar swamp in Walpole; provided further, that \$200,000 shall be expended for the dredging of Cobb, Memorial, Clarke, and Turner ponds in the town of Walpole; provided further, that \$50,000 shall be expended for the development of a nature trail at Cobb's pond in the town of Walpole; provided, that \$500,000 shall be expended for the direct removal of debris, obstructions, and siltation in the Aberjona river and Horn Pond located in the town of Winchester; provided further, that not less than \$210,000 shall be expended for the clean up and restoration of riverbanks along the Blackstone River in the town of Sutton; provided further, that not less than \$300,000 shall be expended for the dredging of the Fellsmere Pond in the city of Malden; provided further, that \$250,000 shall be expended for the improvement and preservation of Craigville Pond and the Centerville River system known as the Red Lily Pond Restoration Project Association; provided further, that not less than \$200,000 be expended for the restoration of Long Pond in the town of Brewster; provided further, that \$250,000 shall be expended for a study of the dredging of Plymouth Harbor; provided further, that not more than \$150,000 shall be expended for evaluating the potential spoils

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	resulting from the dredging of the Ipswich River and the determination of their suitability for the nourishment of beaches, including, but not limited to, those located in the towns of Salisbury and Ipswich and the city of Gloucester and on Plum Island; provided further, that \$300,000 shall be expended for the remediation of Martin's pond and Martin's brook in the town of North Reading; provided further, that not less than \$250,000 shall be expended for the dredging of the channels of the Westport River outside of federal jurisdiction; and provided further, that the commissioner of environmental management may allocate funding provided herein	\$9,323,300
2100-2018 For	the state match for a cooperative federal-state program with the Department of Interior and United States Geological Survey of continuous data collection and analysis for stream flow and groundwater resource management, including statewide stream gauging, statewide groundwater observation, well monitoring, aquifer assessments, watershed studies, and other hydrologic studies	\$2,000,000
2100-2019 For	a program of natural resource protection matching grants and associated costs, including but not limited to, improvements to historic properties, greenway and trail protection and stewardship, areas of critical environmental concern, and coastal access; provided, that grants issued from this item may be made to public and non-public entities, provided further, that not less than \$15,000 shall be allocated to the city of Newton for improvements to the Flowed Meadow Area; and provided further, that \$1,200,000 shall be granted to the city known as the town of Agawam for the construction of the School street park	\$7,185,000
2100-2020 For	resource management planning services and associated costs for department-owned properties, including but not limited to, the analysis of resource data, assessment of public interests and trends, land stewardship zoning, and supporting information technology improvements and an enhanced Massachusetts geographic information system and related activities; provided, that funds may be expended from this item for the costs of services essential to such projects rendered by department employees or by consultants; and provided further, that the amount expended from this item during any fiscal year for the costs of said employee or consultant services shall not exceed the level of expenditure	

	for such costs of services for the fiscal year ending June 30, 2002	\$2,000,000
2100-2021	For the purposes of a resource management institute and associated costs to provide technical assistance to the public, other agencies and community professionals; provided, that the department of environmental management may investigate the future development of a parks college for the purpose of job training in the delivery of resource management and protection services and other services to the public, including but not limited to, recreation services and visitor services; provided further, that the department may use funds authorized in this act to carry out natural and cultural research and shall make the results available to the general public	\$500,000

Department of Environmental Protection.

2200-2011	For the purposes of water quality monitoring, assessment, and protection to meet commitments under the rivers protection act, the federal Clean Water Act and the watershed initiative, so called; provided, that said purposes may include but not be limited to, studies of water quality, the development of wetlands conservancy and tidelands geographic information systems maps, the implementation of water quality monitoring devices, the collection and analysis of water quality samples, the development of water quality analyses known as total maximum daily loads, research and demonstration projects related to non-point and point sources of water pollution, and the wetlands circuit rider program, so called; provided further, that not less than \$1,600,000 shall be expended for the purpose of expanding the groundwater monitoring system in the city of Boston; provided further, that not less than \$300,000 shall be allocated to the town of Clinton for water testing in relation to the building of a water treatment facility in said town; provided further, that \$1,500,000 shall be expended for the clean up and restoration of Mount Hood wetlands in the city of Melrose; and provided further, that not less than \$350,000 shall be expended for coastal pollution remediation for storm water discharge to improve the water quality of Buzzards Bay in the town of Dartmouth	\$12,500,000
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- 2200-2012 For operation and maintenance of the department of environmental protection's statewide air monitoring network, including but not limited to, photochemical assessment monitoring stations, small particulate and air toxics monitoring; and for the upgrade of equipment to comply with federal requirements \$3,500,000
- 2200-2013 For the purposes of discovery, assessment, containment, clean-up, and closure of existing or closed solid waste facilities causing or threatening to cause pollution as authorized by section 4 of chapter 21H of the General Laws; provided, that funds authorized herein may be used for the purposes of maintaining composting and recycling programs consistent with the statewide solid waste master plan authorized by section 21 of chapter 16 of the General Laws, including the costs of experts, engineers, and other personnel previously authorized under chapter 58 4 of the acts of 1987; provided further, that the costs of personnel charged to this item during any fiscal year shall not exceed the level expended for such personnel during the fiscal year ending June 30, 2002 \$6,000,000
- 2200-2014 For information systems development and information technology equipment at the department of environmental protection, including the costs of personnel authorized under chapter 584 of the acts of 1987 and chapter 277 of the acts of 1995; provided, that funds herein shall be used for the development and maintenance of a compliance and enforcement data management system \$5,000,000
- 2200-2015 For the assessment, containment, clean-up, control, removal of, or response actions concerning oil or hazardous materials or for any other actions necessary to implement the provisions of chapter 21E of the General Laws, including the costs of personnel previously authorized under chapter 277 of the acts of 1995; provided, that not less than \$10,000 shall be expended for testing of beaches in the city of Salem by the Salem-Beverly Water supply board for bacteria interocci; provided further, that \$3,500,000 shall be expended for site remediation at Cannon street station; and provided further, that not more than \$250,000 shall be expended for site remediation at the Old Fitchburg Depot site at the corners of Lincoln and Mechanic streets in the city of Marlborough; provided further,

that not less than \$1,500,000 shall be expended for the assessment, containment, clean-up, control, removal of or response actions concerning oil, hazardous material, contaminants for River's Edge housing development in Methuen; provided further, that \$500,000 shall be expended in the town of Marshfield for soil and subsurface contamination cleanup and beautification of the former Gulf Station on Ocean street; provided further, that \$100,000 shall be expended for well testing in the town of Mendon; provided further, that not less than \$1,000,000 shall be made available for a one to one matching grant for site remediation at Witchcraft Heights School in the town of Salem; provided, that \$410,000 shall be expended for site remediation at the site of Coes Pond Dam; provided further, that not less than \$1,000,000 shall be expended for environmental remediation in the town of Heath as identified by the department of environmental protection; provided further, that no funds shall be expended for the preceding projects until the department has identified the party responsible for the contamination of the site and that the department is actively seeking to recover the full cost of the remediation or that the department has certified in writing to the secretary of administration and finance and the house and senate committees on ways and means that no funds can be recovered for site remediation and that the funding provided herein is the sole funding available; and provided further, that the costs of personnel charged to this item during any fiscal year shall not exceed the level expended for such personnel during the fiscal year ending June 30, 2002 \$34,480,000

2200-2016 For the modernization of facilities and infrastructure of the department of environmental protection, including but not limited to, repair and rehabilitation of buildings and grounds \$5,000,000

2200-2017 For grants to cities and towns and districts for the acquisition of lands and waters and easements by such cities, towns and districts to protect and conserve groundwater aquifers and recharge areas, surface water supplies and watershed areas, and surface or underground lands adjacent to those resources, for the protection of water that is determined by the department of environmental protection to be of potential use for water supply purposes; provided, that any such grants approved by the department and provided to cities, towns and

districts from this item may be for up to 80 per cent of the eligible costs of such projects; and provided further, that not more than \$6,000,000 shall be spent in an interagency service agreement, so-called, between the department of environmental protection and the University of Massachusetts at Dartmouth to support the Massachusetts Estuaries project, so-called \$20,500,000

Department of Fisheries, Wildlife and Environmental Law Enforcement.

2300-2010 For the planning, study, and acquisition of land and interests therein for the purpose of protecting the native flora and fauna communities of the commonwealth, and for associated costs, including the costs of experts, land agents and other personnel previously authorized under chapter 15 of the acts of 1996; provided, that the amount expended from this item during any fiscal year for the costs of experts, land agents and other personnel shall not exceed the level expended during the fiscal year ending June 30, 2002; provided further, that the commissioner of fisheries, wildlife and environmental law enforcement may develop and utilize scientifically based evaluation criteria to identify and select the most biologically significant areas throughout the commonwealth, including but not limited to specific parcels; provided further, that the department shall expend funds for the purchase of lands adjacent to or near coastal plain ponds; provided further, that not more than \$20,000,000 may be expended on lands selected from this process and approved by the commissioner and the fisheries and wildlife board; provided further, that funds may be expended on lands acquired through the partners in preservation program whereby the department shall develop innovative means of promoting land conservation through donations, less-than-market sales and partnerships among land owners, businesses, non-profit organizations and government agencies; and provided further, that funds may be used to match at a ratio of \$1 for every \$1 collected pursuant to section 13A of chapter 131 of the General Laws \$20,000,000

2300-2011 For the enhancements, improvements, and replacements to the infrastructure and holdings of the department of fisheries, wildlife and environmental law enforcement; provided, that said enhancements, improvements, and replacements may in-

clude, but not be limited to, buildings and other structures, equipment, vehicles, vessels, information systems, and site clearance, including the demolition of structures, and other holdings including remediation of environmental compliance matters throughout the commonwealth; and for the costs of studies, plans, engineering and other services essential to such activity rendered by department employees or by consultants; provided further, that not less than \$3,675,000 shall be expended for the acquisition of patrol vehicles, vessel reconditioning, repair of marine equipment, and the construction of a marine repair and safety facility and an environmental regulation office in the town of Otis; provided further, that not less than \$127,000 shall be expended to the Thornton W. Burgess Society for capital improvements to the Game Farm property in the town of Sandwich; provided further, that not less than \$180,000 shall be expended to assist Massachusetts fishing ports in complying with the changes from new federal fisheries regulations; and provided further, that the amount expended from this item during any fiscal year for the costs of said employee or consultant services shall not exceed the level of expenditure for such costs of services for the fiscal year ending June 30, 2002 \$12,000,000

2300-2012 For the planning, design, construction, and repair of existing and new district facilities including but not limited to, education centers, district headquarters, hatcheries, and shooting ranges; provided, that not less than \$2,000,000 shall be expended from this item for the development of structures and equipment in New Bedford and elsewhere to promote the formation of the Marine Fisheries Management Institute with the partnering of the Massachusetts fishing industry, state and federal agencies, and academic institutions \$7,000,000

2300-2013 For the purpose of restoration and management studies, the preparation of restoration and management plans, and the execution of ecological restoration and management projects on natural flora and fauna communities as identified by the division of fisheries and wildlife's natural heritage and endangered species program and approved by the director of said division and the commissioner of the department, and for associated costs; provided, that said associated costs may include, but not be limited to, research, restoration, management, monitoring services, and equipment purchases;

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- provided further, that said projects may be carried out in cooperation with other not-for-profit organizations or governmental agencies; and provided further, that funds may be expended from this item for the further development of map products by said program to identify and target for protection, restoration and management of flora and fauna communities, including but not limited to, research, data collection, map production, and equipment \$4,000,000
- 2300-2014 For a program of upland habitat management that may include, but not be limited to, research, planning, and implementation of habitat management plans as established by the division of fisheries and wildlife and approved by the director of said division and the commissioner of the department; provided, that said management activities may be carried out in cooperation with other governmental agencies and conservation organizations \$4,000,000
- 2300-2015 For the river restore grant program in the division of riverways within the department of fisheries, wildlife and environmental law enforcement; for dam removal feasibility studies and dam removal and habitat restoration along rivers throughout the commonwealth that will lead to improved flow, water quality, and fish passage and movement; and for the riverways protection and restoration grant program to restore wildlife and fisheries habitat through healthy stream flows that will lead to the protection of river ecosystems and watersheds; provided, that the commissioner or his designee may enter into cooperative agreements with state and federal government agencies and municipalities, may contract for engineering and planning services, and may award grants to public and non-public entities to carry out the purposes of this item; provided further, that \$50,000 shall be expended for the restoration of the Assabet river at the Wood park site in the town of Hudson; provided further, that not less than \$125,000 shall be expended for the planning, permitting, and construction of a fishway at the Willowdale dam, so-called, in the town of Ipswich; provided further, that not less than \$100,000 shall be expended for restoration, renovation, and improvement of Herring run in the town of Weymouth; and provided further, that not less than \$25,000 shall be expended as a matching grant in cooperation with the United States Fisheries and Wildlife Service to repair a culvert on Brook Hollow road on Mill River in the

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	town of Hatfield to improve stream flow for migratory species and to reduce erosion	\$3,625,000
2300-2016	For the planning, engineering, design, construction, construction inspection, and reconstruction of existing and new coastal and inland boat launching facilities, including but not limited to, ramps, docks, floats, and appurtenant facilities throughout the commonwealth; provided, that not less than \$500,000 shall be expended for design and reconstruction of the public access boat ramp at the South Watuppa Pond in the city of Fall River; provided further, that \$350,000 shall be expended for the city of Lawrence boat ramp at Pemberton park; and provided further, that \$250,000 shall be expended for the Douglas State Forest boat ramp at Wallum lake	\$3,500,000
2300-2017	For the acquisition and development of coastal and inland public access sites including but not limited to, shore fishing areas, sport fishing piers, canoe and car-top boat, and small boat launching facilities and county access sites; provided, that not less than \$40,000 shall be expended for the purchase of land in the town of Sutton for construction of a canoe launch site . .	\$1,500,000
	<i>Metropolitan District Commission.</i>	
2420-2011	For the acquisition of development rights or other interests in land, in areas regulated by chapter 36 of the acts of 1992; provided, that said expenditures shall be consistent with procedures and priorities adopted by the commission relative to factors which may affect land in which such interests may be acquired, as outlined in said chapter 36, and for the costs associated with the acquisition and the development of property, including the cost of appraisals, design, engineering, planning, and legal services; and provided further, that a portion of this item, not to exceed 6 per cent, may be used for the costs associated with the defense of eminent domain takings	\$16,000,000
2420-2012	For a program of improvements or replacements to the infrastructure of the watershed management division; provided, that said improvements or replacements shall include but not be limited to, buildings, picnic areas, visitor centers and other structures, signs, roads, paths, bridges, dams, piers, flood control facilities, equipment, vehicles, and vessels used to support and maintain said infrastructure, water purification	

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systems, and site clearance, including the demolition of structures, and the preparation, relocation, reclamation, and development of such sites; and provided further, that funds may be expended from this item for the purpose of providing greater access to watershed lands for public use and enjoyment \$4,000,000

2440-2013 For the acquisition of reservation land and interests therein, including bikeways, trails, and other recreational sites, including land in and around rivers, streams, ponds, and marshes within the jurisdiction of the metropolitan district commission; and for the costs associated with the acquisition and the development of property, including the cost of appraisals, design, engineering, planning, and legal services; provided, that a portion of this item, not to exceed 6 per cent, may be used for the costs associated with the defense of eminent domain takings; provided, that \$7,500,000 shall be expended for the study, design, and construction of the Town Brook Flood Control project in the city of Quincy; and provided further, that a portion of these funds may be used for the payment of eminent domain settlements or judgments . . . \$20,000,000

2440-2014 For the study, design, preparation of plans, improvements, and replacements to the properties of the commission; provided, that funds may be expended for the costs of engineering and other services essential to such projects rendered by commission employees or by consultants; provided further, that the amount expended from this item during any fiscal year for the costs of said engineering and other employee or consultant services shall not exceed the level of expenditure for such costs of services for the fiscal year ending June 30, 2002; provided further, that \$2,000,000 shall be expended on improvements to the Trailside Museum, so-called, in the Blue Hills Reservation; provided further, that not less than \$5,000,000 shall be expended for the decontamination of Old Canton airfield in the town of Canton; provided further, that \$725,000 shall be expended for Revere beach parking and sidewalk maintenance; provided further, that \$250,000 shall be expended for the reconstruction of Dilboy Stadium in the city of Somerville; provided further, that \$50,000 shall be expended for the maintenance and repair of Squantum Point park in the city of Quincy; provided further, that \$50,000 shall

be expended for the installation and maintenance of a memorial bust in honor of Congressman John Joseph Moakley at the intersection of Columbia road and East Seventh street in the South Boston section of the city of Boston; provided further, that \$100,000 shall be expended for improvements to the land and the facilities of the Charles River Esplanade in the city of Boston; provided further, that \$1,500,000 shall be used toward the reconstruction and design of Peabody circle; provided further, that \$15,000 shall be expended to study the need for feasibility of a pumping station in the Donovan's Beach area of the town of Winthrop; provided further, that funds from this item shall be expended for signage and waste reduction along Revere Beach Boulevard in the town of Revere; provided further, that said commission shall conduct a drainage analysis study for a drainage system along said Revere Beach; provided further, that not less than \$185,000 shall be expended for the reconstruction of metropolitan district commission landing in Watertown square, so-called; provided further, that \$200,000 shall be expended for improvements to the Charles River Park in the town of Watertown; provided further, that \$250,000 shall be expended for a bike signal crossing at the juncture of Route 9 and the Jamaica way, so-called; provided further, that \$1,000,000 shall be expended for the extension of the Minuteman bikeway, so-called, in the city of Somerville; provided further, that \$500,000 shall be expended for the creation and maintenance of a linked trail system for local and state parks along the Back River in the towns of Weymouth and Hingham; provided further, that \$100,000 shall be expended for improvements to Red Rock Park in the city of Lynn; provided further, that such improvements or replacements shall include but not be limited to, buildings, equipment, picnic areas, visitor centers, improvements to enhance the viability of an ecosystem, signs, paths, piers, vehicles and vessels, and site clearance, including demolition of structures; and provided further, that the commission shall consider the use of recycled products and materials in all projects funded by this item \$26,101,500

2440-2015 For the restoration, renovation, and improvements of the Boston harbor beaches located in Boston, Quincy, and Winthrop, pursuant to the recommendations contained in a report of the

joint commission on the future of Boston harbor beaches dated June 15, 1993; provided, that \$8,000,000 shall be expended for the reconstruction and rehabilitation of Revere Beach; provided further, that \$5,000,000 shall be expended for the reconstruction and rehabilitation of Winthrop Beach; and provided further, that the commission may transfer to the town of Winthrop a sum not less than 50 per cent of the net reserves collected within the Winthrop Beach Reservation, generated through parking violations and consistent with the rules and regulations of said commission \$23,650,000

2440-2016 For the study, design, construction, reconstruction, renovation, repair, and improvement of skating rinks, swimming pools, golf courses, and other properties of the commission, including the costs of the acquisition of land and buildings or the demolition of buildings, where necessary; provided, that \$70,000 shall be expended for improvements to the Max Ulin rink in the town of Milton; provided further, that not more than \$2,500,000 shall be expended for a matching grant for the development of a permanent ice rink in the town of Jamaica Plain; provided further, that said match shall be \$2 of private funds for every \$1 of state funds; provided further, that \$200,000 shall be expended for renovation of the Connors pool in the city of Waltham; provided further, that \$200,000 shall be expended for a park at Houghton's Pond in the town of Milton; provided further, that not less than \$3,000,000 shall be expended for a matching grant for the renovation of Cass skating rink in the city of Boston; provided further, that said match shall be \$2 of private funds for every \$1 of state funds; provided further, that not less than \$100,000 shall be expended as a matching grant for improvements and renovations to the Daly Ice rink in the town of Newton; provided further, that said match shall be \$2 of private funds for every \$1 of state funds; provided further, that not less than \$8,000,000 shall be expended for the design, construction, and completion of Veterans Memorial skating rink in the city of Somerville; provided further, that \$8,000,000 shall be expended for the study, design and construction, including furnishings and equipment, of the Staff Sergeant Paul W. Cronin Memorial Arena in the city of Revere; provided further, that funds may be expended from this item for handicapped accessibility and compliance with

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the Americans with Disabilities Act; provided further, that not more than \$12,000,000 shall be expended for the renovation and reconstruction of the Leo J. Martin and Ponkapoag golf courses; provided further, that said commission shall develop and submit to the house and senate committees on ways and means a comprehensive plan for the regular and professional maintenance and operation of the Leo J. Martin and the Ponkapoag golf courses; provided further, that not less than \$250,000 shall be expended for a hydrologic study to determine necessary repairs at Leo J. Martin golf course in Weston; and provided further, that no funds shall be expended from this item for the renovations or reconstruction of said golf courses until the house and senate committees on ways and means are in receipt of said plan \$46,370,000

2440-2017 For the study, design, general rehabilitation, and reconstruction of water quality and flood control facilities, including dams, locks and draws, fish ladders, seawalls, seawall-related appurtenances, and infrastructure within the park system of the metropolitan district commission; provided, that \$50,000 shall be provided for the purpose of maintaining adequate flood control in the town of Winthrop; provided further, that \$3,500,000 shall be expended for the study, design and repair of the Upper Mystic and Horn Pond Dams in the town of Winchester; provided further, that \$300,000 shall be expended for studies, plans, and reconstruction of the Nielson road watershed improvement project to mitigate run-off into the Swift river in New Salem; and provided further, that not less than \$80,000 shall be expended for the Pine Tree brook in the town of Milton to implement phase III, so-called, of a project for clearing and dredging \$16,780,000

2440-2018 For the purchase of rolling stock, so called, and other specialized equipment for the metropolitan district commission, including but not limited to, beach sanitizers, farm and ground equipment, pick-up trucks and other vehicles, information technology equipment, including the enhancement of the commission's advanced telecommunication system; provided, that funds may also be expended for the rehabilitation of durable equipment \$4,500,000

2440-2019 For the preparation of plans, if necessary, and for repairs, renovations, general rehabilitation, and reconstruction to the commission's sanitary structures, and for the renovation and

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	conversion of certain facilities to year-round use, including but not limited to, the purchase of equipment and related appurtenances	\$4,000,000
2440-2020	For planning for environmental stewardship and for costs related to environmental remediation and reuse of the commission's properties	\$6,000,000
2440-2022	For the implementation of master plans, including the Charles river, Mystic river and Neponset river master plans, including but not limited to, environmental enhancements, park improvements and public recreation facilities; provided, that funds authorized herein shall not be used for recreational facilities unless said facilities are directly dependent on river use; provided further, that \$200,000 shall be expended for developing and completing working drawings for the environmental enhancement of the Alewife Reservation, an urban wildlife in the city of Cambridge; provided further, that \$150,000 shall be expended for a management plan for the parks in the Charles River basin area that are under the commission's jurisdiction; provided further, that the management plan shall be consistent with the master plan for the restoration of the parks in the Charles River basin; provided further, that the management plan shall be completed not later than the first Wednesday of January, 2003; provided further, that the commissioner conduct a public hearing not later than October 30, 2002 on park management issues as part of creating the management plan; provided further, that funds may be used for the preservation of historic properties, including but not limited to, landscapes, monuments, and sites, including a program of grants to municipalities and non-profit organizations for the preservation and enhancement of the commission's properties	\$15,000,000
2440-2023	For the commissioner of the metropolitan district commission to construct the Beaver Brook Flood Mitigation Project pursuant to section 31; provided, that not less than \$50,000 shall be expended for purposes of improvements to the River Walk in the town of Waltham; and provided further, that said funds shall also be expended for enhancing responsible use and understanding of the role of the Charles River in the development of said town	\$8,550,000
2490-2023	For the design, construction, reconstruction, or rehabilitation of	

commission bridges, parkways, boulevards, and related appurtenances and equipment, including but not limited to, the costs of engineering and other services essential to such projects rendered by commission employees or by consultants; provided, that not less than \$3,000,000 shall be expended for the construction of pedestrian overpasses for safe pedestrian access to Millennium Park and Pope John Paul II park in the city of Boston; provided further, that \$600,000 shall be expended for traffic signals at the intersection of Riverside avenue and the Fellsway and at the intersection of Salem street and the Fellsway in the city of Medford; provided further, that the amount expended from this item during any fiscal year for the costs of said employee or consultant services shall not exceed the level of expenditure for such costs of services for the fiscal year ending June 30, 2002; and provided further, that funds may be expended for pedestrian and bicycle safety, traffic calming, landscape improvements, street lighting, and safety equipment

	.....	\$17,000,000
2490-2040	For the costs of the Commonwealth Zoological Corporation for the operation of the Franklin Park Zoo in Boston and the Stone Zoo in Stoneham and for the operation of the Buttonwood Park Zoo in cooperation with the Buttonwood Park Zoological Society and the Forest Park Zoo; provided, that the amount of this item shall be allocated equally over a 3-year period; provided further, that any increase in the cost of personnel negotiated after the effective date of this act shall not be charged to this item and shall be the sole responsibility of said Corporation; provided, that \$2,000,000 shall be expended for Buttonwood Park Zoo and \$2,000,000 shall be expended for Forest Park Zoo	\$16,000,000

Department of Food and Agriculture.

2500-2012 For a program to acquire agricultural preservation restrictions pursuant to sections 11A to 11D, inclusive, of chapter 132A of the General Laws; provided, that any person or entity that receives funds from this item shall be encouraged to participate in any programs of the department of food and agriculture as may be suggested by the commissioner of said department; provided further, that funds may be expended for

the costs of planning, acquisition, and other services essential to such projects, rendered by department employees or by consultants; provided further, that the amount expended from this item during any fiscal year for the costs of said employee or consultant services shall not exceed the level of expenditure for such costs of services for the fiscal year ending June 30, 2002; provided further, that \$180,000 shall be expended on the southeastern Massachusetts agricultural partnership program; and provided further, that not less than \$14,500,000 shall be expended for the purpose of developing and implementing farm viability plans to enhance the economic and environmental viability of farms, to provide for shorter term land covenants, and for undertaking feasibility studies of markets for agricultural products to assist in agricultural business enhancement and transition \$52,680,000

2500-2013 For a program on the development and transfer of agro-environmental technology; provided, that funds authorized herein may be allocated by the commissioner, with the approval of the board of agriculture, through competitive grants \$700,000

2500-2014 For the agricultural environmental enhancement program on the abatement of agricultural non-point source pollution as originally funded pursuant to section 8 of chapter 258 of the acts of 1996; provided, that funds may be allocated by the commissioner through competitive grants \$1,025,000

2500-2015 For a program to implement recommendations put forward by the Massachusetts aquaculture white paper and strategic plan as defined by the Massachusetts executive aquaculture white paper and strategic plan summary and the Massachusetts aquaculture strategic planning workshop of 1999, with specific recommendations for the commonwealth to implement in an effort to overcome existing constraints to the development of aquaculture as an industry that is environmentally responsible and economically important to the commonwealth; provided, that funds may be expended in cooperation with the division of marine fisheries within the department of fisheries, wildlife and environmental law enforcement; provided further, that funds may be expended for the costs of economic development, research, industry promotion, technology transfer, education and public infrastructure investments in aquaculture, technical and regulatory assistance by

department employees or by consultants, and other services essential to such projects related to aquaculture; provided further, that any such funds expended from this item during any fiscal year for the costs of economic development, research, industry promotion, technology transfer, education and public infrastructure investments in aquaculture, technical and regulatory assistance by department employees or by consultants, and other services to such projects related to aquaculture shall not exceed the level of expenditure for such purposes during the fiscal year ending June 30, 2002; provided further, that \$67,000 shall be expended for the development of the aquaculture program in the town of Westport; provided further, that funds shall be expended for the development of the Northeastern Massachusetts aquaculture center by Salem State College, the Southeastern Massachusetts aquaculture center by Barnstable county and the Western Massachusetts center for sustainable aquaculture by Hampshire College within the 5 college programs: Hampshire College, Amherst College, University of Massachusetts Amherst, Mount Holyoke College, and Smith College, each defined as a Massachusetts aquaculture center; provided further, that the Massachusetts aquaculture centers work in cooperation and in collaboration with the department of food and agriculture toward the provision of grant funding and services to the Massachusetts aquaculture industry; and provided further, that such funds may be allocated by the commissioner through competitive grants \$1,558,000

SECTION 3. To meet the expenditures necessary in carrying out section 2, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth, in an amount to be specified by the governor from time to time, but not exceeding, in the aggregate, the sum of \$707,372,514. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Preservation and Improvement of Environmental Assets Loan, Act of 2002, and shall be issued for such maximum terms of years, not exceeding 20 years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution. All such bonds shall be payable not later than June 30, 2022. All interest and payments on account of principal of such obligations shall be payable from the General Fund unless otherwise specified. Bonds and interest thereon issued under the authority of this section, notwithstanding any other provision of this act, shall be general obligations of the commonwealth.

SECTION 4. To meet the expenditures necessary in carrying out the provisions of section 5, the state treasurer shall, upon request of the governor, issue and sell bonds of the

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commonwealth in an amount to be specified by the governor from time to time, but not exceeding, in the aggregate, the sum of \$46,500,000. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Local Water Pollution Control and Grant Assistance, Act of 2002, and shall be issued for a maximum term of years, not to exceed 20 years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution. All such bonds shall be payable not later than June 30, 2027. All interest and payments on account of principal of such obligation shall be payable from the Local Aid Fund. Bonds and interest thereon issued under the authority of this section shall, notwithstanding any other provisions of this act, be general obligations of the commonwealth.

SECTION 5. The state treasurer shall transfer the sum of \$46,500,000 to the water pollution abatement trust established in section 2 of chapter 29C of the General Laws for deposit in the Water Pollution Abatement Revolving Fund established pursuant to section 2L of chapter 29 of the General Laws for application by the trust to the purposes specified in section 5 of said chapter 29C, any portion of which may be used as a matching grant by the commonwealth to federal capitalization grants received under Title VI of the federal Clean Water Act.

SECTION 6. Each agency acquiring land or an interest in land pursuant to the provisions of section 2 may expend an amount not to exceed 5 per cent of the amount appropriated to such agency in said section 2 for the purpose of reimbursing nonprofit land conservation organizations or land trusts for reasonable expenses directly associated with the acquisition of land or interests in land subsequently conveyed to the commonwealth. Reimbursements shall be made at the discretion of the agency, subject to the approval of the secretary of administration and finance. Said secretary shall determine by regulation what shall constitute reasonable expenses. In the event the commonwealth does not take title to the property through no fault of the nonprofit organization or the commonwealth, the commonwealth may reimburse the nonprofit organization for reasonable expenses associated with due diligence. An organization receiving a reimbursement pursuant to this section shall convey the land or interest in land to such agency for an amount not to exceed the actual purchase price paid by such organization for such land or interest in land in addition to any reimbursement received pursuant to this section.

SECTION 7. No amounts authorized in section 2 shall be used by a recipient municipality for the supplementing or supplanting of normal operating expenses of any function of the municipality.

SECTION 8. Chapter 21 of the General Laws is hereby amended by inserting after section 3D the following section:-

Section 3E. The department shall administer a program of zero interest loans to cities and towns for the acquisition of open space land utilizing monies in the Open Space Acquisition Revolving Fund established under section 2DDD of chapter 29. The department shall accept applications from cities and towns, in a form to be determined by the department, for loans to allow cities or towns to acquire open space land. The loans shall be

repayable to the Open Space Acquisition Revolving Fund in 20 annual installments. The department shall set standards and adopt rules and regulations to carry out the purposes of this section.

SECTION 9. Chapter 29 of the General Laws is hereby amended by inserting after section 2CCC the following 2 sections:-

Section 2DDD. There shall be set up on the books of the commonwealth a separate fund to be known as the Open Space Acquisition Revolving Fund. There shall be credited to the fund all revenues or other financing sources directed to the fund by appropriation, any income derived from the investing of all amounts credited to the fund and the monies from the repayment of loans from the fund. Monies credited to the fund may be expended by the department of environmental management, without further appropriation, for loans to cities and towns for the acquisition of open space under section 3E of chapter 21.

Section 2EEE. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Agricultural Resolve and Security Fund, the funds of which shall be expended for the purpose of fostering agriculture in the commonwealth, as the term "agriculture" is defined pursuant to section 1A of chapter 128, and for furthering other purposes of the department of food and agriculture as set forth in any general or special law. These purposes may include, but shall not be limited to, agricultural education, support for sustainable agriculture and pollution prevention, agricultural integrated pest management programs, agricultural land preservation, control of animal diseases and emergency preparedness.

The Agricultural Resolve and Security Fund shall receive monies from: (1) gifts, grants and donations from the public or private sources; (2) federal reimbursements and grants-in-aid; and (3) any interest earned from the Agricultural Resolve and Security Fund. The state treasurer shall receive, deposit and invest funds held in such a manner as to ensure the highest interest rate available consistent with the safety of the fund.

The books and records of the Agricultural Resolve and Security Fund shall be subject to an annual audit by the state auditor.

The department may expend such funds, subject to appropriation. No expenditure from said fund shall cause said fund to be in deficiency at the close of a fiscal year.

The commissioner of food and agriculture shall report annually to the house and senate committees on ways and means and the joint committee on natural resources and agriculture on income received into the fund and the sources of said income, expenditures from the fund and their purposes, and fund balances.

NO SECTION 10.

SECTION 11. Chapter 92 of the General Laws is hereby amended by inserting after section 34B the following section:-

Section 34C. Notwithstanding any general or special law or administrative bulletin to the contrary and pursuant to section 34, there is hereby established and set up on the books of the commonwealth a separate fund, to be known as the Blue Hills Reservation Trust Fund, which shall be used for the purposes of advancing recreational, educational and conservation

interests, including, but not limited to, the construction and maintenance of facilities and infrastructure improvements for the area within the reservation. The trust shall receive, hold and expend all fees generated by permits, licenses and all other agreements not currently being directed to the General Fund relating to the use of the reservation land as authorized by the commission. The department shall not make expenditures from this fund so as to cause the fund to be deficient.

SECTION 12. Chapter 128 of the General Laws is hereby amended by inserting after section 38B the following section:-

Section 38C. The commissioner may develop a program to assist in the preservation and rehabilitation of facilities and land resources of agricultural fairs in the commonwealth through short-term preservation covenants, grants, demonstration projects and other means. The commissioner may promulgate regulations relative thereto.

SECTION 13. Chapter 132A of the General Laws is hereby amended by inserting after section 11 the following section:-

Section 11. The secretary of environmental affairs shall establish a grant program to assist nonprofit corporations, formed for 1 of the purposes described in section 4 of chapter 180, and provided that the corporations are exempt organizations within the meaning of 18 U.S.C. section 501(c)(3), in acquiring interests in lands suitable for purposes of conservation or recreation. Said secretary may reimburse any such corporation for any money expended by it in establishing an approved project under the program in such amount as he shall determine to be equitable in consideration of anticipated benefits from the project. In no event shall the amount of such reimbursement exceed 50 per cent of the cost of the project. No reimbursement shall be made under this section to a corporation unless a project application is filed by the corporation with the secretary setting forth such plans and information as the secretary may require and the application is approved by him, nor until such corporation shall have certified, in a manner approved by the secretary, its ability to provide an amount equal to the total cost of the project nor until the project has been completed to the satisfaction of the secretary in accordance with the approved plans. All projects shall include the corporation granting an appropriate perpetual conservation restriction, within the meaning of sections 31 and 32 of chapter 184, to the city or town in which the project is located, to be managed by either its conservation or recreation commission, or a state agency, or both. All projects shall provide appropriate public access as determined by the secretary. The secretary may promulgate rules and regulations to carry out this section.

SECTION 14. Section 11A of said chapter 132A, as appearing in the 2000 Official Edition, is hereby amended by adding the following paragraph:-

Notwithstanding the provisions of any general or special law to the contrary, the department of food and agriculture, with the approval of the co-holder, if any, in its sole discretion, may grant to any owner of land subject to an agricultural preservation restriction held by the commonwealth a nonassignable special permit allowing nonagricultural activities

to occur on the agricultural preservation restriction land, provided: (a) the land is being actively utilized for full-time commercial agriculture; (b) the permit is for a maximum of 5 years' duration, which may, at the discretion of said department, be renewed; and (c) the agricultural lands preservation committee finds that the grant of a special permit will not defeat or derogate from the intent and purposes of retaining the land for agricultural use and preserving the natural agricultural resources of the commonwealth and that the agricultural preservation restriction owner meets all requirements pertaining to special permits contained in the agricultural preservation restriction agreement form presently utilized by the commonwealth at the time of application for the special permit.

SECTION 15. Section 16 of chapter 270 of the General Laws, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Whoever places, throws, deposits or discharges or whoever causes to be placed, thrown, deposited or discharged, trash, bottles or cans, refuse, rubbish, garbage, debris, scrap, waste or other material of any kind on a public highway or within 20 yards of a public highway, or on any other public land, or in or upon coastal or inland waters, as defined in section 1 of chapter 131, or within 20 yards of such waters, or on property of another, or on lands dedicated for open space purposes, including lands subject to conservation restrictions and agricultural preservation restrictions as defined in chapter 184, shall be punished by a fine of not more than \$5,500 for the first offense and a fine not to exceed \$15,000 for each subsequent offense; provided, however, that 50 per cent of the fine imposed shall be deposited in the conservation trust established in section 1 of chapter 132A and the court may also require that the violator remove, at his own expense, the trash, refuse, rubbish, debris or materials. The permission of the owner of land to place, throw, deposit or discharge trash, refuse, rubbish, garbage, debris, scrap, waste or other material on the owner's land shall constitute a defense in any trial for such offense.

SECTION 16. The last paragraph of said section 16 of said chapter 270, as so appearing, is hereby amended by adding the following sentence:- The department of environmental management shall permanently post signs on all lands under its jurisdiction which identify: 1) the penalties applicable for the violations under this section; and 2) the proper authorities and contact information to report violations.

SECTION 17. The third paragraph of section 8 of chapter 349 of the acts of 1986, as appearing in section 135 of chapter 33 of the acts of 1991, is hereby amended by adding the following sentence:- The commissioner of the metropolitan district commission may expend an amount not to exceed \$17,000,000 for the purposes of the Phase II Park. Said commissioner may enter into contracts with the authority as he deems appropriate to facilitate a coordinated design and construction of the park and related facilities. These funds shall be available for expenditure through June 30, 2005.

SECTION 18. The balance of item 2120-8882 of section 2 of chapter 564 of the acts of 1987 shall remain available for expenditure until June 30, 2003.

SECTION 19. Section 44 of chapter 85 of the acts of 1994, as amended by section 50 of chapter 15 of the acts of 1996, is hereby further amended by inserting after the word "forest", in line 31, the following words:-, Smith farmhouse, garage and barn in Borderland state park, Woodis house in Acushnet cedar swamp state reservation, Harlow house and barn in Ellisville state park, the farmhouse and barn in Carroll A. Holmes recreational area, formerly known as Lake Wyola state park, and coachman's house and barn in Maudslay state park.

SECTION 20. Section 5 of chapter 273 of the acts of 1994, is hereby further amended by striking out, in lines 4 and 5, the figure \$580,202,254, inserted by section 16 of chapter 55 of the acts of 1999, and inserting in place thereof the following figure:- \$579,202,254.

SECTION 21. Item 2495-8968 of section 2A of chapter 277 of the acts of 1995 is hereby amended by striking out, in lines 21 and 22, the words, " , including groundskeeping, of a certain boathouse on the Mystic River" and inserting in place thereof the following words:- of Veteran's Skating Rink.

SECTION 22. Item 1599-4994 of section 2F of chapter 55 of the acts of 1999 is hereby amended by striking out, in lines 11 to 21, inclusive, the words "provided further, that not less than \$900,000 shall be expended for repair, replacement or enhancement of the sewerage lines in the Cambridge street neighborhood, so-called, in the city of Worcester in order to provide sufficient capacity to properly transport sewage from said project; provided further, that not less than \$1,400,000 shall be expended for repair, replacement or enhancement of the sewerage lines in the Newton square neighborhood, so-called, in the city of Worcester, in order to provide sufficient capacity to properly transport sewage from said project" and inserting in place thereof the following words:- provided further, that not less than \$2,300,000 shall be expended for repair, replacement or enhancement of the sewerage lines in the Cambridge street neighborhood and the Newton square neighborhood in the city of Worcester in order to provide sufficient capacity to properly transport sewage from the project.

SECTION 23. Notwithstanding sections 40E to 40J, inclusive, of chapter 7 of the General Laws the division of capital asset management and maintenance shall transfer the following described parcels of land to the Town of Lenox.

A parcel of land identified as parcel SF-2 known as the "Prime Note Parcel", comprised of 26.68 acres more or less, acquired by the Massachusetts department of highways on December 21, 1995, pursuant to section 3 of chapter 15 of the acts of 1988 and chapter 79 of the General Laws, for the purpose of restoring, preserving, or enhancing areas of scenic beauty or special environmental value, said acquisition being recorded at book 1500, page 569, Berkshire county registry of deeds.

A parcel of land, identified as parcel SF-1 known as the "Maxymillian Parcel", comprised of 60.72 acres more or less, acquired by the Massachusetts department of highways on December 21, 1995, pursuant of section 3 of chapter 15 of the acts of 1988 and chapter 79 of the General Laws, for the purpose of restoring, preserving, or enhancing areas

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of scenic beauty or special environmental value, said acquisition being recorded at book 1500, page 574, Berkshire county registry of deeds.

SECTION 24. The transfer directed by section 23 shall be subject to the condition that the parcels shall be used by the town of Lenox for conservation purposes and for those purposes for which said property was acquired by the department of highways.

SECTION 25. Notwithstanding section 30 of chapter 29 of the General Laws, a portion of the funds authorized in section 2 may be used for the costs associated with title insurance.

SECTION 26. Notwithstanding any general or special law to the contrary, the executive office of environmental affairs through the department of environmental protection shall waive the Gardner municipal airports annual compliance assurance fee outstanding balance.

SECTION 27. Notwithstanding any general or special law to the contrary, the secretary of environmental affairs shall develop a statewide comprehensive coastal hazards management plan. Such plan shall be developed by a coastal hazards management steering committee which shall include 1 member of the house of representatives representing coastal communities; 1 member of the senate representing coastal communities; the secretary of administration and finance, or his designee; the secretary of environmental affairs, or his designee; the chairwoman of the seaport advisory council, or her designee; the commissioner of environmental management, or his designee; the commissioner of the metropolitan district commission, or his designee; the director of coastal zone management, or his designee; the director of the Massachusetts emergency management agency, or his designee and 3 representatives of coastal communities to be appointed by the Massachusetts Municipal Association. The coastal hazards management steering committee shall examine innovative solutions to coastal hazards, including existing seawall repair, removal or replacement with an alternative; beach nourishment, including the application of offshore sand mining for such purpose; private property acquisition; infrastructure relocation; best management practices for development in coastal flood or erosion prone areas; funding hazard mitigation plan development and implementation and potential insurance options. The coastal hazards management committee shall file a coastal hazards management plan, including legislative and funding recommendations, with the clerk of the house of representatives and the clerk of the senate within 180 days of the appointment of the committee.

SECTION 28. Notwithstanding the provisions of any general or special law to the contrary, the metropolitan district commission shall prepare an application to place the Metropolitan Park System on the National Register of Historic Sites.

SECTION 29. Notwithstanding any general or special law to the contrary, the metropolitan district commission may establish a trust fund as authorized pursuant to section 34 of chapter 92 of the General Laws dedicated to the receipt and use of a portion of the revenues generated by an interim parking facility located on a portion of that parcel of land

on Ocean avenue known as the North Lot, which parcel was transferred by the commission to the city of Revere, in accordance with the terms and conditions set forth within an agreement by and between the commission and the city of Revere dated March 15, 2001, and pursuant to chapter 841 of the acts of 1975 and chapter 351 of the acts of 1996; provided however, that the commission may transfer to said city a sum not less than 50 per cent of the net revenues collected within the Revere Beach Reservation, generated through parking violations, consistent with the rules and regulations of said commission and consistent with the purposes set forth in the agreement dated March 15, 2001.

SECTION 30. Notwithstanding the provisions of any general or special law to the contrary, in or upon acquiring any fee interest in land for purposes within Article XCVII of the Amendments to the Constitution, all state agencies, commissions and boards expending or receiving state funds pursuant to this act shall obtain the approval of the secretary of environmental affairs before implementing or endorsing any prohibition of fishing, hunting, or trapping on such land and shall provide the secretary with written justification of said prohibition.

SECTION 31. Notwithstanding any general or special law to the contrary and for the purpose of alleviating regional flooding conditions in the towns of Arlington, Belmont and Lexington and the city of Waltham, the commissioner of the metropolitan district commission shall construct the Beaver Brook Flood Mitigation Project, including an extension of a culvert system across Beaver Brook, construction of a relief culvert and related work in the vicinity of Linden street and Waverly Oaks road in the city of Waltham, construction at Beaver Brook Flood Mitigation Project Reach II in the vicinity of Mill street and the reconstruction of the Duck Pond dam and Mill Pond dam and related work in the city of Waltham.

SECTION 32. Notwithstanding any special or general law to the contrary, the department of correction shall preserve the agricultural use of its agricultural properties in the towns of Concord and Acton. The department shall preserve any additional department property in the town of Acton not presently designated as agricultural or for other specified use, as open space for conservation purposes.

SECTION 33. Notwithstanding any general or special law to the contrary, the department of highways shall place an additional agricultural attraction sign at exit 27 on interstate highway route 495.

SECTION 34. Notwithstanding any general or special law to the contrary, the uncommitted balance of the bond funded authorizations which are listed herein, and any allocations thereof, shall cease to be available for expenditure as of 180 days after the effective date of the terms bill for this act: 2000-1961; 2000-6950; 2000-7967; 2000-8883; 2000-8884; 2000-8888; 2000-8961; 2000-8962; 2000-8966; 2000-9962; 2120-7880; 2120-7957; 2120-8881; 2120-8882; 2120-8883; 2120-8951; 2120-8962; 2120-8964; 2120-9117; 2120-9920; 2120-9122; 2121-8885; 2121-8888; 2121-9881; 2121-9885; 2130-8771; 2150-9952; 2150-9963; 2150-9965; 2190-9962; 2200-7883; 2200-7888;

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2200-9959; 2250-8821; 2240-8824; 2240-8826; 2240-9102; 2250-7874; 2260-8840; 2260-9881; 2260-9882; 2260-9884; 2260-9885; 2260-9886; 2270-8772; 2300-0961; 2300-8840; 2300-8960; 2300-8961; 2300-8962; 2300-8970; 2310-7891; 2310-7892; 2310-8960; 2310-8961; 2320-8881; 2320-8960; 2410-7872; 2410-8802; 2420-7880; 2420-7881; 2420-7882; 2420-7961; 2420-8881; 2420-8936; 2420-8960; 2420-8961; 2421-9936; 2440-7875; 2440-7898; 2440-7957; 2440-8881; 2440-8884; 2440-8885; 2440-8886; 2440-8889; 2440-8952; 2440-8956; 2440-8958; 2440-8960; 2440-8961; 2440-8962; 2440-8963; 2440-8965; 2440-9101; 2440-9102; 2440-9107; 2440-9108; 2440-9109; 2495-8968; 2495-8969; 2511-8942; 2530-8958.

SECTION 34A. Notwithstanding any general or special law to the contrary, the Secretary of Environmental Affairs shall allocate not less than \$2,000,000 from accounts 2000-2010, 2000-2022, or 2000-2021 in section 2 of this act for regional and local planning grants to high growth communities in Plymouth and Bristol counties.

SECTION 35. The secretary of environmental affairs shall develop a plan for the reduction of the contamination to watersheds, reservoirs and riverways resulting from the migration and overpopulation of Canadian geese populations. The secretary shall file said plan with the clerks of the house and senate within 9 months after the effective date of this act.

SECTION 36. There shall be a special commission to study the definition of "agricultural and horticultural lands", as said definition governs agricultural preservation restrictions pursuant to section 11A of chapter 132A of the General Laws and other relevant laws. The commission shall consist of the commissioner of food and agriculture, who shall serve as chairman; 3 members of the senate, 1 of whom shall be appointed by the minority leader; 3 members of the house of representatives, 1 of whom shall be appointed by the minority leader; the chair of the board of food and agriculture or his designee, a representative of the agricultural lands preservation committee selected by majority vote of that committee and 4 members appointed by the governor representing the following stakeholders: 1 representative from land trusts headquartered in the commonwealth, 1 representative of a general agricultural organization in the commonwealth, 1 representative from cities and towns in the commonwealth and 1 representative of a statewide organization servicing the horse industry. The members shall study the effects of the changes authorized herein, and shall report their recommendations to the joint committee on natural resources and agriculture by July 1, 2003, for consideration as part of future appropriation of bond funds for said program.

SECTION 37. A special commission is hereby established to investigate and study the feasibility of establishing a program to allow citizens to dispose of residential waste at disposal facilities on certain days for no charge. The investigation and study shall include, but not be limited to, examining the potential effect of the program in reducing the illegal dumping of waste in state parks and reservations and the cost of the program. The commission shall be appointed by the governor and shall consist of 10 members as follows: the house and senate chairmen of the joint committee on natural resources and agriculture,

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who shall serve as co-chairs of the commission, the house and senate chairmen of the committees on ways and means, or their designees, the secretary of environmental affairs, or his designee, the commissioner of environmental management, or his designee, the commissioner of environmental protection, or his designee, a representative of the Massachusetts Municipal Association, a representative of the National Solid Wastes Management Association and a representative of the Massachusetts Audubon Society. The commission shall report to the general court the results of its study, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the house of representatives on or before December 31, 2003.

SECTION 38. The office of coastal zone management within the executive office on environmental affairs shall study and produce a report regarding the potential ecological impacts on the Cape and Islands Ocean Sanctuary and the seabed or subsoil thereof from wind energy facilities located in waters within or outside the commonwealth's coastal zone. The office shall file said report with the clerks of the house and senate within 6 months after the effective date of this act.

Approved August 9, 2002.

This bill was returned on August 9, 2002, by the Lieutenant-Governor, Acting Governor to the Senate, the branch in which said bill was originated, with Her objections in writing to the following items therein:

SECTIONS: 26, 28, 32, 33 and 37.

Pursuant to Article 63, Section 5 of the Amendments to the Constitution, the Lieutenant-Governor, Acting Governor sent a separate letter to the Senate and the House of Representatives setting forth recommended amendments.

The remainder of the bill was approved by the Governor on August 9, 2002 at eleven o'clock and thirty-two minutes, A.M.

Chapter 237. AN ACT RELATIVE TO COMMUNITY RESIDENCY TENANCY PROTECTIONS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith certain protections to community residency tenancies, 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 186 of the General Laws is hereby amended by inserting after section 17 the following section:-

Section 17A. (a) Section 18 of chapter 184, section 17 of this chapter and chapter 239 shall apply to a lawful housing occupant who is a client in a program of residential care and services licensed, funded or operated by the department of mental health and who: (1) pays the program for such residential care and services; (2) receives care and services from the program in a housing unit equipped with a kitchen and bathroom; and (3) occupies the unit either alone or with the occupant's family, as defined in the regulations of the department.

(b) Said section 18 of said chapter 184 and said section 17 of this chapter and said chapter 239 shall not apply to an occupant in a program of residential care and services which does not satisfy the conditions established in subsection (a) if, before eviction, the occupant received the procedural protections contained in subsection (c).

(c) (1) A provider of a program of residential care and services which does not satisfy the conditions established in subsection (a) shall post in each residence of the program a clearly visible notice which explains in plain and simple language the rights of occupants under this subsection.

(2) Any such provider who seeks the eviction of an occupant shall provide to the occupant and to the department written notice of the grounds of the proposed eviction, including reasons, relevant facts and the sources of those facts. The notice shall contain a reference to this section and shall advise the occupant that he has the right to a hearing, to be represented at such hearing by a lawyer or other person of his own choosing. At the request of the occupant, the provider shall afford the occupant, or his representative, reasonable access to review and copy his file before the hearing, including any document intended to be used against him at the hearing.

(3) Upon receipt of notice from the provider, the department shall immediately assign an impartial hearing officer to conduct a hearing on the propriety of the proposed eviction. The hearing officer shall select a hearing location convenient to the provider and occupant and shall conduct the hearing not less than 4 business days and not later than 14 business days after receipt of the proposed eviction notice, unless the provider and occupant jointly request an alternate date. The provider and the occupant may be represented by an attorney or other person and shall be afforded the opportunity to present evidence, to examine adverse evidence and to examine and cross examine witnesses.

(4) The provider shall have the burden of proving, by a preponderance of evidence, the propriety of the proposed eviction, but all such evidence shall be within the scope of the reasons for eviction set forth in the notice required by paragraph (2). An eviction under this section shall be deemed proper if the occupant has substantially violated an essential provision of a written agreement containing the conditions of occupancy or if the occupant is likely, in spite of reasonable accommodation, to impair the emotional or physical well being of other occupants, program staff or neighbors.

(5) Within 10 days after the conclusion of the hearing, the hearing officer shall prepare a written decision containing findings of fact and conclusions of law based on the

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evidence received at the hearing and shall submit copies of the decision, together with a notice of appeal rights, to the occupant and provider. The decision may be appealed to the superior court pursuant to section 14 of chapter 30A .

(6) Before the receipt of a written decision involving a client in a program funded or operated by the department, the provider may request that the department provide additional staffing or other assistance to protect the emotional or physical well being of other occupants, program staff or neighbors. Upon receipt of such request, the department shall provide timely assistance as it deems reasonable and appropriate.

(7) Upon receipt of a hearing officer's decision confirming the propriety of a proposed eviction of a client of the department who would otherwise become homeless, the department shall take steps to assist the client to secure alternative housing in the least restrictive setting that is appropriate and available.

(d) Nothing in this section shall: (1) restrict a provider from initiating an eviction proceeding under chapter 239 if the department fails to conduct a timely hearing pursuant to paragraph (3) of subsection (c); (2) apply to any facility for the care and treatment of mentally ill or mentally retarded persons or to restrict the temporary removal of an occupant under section 12 of chapter 123; (3) apply to a continuing care facility as defined in paragraph (u) of section 1 of chapter 40D or a facility as provided in section 71 of chapter 111; (4) diminish the rights of a lawful occupant of an assisted living facility; or (5) diminish or alter any other occupant rights or privileges not specifically set forth in this section.

(e) The superior court, housing court and district court departments shall have jurisdiction to enforce this section and the department may be made a party to an action brought pursuant to this section.

SECTION 2. This act shall take effect as of July 1, 2002.

Approved August 9, 2002.

Chapter 238. AN ACT AUTHORIZING THE TOWN OF DEDHAM TO SEND CERTAIN INFORMATION TO THE VOTERS OF THE TOWN.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 22A of chapter 55 of the General Laws, section 21C of chapter 59 of the General Laws or any other general or special law to the contrary, the board of selectmen of the town of Dedham shall, at least 10 days before any election at which a binding or nonbinding question shall be submitted solely to the voters of said town cause to be printed and sent to each residence of 1 or more voters whose name appears on the latest active voting list for said town and make available at each polling place (1) the full text of the question; (2) a fair and concise summary of the question, including a 1 sentence statement describing the effect of a yes or no vote, prepared by the town counsel of said town; and (3) arguments for and against such question as provided in section 2.

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SECTION 2. The board of selectmen of the town of Dedham shall cause to be printed and sent, in the manner provided in section 1, arguments for and against each question submitted solely to the voters of said town pursuant to any General Law, including but not limited to, section 21C of chapter 59 of the General Laws. No argument shall contain more than 250 words. Said board of selectmen, or, at its request the town counsel shall seek such written arguments from the principal proponents and opponents of each such question. Said board of selectmen shall designate a date by which written arguments must be received, in a written notice to the principal proponents or opponents. Said notice must be issued at least 14 days before the date by which the written arguments must be received.

For the purposes of this act, the principal proponents and opponents of any such question shall be those persons determined by said board of selectmen to be best able to present the arguments for and against such question. The principal proponents or opponents of such a question may include a town officer or committee, and the principal proponents may include the first 10 signers or a majority of the first 10 signers or any petition initiating the placement of such question on the ballot. In determining the principal proponents and opponents of such a question, said board of selectmen shall contact each ballot question committee, if any, as defined in section 1 of chapter 55 of the General Laws, organized specifically to influence the outcome of the vote on such question. If no argument is received by said board of selectmen within the time allowed by this act, said town counsel shall prepare such argument.

All arguments filed with or prepared by the board of selectmen under this act, and the summary prepared under section 1, shall be open to public inspection at the office of the town clerk of said town.

SECTION 3. The official ballot shall include the summary and statements describing the effect of a yes or no vote as provided in clause (2) of section 1.

SECTION 4. This act shall also apply where the question presented involves the regional district of which the town of Dedham is a member or involves a joint undertaking by said town of Dedham and any 1 or more cities or towns.

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

Approved August 9, 2002.

**Chapter 239. AN ACT RELATIVE TO FUNDING FOR CERTAIN
TELECOMMUNICATIONS PROGRAMS WITHIN THE
COMMONWEALTH.**

Be it enacted, etc., as follows:

SECTION 1. Chapter 6A of the General Laws is hereby amended by inserting after section 18G the following section:-

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Section 18H. The department of telecommunications and energy shall promulgate rules providing for the recovery by telecommunications companies of expenses that have been, are, or will be, until December 31, 2007, incurred that are associated with the services pursuant to sections 18A to 18F, inclusive, of this chapter and sections 14A and 15E of chapter 166. With respect to any deficit incurred by the telephone companies before the effective date of this section, the department of telecommunications and energy shall determine the portion of directory assistance revenues that will be used to offset that deficit, including any interest the department may determine should be applied. The rules shall provide for the funding of the prudently incurred expenses by means of a charge on each voice grade exchange telephone line of business and residence customers within the commonwealth; but the surcharge applicable to centrex service shall be based on an equivalency provided to each private branch exchange trunk. In the development of the charge, all telephone companies shall submit to the department historical data verifying their participation in the statutory funding mechanism. The department of telecommunications and energy shall annually report to the general court concerning the financial condition of the fund and shall address in the report the reasonableness of the capital expenditures and related expenses of the statewide emergency telecommunications board incurred in complying with chapter 166 , sections 14A and 15E.

SECTION 2. Section 7 of chapter 291 of the acts of 1990 is hereby repealed.

SECTION 3. The department of telecommunications and energy shall develop a long term plan for funding enhanced 911 services; the department shall consider, among any and all the issues affecting the enhanced 911 system, (1) equitable payment of the costs of the system by all its beneficiaries and, (2) the changes and projected changes in technology comprising the enhanced 911 system. The department shall submit its recommendations and assessments to the committee on government regulations no later than December 31, 2006.

Approved August 9, 2002.

**Chapter 240. AN ACT DIRECTING THE DIVISION OF CAPITAL ASSET
MANAGEMENT AND MAINTENANCE TO CONVEY A CERTAIN
PARCEL OF LAND IN THE TOWN OF RANDOLPH.**

Be it enacted, etc., as follows:

SECTION 1. The commissioner of the division of capital asset management and maintenance shall, in consultation with the metropolitan district commission, notwithstanding the provisions of sections 40E to 40J, inclusive, of chapter 7 of the General Laws, for the consideration set forth in section 2 by deed approved as to form by the attorney general, convey to Hart Family Limited Partnership, a certain parcel of land containing 3.2 acres located off of High street in the town of Randolph presently under the care and control of the metropolitan district commission, more particularly shown on a plan of land entitled

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"Plan of Land Located on High Street in Randolph, MA" dated February 28, 2002 and prepared by Coler & Colantonio, Inc., together with the interest of the commonwealth, if any, in Reta street located nearby or adjacent to the above referenced parcel. The commonwealth land to be conveyed to the grantee shall be subject to conditions that it shall be used only for surface parking, recreation and open space purposes, that patrons of the Blue Hills reservation be permitted to park on the parcel to be conveyed during periods when the reservation is open, that appropriate signage relating to the location of the Blue Hills reservation be provided on said parcel by the grantee, and such other reasonable terms and conditions as the commissioner of capital asset management and maintenance, in consultation with the commissioner of the metropolitan district commission may establish. All terms and conditions shall be a part of a management and use agreement to be executed between the division, the commission and the grantee.

SECTION 2. As consideration for the conveyance of the parcel of land described in section 1, the commissioner of the division of capital asset management and maintenance shall receive title to a certain parcel of land comprising 3.2 acres located off of High street in the town of Randolph, more particularly described in a deed recorded with the Norfolk county registry of deeds in Book 16063, Page 88. Said commissioner shall also receive such additional consideration established to be the difference between the full and fair market value of the parcel of land described in section 1 and the full and fair market value of the parcel described herein. Under no circumstances shall the commonwealth be obligated to pay any additional consideration to the grantee. The full and fair market value of the parcel described in section 1 shall take into consideration the uses said parcel are to be limited to as set forth therein, and the full and fair market value of both properties as determined by an independent appraisal prepared in accordance with the usual and customary professional appraisal practiced by a qualified appraiser commissioned by said commissioner.

The inspector general shall review and approve said appraisal, and said review and appraisal shall include an examination of the methodology utilized for said appraisal. Said commissioner shall, 30 days prior to the conveyance authorized by this act submit said appraisals and a report thereon to said inspector general. Said inspector general shall prepare a report of his review and approval of said appraisal and file said report with the commissioner, and copies of the same shall be filed with the house and senate committees on ways and means and with the chairmen of the joint committee on state administration at least 15 days prior to said execution.

SECTION 3. The grantee shall be responsible for all costs associated with any appraisal, survey, or other expense incurred by the commonwealth relating to the conveyance authorized by section 1.

SECTION 4. At the option of the commissioner of the division of capital asset management, in consultation with the metropolitan district commission, any additional consideration to be paid by the grantee may be provided by in-kind contribution, so-called,

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as may be set forth in the management and use agreement referred to in section 1. Any monetary consideration paid to the commonwealth for the conveyance authorized by this act shall be deposited into the General Fund.

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

Approved August 9, 2002.

Chapter 241. AN ACT AUTHORIZING THE TOWN OF HOPEDALE TO USE CERTAIN CONSERVATION LAND FOR WATER SUPPLY PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. The town of Hopedale acting by and through its conservation commission, may transfer the care, custody, maintenance and control of a certain parcel of conservation land, consisting of .34 acres on Moore road in Hopedale, to the board of water and sewer commissioners of the town for the purpose of installing, constructing, operating and maintaining a water booster pump station and appurtenant water facilities. Said parcel is shown as Parcel A on a plan of land entitled "Plot Plan For Land Use Change" dated March 13, 2002 prepared by Lanata & Associates, Inc. and is also shown on a plan entitled "Special Town Meeting Warrant Article 2 Plan", dated April 9, 2002.

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

Approved August 9, 2002.

Chapter 242. AN ACT ESTABLISHING STANDARDS FOR STAGE II VAPOR RECOVERY SYSTEMS.

Be it enacted, etc., as follows:

Chapter 111 of the General Laws is hereby amended by inserting after section 142N the following section:-

Section 142O. (a) As used in this section, the following words shall have the following meanings, unless the context clearly requires otherwise:

"Motor vehicle fuel dispensing facility", a motor vehicle fuel facility which dispenses gasoline directly to motor vehicles.

"Stage II system", a vapor collection and control system specifically designed for the purpose of controlling vapors during the direct dispensing of motor vehicle fuel to a motor vehicle.

(b) The department shall notify a motor vehicle fuel dispensing facility owner and operator, in writing, within 30 days of an inspection, when the department determines that

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a violation of its stage II system rules has occurred.

(c) The department shall not promulgate or enforce a requirement that a motor vehicle fuel dispensing facility with a defective component in the stage II system shall cease dispensing fuel at the facility after the discovery of the defective component if: (i) the facility operator marks the defective component "out of order"; (ii) the facility operator takes the component out of service until repaired or replaced; and (iii) the remainder of the stage II system is operating in accordance with the General Laws and the regulations of the department of environmental protection. This subsection shall not prohibit the department from promulgating or enforcing a requirement that a motor vehicle fuel dispensing facility shall cease dispensing fuel after failing the annual compliance test of the stage II system until such time as the system passes the compliance test.

(d) The department shall not promulgate or enforce a requirement that less than 2 responsible individuals or officials shall certify, subject to criminal sanctions or civil penalties, all Stage II system compliance requirements at a dispensing facility where the facility is owned by 1 party, leased or managed by another independent party and both parties have separate Stage II compliance responsibilities.

(e) The department shall establish and implement ongoing programs to communicate the department's Stage II system standards and operating requirements to motor vehicle fuel dispensing facility owners and operators.

Approved August 9, 2002.

Chapter 243. AN ACT RELATIVE TO THE MEMBERSHIP OF THE WOODS HOLE, MARTHA'S VINEYARD AND NANTUCKET STEAMSHIP AUTHORITY.

Be it enacted, etc., as follows:

SECTION 1. Section 53 of chapter 7 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in line 6, the words "and the Massachusetts Port Authority" and inserting in place thereof the following words:- , the Massachusetts Port Authority and the Woods Hole, Martha's Vineyard and Nantucket Steamship Authority.

SECTION 2. Section 3 of chapter 701 of the acts of 1960 is hereby amended by striking out the second paragraph, as appearing in section 24 of chapter 235 of the acts of 2000 , and inserting in place thereof the following paragraph:-

The authority shall consist of 5 persons to be appointed as follows: 1 resident of the county of Dukes County by the county commissioners thereof; 1 resident of the county of Nantucket by the county commissioners thereof; 1 resident of the town of Barnstable by the town council thereof; 1 resident of the town of Falmouth by the selectmen thereof; and 1 member who is a resident of the city of New Bedford by the mayor of the city of New Bed-

ford with the approval of the city council thereof, each of whom shall serve for a term of 3 years and until his successor has been appointed and qualified. The successor of each member shall be appointed in a like manner for a like term and serve, except for any person appointed to fill a vacancy who shall serve only for the remainder of the unexpired term. Any member may be removed for cause by the member's appointing authority.

SECTION 3. Said section 3 of said chapter 701 is hereby further amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

Upon the effective date of this act, the member from the town of Falmouth shall remain chairman of the authority until December 31, 2002. Beginning on January 1, 2003, the chairmanship of the authority shall rotate every year in the following order: first, the member from the county of Nantucket; second, the member from the town of Barnstable; third, the member from the county of Dukes County; fourth, the member from the town of Falmouth; and fifth, the member from the city of New Bedford.

SECTION 4. Said section 3 of said chapter 701 is hereby further amended by striking out the fourth paragraph, as appearing in section 103 of chapter 33 of the acts of 1991, and inserting in place thereof the following paragraph:-

The authority shall elect 1 of the voting members as vice-chairman and as secretary and shall also elect a treasurer who need not be a member of the authority. The votes of the members of the authority shall be weighted such that the county of Dukes County member's vote shall count as 35 per cent of the whole; the Nantucket member's vote shall count as 35 per cent of the whole; and the Barnstable, Falmouth and New Bedford members' votes shall each count as 10 per cent of the whole, to the end that the votes of the county of Dukes County and Nantucket members, if cast on the same side of any motion placed before the authority, shall pass or defeat that motion. A vote of greater than 50 per cent of the weighted vote shall be necessary for any action taken by the authority. Members whose combined votes count as more than 50 per cent of the whole shall constitute a quorum. No vacancy in the membership of the authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the authority. Before the issuance of any steamship bonds under this act, each voting member of the authority shall execute a surety bond to the commonwealth with a surety company authorized to transact business in the commonwealth as surety in the penal sum of \$10,000, and the treasurer shall execute such a bond in the penal sum of \$20,000, conditioned upon the faithful performance of the duties of his office. Each surety bond shall be approved by the attorney general and filed in the office of the state secretary. The members of the authority shall serve without compensation. Each member shall be reimbursed for his actual expenses necessarily incurred in the performance of his duties. All expenses incurred in carrying out this act shall be paid solely from funds provided under the authority of this act, and no liability or obligation shall be incurred by the authority hereunder beyond the extent to which monies shall have been provided under the authority of this act.

SECTION 5. Paragraph (b) of section 4 of said chapter 701 is hereby amended by

striking out, in line 6, the word "fifty", inserted by section 104 of chapter 33 of the acts of 1991, and inserting in place thereof the following figure:- 75.

SECTION 6. Said paragraph (b) of said section 4 of said chapter 701, as most recently amended by said section 104 of said chapter 33 of the acts of 1991, is hereby further amended by adding the following sentence:- Any real estate owned or leased by the authority in the towns of Bourne and Barnstable that sits on an aquifer from which drinking water is extracted shall be subject to applicable zoning ordinances and by-laws.

SECTION 7. Paragraph (e) of said section 4 of said chapter 701 is hereby amended by striking out the words "; provided, however, that no acquisition of real property or capital improvement in excess of fifty thousand dollars shall be undertaken by the authority within the town of Barnstable unless written notice of said real property acquisition or capital improvement is forwarded by registered mail and subsequently approved by the Barnstable town council, a majority of the members thereof present and voting. Said notice shall include, but not be limited to, a detailed description of the proposed real property acquisition or capital improvement and any other documents relevant or pertinent to said proposal. Failure on the part of said town council to render a vote on said real property acquisition or capital improvement within ninety days of the receipt of said notice shall constitute approval of said town council", inserted by section 105 of chapter 33 of the acts of 1991.

SECTION 8. Section 9 of said chapter 701 is hereby amended by striking out the seventh paragraph and inserting in place thereof the following paragraph:-

In case the commonwealth shall be called upon in the calendar year 2002 or a subsequent calendar year to pay the authority any amount under this section on account of a deficiency for the calendar year 2001 or a subsequent calendar year, such amount, with interest or other charges incurred in borrowing the money for the purpose, except such amounts as may be appropriated by the general court therefor, shall be assessed on the towns of Barnstable, Falmouth and Nantucket and the city of New Bedford and the county of Dukes County, in the following proportions: 10 per cent each on Barnstable, New Bedford and Falmouth, 35 per cent on Nantucket and 35 per cent on the county of Dukes County. The county commissioners of the county of Dukes County shall allocate such assessment upon the county to be paid severally by the towns in the county, excepting the town of Gosnold, in the same proportions as in the assessment of the county tax. The city of New Bedford shall be assessed 50 per cent of any net operating losses, not to exceed \$650,000 annually, accrued for any authority passenger and freight service run from the port of New Bedford which is directly attributable to such service, excluding any net operating losses resulting from the operation of the authority's *Schamonchi*, in the calendar years 2003, 2004 and 2005 and 25 per cent of any such net operating losses, not to exceed \$650,000 annually, accrued in calendar years 2006 and 2007. In calendar year 2008 and thereafter, the city of New Bedford shall pay 10 per cent of any annual deficiency, in an identical fashion, to the towns of Falmouth and Barnstable, pursuant to this section. At the end of each calendar year beginning with the calendar year subsequent to the effective date of this act, the authority shall prepare a report calculating the operating losses in accordance with generally accepted

accounting principles and shall submit the same to the auditor of the commonwealth for his approval. The amount certified by the auditor shall be paid to the authority by the state treasurer and assessed on the city of New Bedford in accordance with the above principles.

SECTION 9. Said chapter 701 is hereby further amended by striking out section 14 and inserting in place thereof the following section:-

Section 14. There is hereby established a board to be known as the port council of the Woods Hole, Martha's Vineyard, Nantucket, Barnstable and New Bedford Steamship Authority which shall consist of 7 members: 1 member to be appointed by the board of selectmen of the town of Falmouth for a term of 1 year; 1 member to be appointed by the mayor with the approval of the city council of the city of New Bedford for a term of 1 year; 1 member to be appointed by the town council of the town of Barnstable for a term of 2 years; 1 member to be appointed by the board of selectmen of the town of Oak Bluffs for a term of 2 years; 1 member to be appointed by the board of selectmen of the town of Tisbury for a term of 2 years; 1 member to be appointed by the board of selectmen of the town of Nantucket for a term of 3 years; and 1 member to be appointed by the board of selectmen of the town of Fairhaven for a term of 3 years. Upon the expiration of the term of a member, a successor shall be appointed in like manner for a term of 2 years. Said board shall have the power to review the annual budget of the authority and advise the authority members concerning any activities underway or proposed in any port community in which the authority operates. The board shall have access to such books, records and files of the authority as it may deem necessary or desirable for the exercise of its powers. The members of the board shall serve without compensation but shall be reimbursed from the funds of the authority for any actual expenses necessarily incurred in the performance of their duties.

SECTION 10. The fourth paragraph of section 15 of said chapter 701 is hereby amended by striking out the first sentence, as amended by chapter 167 of the acts of 1990, and inserting in place thereof the following sentence:- No contract shall be awarded by the authority for construction work or for the purchase of equipment, supplies or materials, whether for repairs or original construction, the estimated cost of which amounts to \$10,000 or more, except in cases of special emergency involving the health, convenience or safety of the people using the facilities of the authority, unless proposals for the same have been invited by advertisements in at least 1 newspaper circulating in each of the towns of Falmouth, Nantucket and Barnstable, the city of New Bedford and the county of Dukes County, once a week for at least 2 consecutive weeks, the last publication to be at least 1 week before the time specified for the opening of said proposals.

SECTION 11. Section 15A of said chapter 701, inserted by chapter 102 of the acts of 1979, is hereby amended by striking out the first and second paragraphs and inserting in place thereof the following paragraph:-

The authority shall post and advertise in at least 1 newspaper circulating in each of the towns of Falmouth, Nantucket and Barnstable, the city of New Bedford, and the county of Dukes County, all proposed schedule changes no later than 60 days prior to the effective date of the proposed changes. In the event that the authority shall receive, within 30 days of

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the posting and advertising, a petition signed by not less than 50 persons who are residents of the towns of Falmouth, Nantucket and Barnstable, the city of New Bedford and the county of Dukes County requesting a public hearing on the proposed changes, the authority shall, within 14 days of receiving the petition, conduct a public hearing. The location of the hearing shall be in either the town of Falmouth or Barnstable or in the city of New Bedford or on the islands of Martha's Vineyard or Nantucket, wherever the greatest number of petitioners reside.

SECTION 12. Section 16 of said chapter 701 is hereby amended by striking out the fifth paragraph, as appearing in chapter 392 of the acts of 1974, and inserting in place thereof the following paragraph:-

In addition to the service required by the preceding paragraph, the authority may, in its discretion, provide ferry runs or such transportation between any other port on the mainland, except the town of Fairhaven, and 1 or both of the islands when it shall be deemed necessary or desirable to serve the purposes of this act, and may require any business enterprise necessary or convenient for such purposes.

SECTION 13. Section 27C of chapter 29 of the General Laws shall not be applicable to this act.

SECTION 14. The Woods Hole, Martha's Vineyard and Nantucket Steamship Authority may utilize the state pier in the city of New Bedford under the control of the department of environmental management of which the terms and conditions are to be negotiated by said Authority and said department as subject to the current operating agreement between said department and the city of New Bedford.

SECTION 15. Notwithstanding any general or special law to the contrary, the city of New Bedford and the current operator of barge service between the city of New Bedford and the islands of Martha's Vineyard and Nantucket shall enter into a memorandum of understanding not later than October 15, 2002 relative to the continuation of such service as conducted by the current operator; provided, however, that such memorandum shall be subject, but not be limited, to the current guidelines established by the United States Environmental Protection Agency, as required under chapter 91 of the General Laws and shall include a mutually agreeable location on the Acushnet river or within New Bedford harbor in the city of New Bedford, with a ramp and bulkhead characteristics which equal or surpass the current location in its business and physical characteristics. Any relocation of the current operator shall be within the terms equal to license no. 5130 for the existing facility, and the barge operation shall be permitted and licensed in accordance with said chapter 91. The memorandum of understanding between the city of New Bedford and the operator shall be a legally binding document having the full force and effect of the law between the parties and shall be enforceable in a court of law by equitable relief. If the memorandum of understanding is not executed by October 15, 2002, the operation of barge service between the city of New Bedford and the islands of Martha's Vineyard and Nantucket shall continue as conducted by the current operator and shall be subject to this section.

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SECTION 16. The state secretary shall cause the following question to be placed on the official ballot to be used in the county of Dukes County at the biennial state election to be held in the year 2002: "Shall the member of the Steamship Authority from Martha's Vineyard be appointed by a special committee comprised of 1 selectman from each of the 6 towns of Martha's Vineyard appointed by the selectmen of each respective town and 1 county commissioner appointed by the county of Dukes County Commissioners?" If a majority of the votes cast in answer to said question is in the affirmative, this change shall take effect on December 31, 2003 but not otherwise.

Approved August 9, 2002.

Chapter 244. AN ACT AUTHORIZING THE FINANCING OF THE PRODUCTION AND PRESERVATION OF AFFORDABLE HOUSING.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to authorize the financing of the production and preservation of affordable housing and to make related changes in certain laws, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. To provide for a capital outlay program to rehabilitate, produce and modernize state-owned public housing developments, to preserve the affordability and the income mix of state-assisted multifamily developments, to support home ownership and rental housing opportunities for low and moderate income citizens of the commonwealth, to stem urban blight through the implementation of housing stabilization programs, to support housing for the elderly, disabled and homeless and to promote economic reinvestment through the funding of infrastructure improvements, the sums set forth in section 2, for the several purposes and subject to the conditions specified in this act, are hereby made available from the General Capital Projects Fund, subject to the laws regulating the disbursement of public funds.

SECTION 2.

Department of Housing and Community Development.

7004-7011 For the purposes of state financial assistance in the form of grants for projects undertaken pursuant to clause (j) of section 26 of chapter 121B of the General Laws; provided, that contracts entered into by the department for such projects may include, but shall not be limited to, projects providing for renovation, remodeling, reconstruction, redevelopment, and hazardous material abatement, including asbestos and lead paint, and for

compliance with state codes and laws, the provision of day care facilities, learning centers and teen service centers and the adaptation of units for families and persons with disabilities; provided further, that priority shall be given to projects undertaken for the purpose of compliance with state codes and laws or for other purposes related to the health and safety of residents; provided further, that funds may be expended from this item to make such modifications to congregate housing units as may be necessary to increase the occupancy rate of such units; provided further, that the department, in consultation with local housing authorities, shall draft guidelines for a formula-based modernization program to be implemented on a demonstration basis beginning on July 1, 2002; provided further, the purpose of said program shall be to provide predictable funds to be used flexibly by housing authorities to provide for capital improvements to extend the useful life of state-assisted public housing; and provided further, that not less than 25 per cent of the amount appropriated in this item shall be used to fund projects which preserve and produce housing for families and individuals with incomes of not more than 30 per cent of the area median income, as defined by the United States Department of Housing and Urban Development; provided further, that not less than \$35,000,000 shall be expended for energy efficiency improvements that reduce utility consumption or costs for projects funded in this item including, but not limited to, the installation of high efficiency heating, ventilation, and air conditioning systems, furnaces, and boilers, the replacement of interior and exterior lighting with high efficiency fixtures and lamps, and the installation of plumbing fixtures, windows, siding, insulation and air sealing measures; and provided further, that not less than \$3,540,600 shall be available, subject to the commitment of matching funds from local housing authorities as set forth in section 15, for the provision of a supportive services program for youths living in public housing pursuant to section 60 of said chapter 121B \$350,000,000

7004-7012 For the purpose of state financial assistance in the form of community development action grants to be awarded pursuant to section 57A of chapter 121B of the General Laws; provided, that not less than \$2,000,000 of the amount authorized for expenditure in this item shall be used for projects in seriously

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	distressed areas having a significant amount of vacant land or buildings, as defined by the department	\$25,000,000
7004-7013	For the purpose of state financial assistance in the form of grants or loans for the Housing Innovations Fund Program established pursuant to section 5; provided, that not less than 25 per cent of the amount appropriated in this item shall be used to fund projects which preserve and produce housing for families and individuals with incomes of not more than 30 per cent of the area median income, as defined by the United States Department of Housing and Urban Development; and provided further, that funds from this program shall be used to support joint projects proposed by municipalities or housing development agencies and Massachusetts colleges and universities	\$35,000,000
7004-7014	For the purpose of state financial assistance in the form of grants or loans for the housing stabilization and investment program established pursuant to section 6 of this act; provided, that not less than 25 per cent of the amount appropriated in this item shall be used to fund projects which preserve and produce housing for families and individuals with incomes of not more than 30 per cent of the area median income, as defined by the United States Department of Housing and Urban Development; and provided further, that if the department has not been able to meet the spending allowable under the bond cap for this program, at the end of each year following the effective date of this act, the department shall be allowed to award the remaining funds to projects that serve households earning more than 30 per cent of the area median income, as defined by said United States Department of Housing and Urban Development	\$50,000,000
7004-7015	For the purpose of state financial assistance in the form of grants or loans for the Capital Improvement and Preservation Fund for expiring use properties established pursuant to section 7 of this act	\$35,000,000
7004-7016	For the purpose of providing financial support for developing residential housing units within neighborhood commercial areas including, but not limited to, those areas designated as Main Street areas; provided however, that the developments may include projects which have residential units above commercial space and shall be located in areas characterized by a predominance of commercial land uses, a high daytime	

or business population or a high concentration of daytime traffic and parking; provided further, that the department shall give priority to developments for which municipalities have adopted a housing tax increment financing plan in an urban housing center tax increment financing zone pursuant to section 59 of chapter 40 of the General Laws; provided further, that \$5,000,000 of the amount authorized for expenditure in this item shall be used to fund transit-oriented housing developments in proximity to public transit modes; provided further, that eligible activities for transit-oriented development shall include planning grants, financing subsidies and environmental assessment; and provided further, that not less than 50 per cent of the beneficiaries of such housing in projects assisted by this item shall be persons whose income is not more than 80 per cent of the area median income as defined by the United States Department of Housing and Urban Development \$10,000,000

7004-9981 For the recapitalization of the Massachusetts Housing Partnership Fund \$3,500,000

SECTION 3. To meet the expenditures necessary in carrying out section 2, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time but not exceeding, in the aggregate, \$508,500,000. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Housing Preservation and Neighborhood Development Loan, Act of 2002, and shall be issued for a maximum term of years, not exceeding 20 years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution; provided, however, that all such bonds shall be payable not later than June 30, 2028. All interest and payments on account of principal on such obligations shall be payable from the General Fund. Bonds and interest thereon issued under the authority of this section shall, notwithstanding any other provisions of this act, be general obligations of the commonwealth.

SECTION 4. The state treasurer may borrow from time to time on the credit of the commonwealth such sums as may be necessary for the purpose of meeting payments authorized by section 2 and may issue and renew from time to time notes of the commonwealth therefor bearing interest payable at such time and at such rates as shall be fixed by the state treasurer. The notes shall be issued and may be renewed 1 or more times 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 such notes, whether original or renewal, shall be not later than June 30, 2008. Notes and interest thereon issued under the authority of this section shall be general obligations of the commonwealth.

SECTION 5. The department of housing and community development, may enter into contracts for state financial assistance in the form of grants or loans by the commonwealth acting by and through the department; provided, however, that grants made pursuant to this section shall be made only to public or quasi-public agencies; provided further, that the department shall administer the Housing Innovations Fund Program for the purpose of facilitating the creation and retention of alternative forms of rental and ownership housing. Such forms of housing shall include, but not be limited to: single room occupancy units; limited equity cooperative housing; transitional housing for the homeless; battered women's shelters; mutual housing; housing acquired by nonprofit entities pursuant to Title II of the National Emergency Low Income Housing Preservation Act of 1987 and Title VI of the National Affordable Housing Act of 1990; employer assisted housing; lease to purchase housing; housing produced pursuant to a court approved receivership; innovative forms of housing which seek to mitigate the adverse impact on housing affordability in communities with high concentrations of college or university students; provided further, that the projects may include joint projects between municipalities or housing development agencies and institutions of higher education designed to create or preserve affordable units within those areas; and other innovative forms of housing; provided, however, that not less than 50 per cent of the beneficiaries of such housing shall be persons whose income is not more than 80 per cent of the area median income as determined from time to time by the United States Department of Housing and Urban Development and not less than 25 per cent of the beneficiaries of such housing shall be persons whose income is not more than 30 per cent of the area median income as determined from time to time by the United States Department of Housing and Urban Development. The department shall give preference to those projects that provide transitional and permanent housing for homeless individuals and families and disabled persons. Any such loan program shall be administered by the department through contracts with authorities which shall include housing authorities and redevelopment authorities duly organized and existing in accordance with chapter 121B of the General Laws, and may also include community development corporations duly organized and existing in accordance with chapter 40F of the General Laws, the Massachusetts Housing Finance Agency, a body politic and corporate entity established by chapter 708 of the acts of 1966, nonprofit agencies certified by the United States Department of Housing and Urban Development as community housing development organizations, the Community Economic Development Assistance Corporation, a body politic and corporate entity established by chapter 40H of the General Laws and the Massachusetts Development Finance Agency, a body politic and corporate entity established by chapter 23G of the General Laws. Said organizations may, pursuant to the terms and conditions of contracts with the department, directly issue loans for the purposes of the program or may enter into subcontracts with nonprofit organizations established pursuant to chapter 180 of the General Laws for such purposes. Loans issued directly or indirectly by such organizations shall be subject to the review and approval of the department.

Loans issued pursuant to this section shall be subject to the following provisions:

(1) such loans shall be limited to not more than 50 per cent of the financing of the total development costs; provided, however, that this limitation shall not apply to loans provided for the creation of battered women's shelters which loans may be provided in amounts up to 80 per cent of the financing of total development costs; and provided further, that such loans shall not exceed \$2,500,000 per project;

(2) such loans shall only be issued when a contract or agreement for the use of the property for the purposes of such housing provides for the recording of a restriction in the registry of deeds or the registry district of the land court in the county in which the affected real property is located, for the benefit of said department, running with the land, that the land be used for the purpose of providing alternative forms of rental and ownership housing. Such property shall not be released from such restriction until the balance of the principal and interest for any such loan shall be repaid in full or until a mortgage foreclosure deed shall be recorded;

(3) such loans shall be issued for a term of up to 30 years during which time repayment may be deferred by the loan issuing authority unless, at the end of a fiscal year, cash collections from all sources in connection with such housing, except for contributions, donations or grant moneys, exceed 105 per cent of cash expenditures on behalf of such housing, including debt service, operating expenses, operating reserves and capital reserves. Such excess cash shall be paid to the commonwealth within 45 days of the end of the fiscal year, payable first to interest due under this section and then to principal advanced pursuant to such loan. If, on the date such loans become due and payable to the commonwealth, an outstanding balance exists, such loans may be extended for such periods, each period not to extend beyond 10 years, as the department determines, provided that the project continues to remain affordable housing as set forth in the contract or agreement entered into for the duration of the project by the department. In the event that the terms of repayment detailed in this section would cause a project authorized by this section to become ineligible to receive federal funds which would otherwise assist in the development of that project, the commissioner may waive the terms of repayment which would cause the project to become ineligible;

(4) interest rates for such loans shall be fixed at rates to be determined by the director of housing and community development, in consultation with the state treasurer;

(5) expenditures from this section shall not be made for the purpose of refinancing outstanding mortgage loans for housing in existence prior to the effective date of this act unless such housing had previously received funding pursuant to item 3722-8879 of section 3 of chapter 226 of the acts of 1987 or item 3722-8899 of section 2 of chapter 494 of the acts of 1993;

(6) said department shall take due consideration of a balanced geographic plan for such alternative forms of housing when issuing such loans; and

(7) housing projects developed pursuant to this act shall not be refinanced during the term of a loan issued pursuant to this section unless the balance of the principal and interest

for such loan is repaid in full at the time of such refinancing. Such housing projects may be refinanced if such refinancing would result in a reduction of costs paid by the commonwealth. Any such refinanced loan shall be due and payable on a date not later than the date on which the original loan was due and payable, except in accordance with clause (3), or when necessary to effect extraordinary repairs or maintenance to be approved by the director of housing and community development.

Notwithstanding any other general or special law to the contrary, and within 120 days after the expiration of affordability restrictions on housing assisted under this section, the department or its assignee, who is a qualified developer selected pursuant to the terms of this section under the guidelines of the department, shall have an option to purchase any such property at its current appraised value reduced by any remaining obligation of the owner. Two impartial appraisers shall determine, within 60 days after the expiration of said affordability restrictions, the current appraised value in accordance with recognized professional standards. Two professionals in the field of multi-unit residential housing shall select each such appraiser. The owner and the department, respectively, shall designate such professionals within 30 days after the expiration of said affordability restrictions. If there exists a difference in the valuations provided by the appraisals, the 2 valuations shall be added together and divided by 2 to determine the current appraised value of the property.

Prior to any sale or transfer or other disposition of any such housing assisted under this section where the department has not previously exercised an option to purchase, an owner shall offer the department or its assignee, who shall be a qualified developer selected pursuant to the terms of this section under the guidelines of the department, a first refusal option to meet a bona fide offer to purchase said property. The owner shall provide to the department or its assignee written notice by regular and certified mail, return receipt requested, of the owner's intention to sell, transfer or otherwise dispose of the property. The department or its assignee shall hold such first refusal option for the first 120 days after receipt of the owner's notice of intent to transfer the property. Failure to respond to the written notice of the owner's intent to sell, transfer or otherwise dispose of the property within 120 days after the receipt thereof shall constitute a waiver of such right of first refusal by the department.

No sale, transfer or other disposition of such land shall be consummated until either said first refusal option period shall have expired or the owner shall have been notified in writing by the department or assignee in question that said option will not be exercised. Such option may be exercised only by written notice signed by a designated representative of the department or its assignee, mailed to the owner by certified mail at such address as may be specified in his notice of intention and recorded with the registry of deeds or the registry district of the land court of the county or district in which the affected real property is located, within the option period. If the first refusal option has been assigned to a qualified developer selected pursuant to the terms of this section under guidelines issued by the department, such written notice shall state the name and address of such developer and the

terms and conditions of such assignment. An affidavit before a notary public that the department or its designated representative has mailed such notice of intent on behalf of an owner shall conclusively establish the manner and time of the giving of such notice; and such an affidavit, and such notice that the option will not be exercised shall be recorded with the registry of deeds or the registry district of the land court of the county or district in which the affected real property is located. Each notice of intention, notice of exercise of the option and notice that the option will not be exercised shall contain the name of the record owner of the land and description of the premises to be sold or converted adequate for identification thereof; and each such affidavit before a notary public shall have attached to it a copy of the notice of intention to which it relates. Such notices of intention shall be deemed to have been duly mailed to the parties above specified if addressed to them in care of the keeper of records for the party in question.

Upon notifying the owner in writing of its intention to pursue its first refusal option during such 120-day period, the department or its assignee shall have an additional 120 days, beginning on the date of the termination of the first refusal option period, to purchase the property. Such time periods may be extended by mutual agreement between the department or its assignee and the owner of the property; provided, however, that any such extension agreed upon shall be recorded in the registry of deeds or the registry district of the land court of the county or district in which the affected real property is located. Within a reasonable time after request, the owner shall make available to the department or its assignee any information which is reasonably necessary for the department to exercise its rights. The department or its assignee may purchase or acquire the property only for the purposes of preserving or providing affordable housing provided that such housing shall remain affordable for not less than 40 years.

The department shall promulgate regulations for the implementation of the housing loan program authorized by this section.

SECTION 6. The department of housing and community development may enter into contracts for state financial assistance in the form of grants or loans by the commonwealth acting by and through the department of housing and community development for projects undertaken for the housing stabilization and investment program. The department shall administer the housing stabilization and investment program for the purpose of undertaking projects to develop and support affordable housing developments and homeownership affordability through the acquisition, preservation and rehabilitation of affordable housing; provided, however, that such program may include assistance for projects to stabilize and promote reinvestment in cities and towns including, but not limited to, acquisition, rehabilitation and preservation of foreclosed and distressed properties and any other techniques necessary to achieve such reinvestment; provided further, that not less than \$5,000,000 shall be expended for the production or preservation of housing for people age 60 and over. Assistance provided through such program may be made in a manner which qualifies the assistance as a matching contribution under Section 220 of the HOME Investment Partnership Act Title II of the Cranston-Gonzalez National Affordable Housing

Act including, in the case of assistance provided in the form of a loan, a commitment to repay such loan to the commonwealth's HOME Investment Trust Fund established pursuant to Section 92.5000(o) of the regulations of the United States Department of Housing and Urban Development. Loans may be provided to any agency, department, board, commission, authority or instrumentality of the commonwealth or any political subdivision thereof, to housing authorities, nonprofit agencies certified by the United States Department of Housing and Urban Development as community housing development organizations, community development corporations and limited equity cooperative housing corporations established pursuant to chapter 157B of the General Laws. Such recipients may enter into subcontracts to carry out the purposes of such contract with other for-profit or not-for-profit organizations. Prior to providing assistance, the department shall find that: (1) the housing would not, by private enterprise alone and without government assistance, be available to lower income families and individuals; (2) the amount of assistance appears to be the minimum amount necessary to make the housing development feasible; (3) with respect to rental housing, the operations of the owner and its articles of organization and by-laws and any changes to either shall be subject to regulation by the department; and (4) the housing shall remain affordable for its useful life as determined by the department. Such housing shall be considered affordable if, during the first 40 years after assistance is first provided, substantially all of the assisted units shall be rented to or owned by families and individuals whose income at initial occupancy is equal to or less than 80 per cent of the median income as determined by the secretary of Housing and Urban Development for the federal housing programs and that thereafter such units shall be rented or sold, subject to such restrictions on appreciation as determined by the department to be reasonable and necessary to maintain long term affordability, to families or individuals at incomes at or below 100 per cent of the median income.

Notwithstanding any other general or special law to the contrary and within 120 days after the expiration of such restrictions, the department of housing and community development or its assignee, who shall be a qualified developer selected pursuant to the terms of this section under the guidelines of the department, shall have an option to purchase any such property at its current appraised value reduced by any remaining obligation of the owner. Two impartial appraisers shall determine, within 60 days after the expiration of said affordability restrictions, the current appraised value in accordance with recognized professional standards. Two professionals in the field of multi-unit residential housing shall select each such appraiser. The owner and the department of housing and community development, respectively, shall designate such professionals within 30 days after the expiration of said affordability restrictions. If there exists a difference in the valuations provided by the appraisals, the 2 valuations shall be added together and divided by 2 to determine the current appraised value of the property.

Prior to any sale or transfer or other disposition of any such housing assisted under this section where the department has not previously exercised an option to purchase, an owner shall offer the department or its assignee, who shall be a qualified developer selected

pursuant to the terms of this section under the guidelines of the department, a first refusal option to meet a bona fide offer to purchase said property. The owner shall provide to the department written notice by regular and certified mail, return receipt requested, of the owner's intention to sell, transfer or otherwise dispose of the property. The department or its assignee shall hold such first refusal option for the first 120 days after receipt of the owner's notice of intent to transfer the property. Failure to respond to the written notice of the owner's intent to sell, transfer or otherwise dispose of the property within 120 days after the receipt thereof shall constitute a waiver of such right of first refusal by the department.

No sale, transfer or other disposition of such land shall be consummated until either said first refusal option period shall have expired or the owner shall have been notified in writing by the department or assignee in question that said option will not be exercised. Such option may be exercised only by written notice signed by a designated representative of the department or its assignee, mailed to the owner by certified mail at such address as may be specified in his notice of intention and recorded with the registry of deeds or the registry district of the land court of the county or district in which the affected real property is located, within the option period. If the first refusal option has been assigned to a qualified developer selected pursuant to the terms of this section under guidelines issued by the department, such written notice shall state the name and address of such developer and the terms and conditions of such assignment. An affidavit before a notary public that the department or its designated representative has mailed such notice of intent on behalf of an owner shall conclusively establish the manner and time of the giving of such notice; and such affidavit, and such notice that the option will not be exercised shall be recorded with the registry of deeds or the registry district of the land court of the county or district in which the affected real property is located. Each notice of intention, notice of exercise of the option and notice that the option will not be exercised shall contain the name of the record owner of the land and description of the premises to be sold or converted adequate for identification thereof; and each such affidavit before a notary public shall have attached to it a copy of the notice of intention to which it relates. Such notices of intention shall be deemed to have been duly mailed to the parties above specified if addressed to them in care of the keeper of records for the party in question.

Upon notifying the owner in writing of its intention to pursue its first refusal option during such 120-day period, the department or its assignee shall have an additional 120 days, beginning on the date of the termination of the first refusal option period, to purchase the property. Such time periods may be extended by mutual agreement between the department or its assignee and the owner of the property; provided, however, that any such extension agreed upon shall be recorded in the registry of deeds or the registry district of the land court of the county or district in which the affected real property is located. Within a reasonable time after request, the owner shall make available to the department of housing and community development or its assignee any information which is reasonably necessary for the authority to exercise its rights. The department of housing and community development or

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its assignee may purchase or acquire the property only for the purposes of preserving or providing affordable housing.

Funds provided herein may be used for grants to cities and towns to assist with the costs of demolishing certain privately-owned vacant and abandoned buildings that have been found to be uninhabitable and not economically feasible to rehabilitate and which the city or town may demolish pursuant to sections 127A and 127B of chapter 111 of the General Laws or sections 6 to 9, inclusive, of chapter 143 of the General Laws and the regulations promulgated pursuant to each of said chapters or which have been taken by the city or town for taxes. Any such demolition shall be undertaken in accordance with a neighborhood revitalization plan adopted by the city or town after a public hearing and after approval by the department which provides for the rehabilitation and development of housing in the areas in which such demolition is being undertaken. The department of housing and community development shall promulgate regulations for the purpose of implementing this section including, but not limited to, grants to cities and towns for demolition of certain vacant and abandoned buildings and procedures for neighborhood revitalization plans; provided, however, that not more than \$25,000,000 shall be expended for new construction of affordable housing.

Notwithstanding the restrictions described in this section, funds provided for the Housing Stabilization and Investment Program shall be used for a revolving rehabilitation loan program to support the revitalization of certain abandoned or severely distressed privately-owned residential housing for which a court appointed, nonprofit receiver has been selected pursuant to chapter 111 of the General Laws. Such program may include activities necessary to make essential repairs and to pay operating expenses necessary to maintain habitability of such housing units in order to prevent abandonment and deterioration of such housing in primarily low and moderate income neighborhoods. Such loans may be administered by the department of housing and community development through contracts with the Community Economic Development Assistance Corporation, a body politic and corporate entity established in chapter 40H of the General Laws, and through contracts with the Massachusetts Housing Partnership Fund, an instrumentality of the commonwealth established in section 35 of chapter 405 of the acts of 1985. The recipients may enter into subcontracts to administer the purposes of such contracts with other for-profit or nonprofit organizations. The department of housing and community development shall promulgate regulations for the purpose of implementing this section.

An amount not to exceed \$1,000,000 shall be expended in the form of loans to nonprofit developers for the acquisition of property to provide or preserve affordable housing. Such program of loans may be administered by the department of housing and community development through contracts with said Community Economic Development Assistance Corporation. Such program may include acquisition, financing and other holding costs, interim management and operating costs and may also be used by said Community Economic Development Assistance Corporation to secure, collateralize or reserve against other financing obtained by said Community Economic Development Assistance Corporation

to support such costs. Not less than 50 per cent of the beneficiaries of such housing shall be persons of income not more than 80 per cent of the area median income as determined from time to time by the United States Department of Housing and Urban Development and not less than 25 per cent of the beneficiaries of such housing shall be persons whose income is not more than 30 per cent of the area median income as determined from time to time by the United States Department of Housing and Urban Development.

Notwithstanding the restrictions described in this section, funds provided for the Housing Stabilization and Investment Program may be used to support the rehabilitation of owner-occupied 1 to 4-family properties and the acquisition and rehabilitation of such properties by persons of low or moderate income. The program may include, but shall not be limited to, direct loans, loan guarantees and loan loss reserves; provided, however, that the objective of such program shall include the following: (1) projects shall rely, to the greatest extent possible, on bank financing and other taxable financing to support the costs of such acquisition and rehabilitation; (2) coordinating the delivery of such financing and related rehabilitation services with cities and towns that provide such assistance utilizing federal community development block grants, federal HOME funds, and other resources; (3) expediting and simplifying the process by which home buyers may obtain financial and technical assistance for such acquisitions and rehabilitation; and (4) ensuring that adequate provisions are in place to assure that rehabilitation is completed in a timely and professional manner and to protect homeowners from excessive acquisition and rehabilitation costs.

Notwithstanding the restrictions described in this section, funds provided for the Housing Stabilization and Investment Program may be used for deferred payment second mortgage loans to support the acquisition and moderate rehabilitation of small multifamily rental properties pursuant to the Permanent PLUS Program to be administered by the department of housing and community development through contracts with the Massachusetts Housing Partnership Fund, an instrumentality of the commonwealth established by section 35 of chapter 405 of the acts of 1985. The Massachusetts Housing Partnership Fund shall enter into binding agreements to ensure that at least 20 per cent of the units are affordable to persons whose income is less than 50 per cent of the area median income, at least 40 per cent of the units are affordable to persons whose income is less than 60 per cent of the area median income, or at least 50 per cent of such units are affordable to persons whose income is less than 80 per cent of the area median income, as such incomes are determined from time to time by the United States Department of Housing and Urban Development.

Any money received from loan repayments pursuant to this section shall be deposited in the HOME Investment Trust Fund referred to in section 13 of chapter 257 of the acts of 1998 and may be expended by the department solely for the purposes set forth in this section.

SECTION 7. The department of housing and community development may enter into contracts for state financial assistance in the form of grants or loans by the commonwealth acting by and through the department of housing and community development for a Capital Improvement and Preservation Fund for the purposes of preserving and improving

existing privately-owned, state or federally assisted housing. Property eligible for assistance shall include housing where the prepayment of a state or federally-assisted mortgage would lead or has led to the termination of a use agreement for low income housing or in which a project-based rental assistance contract is expiring or has expired. In allocating funds pursuant to this section, preference shall be given to nonprofit organizations and housing authorities seeking to purchase an eligible property. The department, in consultation with nonprofit organizations, the Massachusetts Housing Finance Agency, the Community Economic Development Assistance Corporation and the Massachusetts Housing Partnership Fund shall identify those projects at greatest risk of prepayment or nonrenewal of rental assistance and shall grant preference in allocating funds pursuant to this section to such developments. The department shall enter into binding agreements to ensure that not less than 50 per cent of the units in such housing shall be occupied and affordable to persons of income of 80 per cent or less of the area median income as determined by the United States Department of Housing and Urban Development and that not less than 10 per cent of such affordable units in such housing is available and affordable to households with income of 50 per cent or less of the area median income as determined by said United States Department of Housing and Urban Development or such greater percentage of units as required by the Massachusetts Housing Finance Agency or the United States Department of Housing and Urban Development regulations. The department may enter into subcontracts with community development corporations, for-profit organizations or nonprofit organizations to carry out the purposes of such grants and loans and shall enter into contracts with the Massachusetts Housing Finance Agency, the Community Economic Development Assistance Corporation and the Massachusetts Housing Partnership Fund. A portion of the funds may be allocated in the form of predevelopment grants or loans from the Community Economic Development Assistance Corporation and the Massachusetts Housing Partnership Fund to nonprofit purchasers of such housing. Such housing shall remain affordable for not less than 40 years or for such longer period, based upon the useful life of the housing as determined by the department, as may be specified in the applicable recorded restriction at the registry of deeds or the registry district of the land court of the county or district in which the affected real property is located.

The department shall promulgate regulations for the purpose of implementing this section.

SECTION 8. The costs of professional personnel, including personnel categorized under collective bargaining unit 9, directly involved in the planning, design and construction of projects funded by section 2, including costs incurred pursuant to section 5D of chapter 29 of the General Laws but excluding clerical and support personnel, may be charged to the authorizations in said section 2; provided, however, that such costs shall not be classified as administrative costs. The director of housing and community development shall file an annual spending plan with the fiscal affairs division, the house and senate committees on ways and means and the long term debt committee which details, by subsidiary, all personnel costs and administrative costs charged to expenditures made pursuant to this act.

SECTION 9. Chapter 40H of the General Laws is hereby amended by striking out section 1, as appearing in the 2000 Official Edition, and inserting in place thereof the following section:-

Section 1. The general court finds and declares that: (a) the commonwealth has already designated certain chronically depressed areas, and may hereafter designate other such areas, as target areas; (b) the development of these target areas will promote employment and the fuller utilization of local resources and will enhance the fiscal health of the commonwealth and its cities and towns; (c) the commonwealth has already implemented policies designed to provide capital and other financial assistance to community development corporations and other organizations seeking to alleviate the debilitating conditions characterizing these target areas, but the lack of technical assistance to these organizations inhibits the commonwealth's ability to redevelop such areas; (d) due to the critical shortage of housing in the commonwealth that is affordable to persons of low and moderate income, the preservation of existing and the creation of new housing that is affordable to persons of low and moderate income will enhance the fiscal health of the economy of the commonwealth; (e) therefore, it is in the public interest of the commonwealth to promote the prosperity and general welfare of its citizens, a public purpose for which public money may be expended, to provide technical and financial assistance and related services to community development corporations, nonprofit corporations and other organizations, to promote the revitalization of target areas and to preserve and develop housing affordable to low and moderate income persons; and (f) the creation of the Community Economic Development Assistance Corporation will assist in serving these public purposes.

SECTION 10. Section 2 of said chapter 40H, as so appearing, is hereby amended by inserting before the definition of "Board" the following definition:-

"Affordable housing", a dwelling unit: (i) rented to a household whose annual income, adjusted for family size, is equal to or less than 80 per cent of the median income of the Metropolitan Statistical Area, Primary Metropolitan Statistical Area or nonmetropolitan county in which the dwelling unit is located, as such median income is determined from time to time by the United States Department of Housing and Urban Development or any successor agency; or (ii) sold to and occupied by a household whose annual income, adjusted for family size, is equal to or less than 100 per cent of the aforesaid median income.

SECTION 11. Said section 2 of said chapter 40H, as so appearing, is hereby further amended by striking out the definition of "Eligible organization" and inserting in place thereof the following definition:-

"Eligible organization", a CDC, a nonprofit corporation or such other entity or organization, including a public agency and a limited equity cooperative housing corporation organized under or subject to chapter 157B which the board determines to be engaged primarily in activities intended: (i) to contribute to the development and economic well-being of a target area or areas, and to increase or retain primary employment and capital in a target

area or areas; or (ii) to contribute to the preservation of existing or the creation of new affordable housing. In addition the Massachusetts Community Development Finance Corporation, established in chapter 40F, shall be an eligible organization.

SECTION 12. Said section 2 of said chapter 40H, as so appearing, is hereby further amended by striking out the definition of "Technical assistance" and inserting in place thereof the following definition:-

"Technical and financial assistance", professional, financial and other assistance to assist eligible organizations to plan, organize and implement economic activities which may reasonably be expected: (i) to contribute to the development and economic well-being of a target area or areas, and to increase or retain primary employment and capital in a target area or areas; or (ii) to contribute to the preservation of existing or the creation of new affordable housing.

SECTION 13. Subsection (e) of section 3 of said chapter 40H, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The board shall hire an executive director and shall establish his salary.

SECTION 14. Said chapter 40H is hereby further amended by striking out sections 4 and 5, as so appearing, and inserting in place thereof the following 2 sections:-

Section 4. CEDAC shall have the following powers:

- (a) to make, amend and repeal bylaws, rules and regulations for the management of its affairs;
- (b) to adopt an official seal;
- (c) to sue and be sued, in its own name;
- (d) to make contracts and execute all instruments necessary or convenient for the exercise of its power and functions;
- (e) to acquire, own, hold and dispose of personal property of any nature or any interest therein;
- (f) to enter into agreements or other transactions with any federal, state or municipal agency;
- (g) to provide technical and financial assistance, either to particular eligible organizations or in the form of assistance, such as the publishing of materials or holding of conferences or the like, intended to contribute to the public purposes of this chapter generally;
- (h) to appear in its own behalf before boards, commissions, departments or other agencies of municipal, state or federal government;
- (i) to procure insurance against any losses in connection with its property in such amounts and from such insurers, as may be necessary or desirable;
- (j) to apply for and accept grants, loans, advances and contributions from any source of money, property, labor or other things of value, to be held, used and applied for the purposes of this chapter;
- (k) to provide and pay for such advisory services and technical and financial assistance as may be necessary or desirable to carry out the purposes of this chapter;

(l) to exercise any other powers of a corporation organized under chapter 156B; and
(m) to do all things necessary or convenient to carry out its purposes and exercise the powers expressly granted in this chapter.

Section 5. CEDAC may, subject to appropriation by the general court or funds made available from any other public or private source and pursuant to rules and regulations adopted by it, provide technical and financial assistance to particular eligible organizations or projects intended to contribute to the public purposes of this chapter generally; provided, however, that preference shall be given to projects in which community controlled organizations or community action programs have, or will have, an ownership interest; and provided further, that before providing technical and financial assistance to a particular eligible organization, CEDAC shall find and incorporate in its minutes that: (1) the eligible organization is devoting a substantial part of its efforts to activities intended to contribute to the redevelopment and economic well-being of target areas and to increase or retain primary employment and capital in target areas or to activities intended to preserve existing or create new units of affordable housing; and (2) technical and financial assistance shall be used solely for a particular project which meets the following standards:

(i) the project is within a target area and may reasonably be expected to contribute to the redevelopment and economic well-being of the target area within which it is located and to increase or maintain threatened primary employment and capital within such target area, or if the project may reasonably be expected to preserve existing or create new units of affordable housing;

(ii) the project has provided reasonable assurance that it will conform to all applicable environmental, zoning and building laws;

(iii) the benefits of the project, including the addition or retention of primary employment and of capital in the project's target area, shall primarily accrue to the residents of such target area, or a portion of the dwelling units in the project shall constitute or otherwise qualify as affordable housing;

(iv) there is a reasonable expectation that the project will be successful and that the eligible organization and project participants are responsible parties;

(v) the private sector has not provided sufficient primary employment opportunities in the project's target area;

(vi) alternative sources, including other agencies and subdivisions of the commonwealth and of the federal government, for technical and financial assistance have been sought and are either insufficient or unavailable to meet the needs of the project;

(vii) the technical and financial assistance to be provided is essential to the success of the project; and

(viii) provision has been made for the active participation of residents of the target area in the project; and

(3) adequate provisions have been made for reporting by the eligible organization and the project concerning the manner in which the technical and financial assistance is used and the extent to which it achieves its intended results.

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Such findings by CEDAC shall be conclusive.

In providing technical and financial assistance to eligible organizations, CEDAC shall give preference to projects that provide potential benefits in addition to those listed herein.

SECTION 15. Item 4000-8200 of section 2 of chapter 52 of the acts of 1993, as amended by section 4 of chapter 494 of the acts of 1993, is hereby further amended by striking out, in line 32, the word "thirty" and inserting in place thereof the following figure:- 50.

SECTION 16. Said item 4000-8200 of said section 2 of said chapter 52, as amended by said section 4 of said chapter 494, is hereby further amended by inserting after the word "restriction", in line 40, the following words:- in the registry of deeds or the registry district of the land court of the county in which the affected real property is located.

SECTION 17. Said item 4000-8200 of said section 2 of said chapter 52, as amended by said section 4 of said chapter 494, is hereby further amended by striking out, in lines 43 to 46, inclusive, the words "the mentally ill, or mentally retarded and related uses; unless and until the balance of the principal and interest for said loan is repaid in full and is released from such restriction as provided pursuant to section three of this act" and inserting in place thereof the following words:- eligible individuals as determined by the departments of mental health and mental retardation; provided, that the property shall not be released from such restrictions until the balance of the principal and interest for the loan is repaid in full or until a mortgage foreclosure deed is recorded.

SECTION 18. Said item 4000-8200 of said section 2 of said chapter 52, as amended by said section 4 of said chapter 494, is hereby further amended by striking out, in lines 60 to 62, inclusive, the words ", said loans may be extended for a period not to exceed ten years for the purpose of repaying the outstanding principal and interest on said loans" and inserting in place thereof the following words:- and if, on such date, the department of housing and community development, in consultation with the executive office of health and human services, determines that there still exists a need for such housing and that there is continued funding available for the provision of services to such development, said department may, by agreement with the owner of the development, extend the loans for such periods, each period not to extend beyond 10 years, as the department determines; provided, however, that the project shall continue to remain affordable housing for the duration of the loan term, as extended, as set forth in the contract or agreement entered into by the department; and provided, further, that, in the event that the terms of repayment detailed in this item would cause a project authorized by this item to become ineligible to receive federal funds which would otherwise assist in the development of that project, that commissioner may waive the terms of repayment which would cause the project to become ineligible.

SECTION 19. Said chapter 52 is hereby further amended by striking out section 4 and inserting in place thereof the following section:-

Section 4. If any provision of this act would preclude the use of federal funds that will assist in meeting the goals of the program, the director of housing and community development may modify, waive or negotiate such modifications to the rules as may be required

to allow the use of such federal funds; provided, however, that the interests of the commonwealth shall remain protected.

SECTION 20. The department of housing and community development, in accordance with this section, may make grants to local housing authorities for use in the provision of supportive services programs to complement improvements to the physical environment of public housing developments. Grants under this section may be used in public housing developments for:

(1) programs, including salaries and expenses for staff of those programs, designed to reduce use of drugs in and around public housing developments, including drug prevention, intervention, referral and treatment programs;

(2) programs, including salaries and expenses for staff of those programs, designed for outreach and recruitment of public housing development youths into employment, tutorial or job training programs; and

(3) programs, including salaries and expenses for staff of those programs, designed for outreach and recruitment of public housing development youth into sports and recreation programs; provided, that those sports and recreation programs shall be designed to appeal to youths as alternatives to drug use.

To receive a grant under this section, a local housing authority shall submit an application to the department at such time, in such manner and accompanied by such additional information as the department may reasonably require. The application shall include a plan for addressing the identified supportive services needs of youths residing in local housing developments.

The department shall approve all applications from local housing authorities in accordance with a grant formula which makes available a sum not to exceed \$225 per unit for every unit of state-aided chapter 200 and chapter 705 low income family housing owned and operated by an applicant local housing authority. The department shall approve applications on the basis of threshold criteria that shall include, but not be limited to:

(a) the quality of the plan to address the supportive services needs of youths residing in housing developments, including the extent to which the plan includes initiatives that can be sustained over a period of several years;

(b) the capability of the applicant to carry out the plan; and

(c) the extent to which tenants, the local government and the local community support the activities proposed to be funded under the application.

The receipt of a grant under this section shall be contingent upon commitment of matching funds, in an amount equal to the proposed state grant, to be contributed by the local housing authority submitting an application pursuant to this section; provided, however, that not more than 50 per cent of federal funding shall be included in the calculation of the equal share of matching funds to be committed by the local housing authority, unless, upon certification of the director, the federal funding is determined to be directed toward supportive services program costs.

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A local housing authority may apply for a 1-year grant under this section that, subject to the availability of appropriated amounts, shall be renewed annually for a period of not more than 4 additional years, except that such renewal shall be contingent upon the department finding, upon an annual or more frequent review, that the grantee local housing authority is performing under the terms of the grant and applicable laws in a satisfactory manner and meets such other requirements as the department may prescribe. The department may adjust the amount of any grant received or renewed under this paragraph to take into account increases or decreases in amounts appropriated for these purposes or such other factors as the director determines to be appropriate.

Each local housing authority shall be equally eligible for funding and may make application to the department for funding under this section.

The department shall require grantees to provide periodic reports that include the obligation and expenditure of grant funds, the progress made by the grantee in implementing the plan described in this section and any other pertinent information as reasonably required.

The department shall audit and monitor the programs funded under this section to ensure that assistance provided is administered in accordance with this section. Said department shall submit a report not later than January 1, 2003, and annually thereafter, to the joint committee on housing and urban development, the joint committee on long term debt, and the house and senate committees on ways and means regarding the funding of the programs pursuant to this section.

The department may issue such rules and regulations as are reasonably necessary to carry out this section.

SECTION 21. Notwithstanding any general or special law to the contrary, the following bond funded appropriation is hereby reduced by the amount of the uncommitted balances in this item and any allocations hereof as of the day following the effective date of this act:

3722-8872.

SECTION 22. Notwithstanding any general or special law to the contrary, the following bond funded appropriations are hereby reduced by the amount specified below for each item. If an allocation account is specified below for an item, the reduction shall be reflected in the state accounting system in the allocation account.

Item	Amount
3722-8871	\$662,725
3722-8891	\$2,822,017
3722-8892	\$15,692,269.

This bill was returned on August 10, 2002, by the Lieutenant-Governor, Acting Governor to the House of Representatives the branch in which said bill was originated, with Her objections in writing to the following items therein:

SECTIONS: 21 and 22.

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Pursuant to Article 63, Section 5 of the Amendments to the Constitution, the Lieutenant-Governor, Acting Governor sent a separate letter to the Senate and the House of Representatives setting forth recommended amendments.

The remainder of the bill was approved by the Governor on August 10, 2002 at twelve o'clock and thirty minutes, P.M.

Chapter 245. AN ACT PROVIDING FOR CAPITAL FACILITY IMPROVEMENTS AND REPAIRS FOR THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to provide for improvements and repairs of certain real property and other assets 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. To provide for a program of capital improvements to various state institutions and properties, the sums set forth in this act, for the several purposes and subject to the conditions specified in this act, are hereby made available from the General Capital Projects Fund, subject to the provisions of law regulating the disbursement of public funds.

SECTION 2.

JUDICIARY.

Trial Court.

0330-9010 For the purchase or lease of equipment or other items for a program of intermediate sanctions including, but not limited to, the purchase of community service vans, drug testing equipment, the acquisition and build-out of leased or purchased space for day reporting centers and detention facilities, including modular units, and the purchase and upgrading of equipment, such as electronic monitoring equipment to support curfew enforcement, home confinement and other sanctions that may qualify as alternatives to incarceration; provided, that no funds appropriated in this item shall be expended for costs of state personnel or contracted personnel; provided further, that not more than 2 percent of the funds authorized herein shall be expended for the administration of any projects in this item; and provided further, that the chief justice of administration and management shall submit a re-

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- port detailing any such administrative expenditures to the house and senate committees on ways and means \$10,000,000
- 0333-0010 For the purchase or lease of modular units or the acquisition of property interests, including lease space and temporary court facility construction, for the personnel and officers of the Norfolk county probate court, while said court is under renovation; provided however, that said personnel and officers shall be relocated within a 3-mile radius of the existing courthouse; and provided further, that effective January 1, 2007, said existing courthouse shall be the asset and property exclusively of the commonwealth \$5,500,000

SECRETARY OF STATE.

- 0526-2010 For a grant program to units of municipal government and to private, nonprofit organizations for the preservation of historic properties, landscapes and sites; provided, that such funds shall be awarded in accordance with regulations promulgated by the state secretary, chairman of the Massachusetts historical commission \$11,000,000

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Division of Capital Asset Management and Maintenance.

- 1102-0004 For planning and studies, acquisition of land and buildings and interests therein, the preparation of plans and specifications, the construction, renovation, reconstruction, alteration, improvement, demolition, expansion, repair and furnishings and equipment for county correctional facilities as provided in this item; provided, that \$14,000,000 shall be provided for the Worcester regional lockup; provided, that the secretary of administration and finance shall conduct a study relative to the economic impact the regional lockup will have on the town of West Boylston, for the purpose of determining an appropriate mitigation amount or payment-in-lieu-of-taxes for the project; provided further, that \$7,000,000 shall be provided for the Billerica house of correction; and provided further, that \$9,000,000 shall be expended for the Franklin county house of correction \$32,500,000
- 1102-2010 For planning and studies, the preparation of plans and specifications, construction, renovation, reconstruction, improvement, demolition, expansion, and repair to state-owned and former

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	county facilities and grounds; provided, that \$100,000 shall be expended for planning and studies and the preparation of plans and specifications for the construction of a regional vocational school located in the former county of Essex	\$10,000,000
1102-2011	For planning and studies, the preparation of plans and specifications, repairs and improvements and related administrative expenses to the state transportation building . . .	\$8,000,000
1102-3010	For costs associated with infrastructure security improvements including, but not limited to, building repair, renovation, construction, purchase and installation of equipment at state facilities and sites	\$30,000,000
1102-3013	For costs associated with the construction of a medical examiners facility on Cape Cod, and improvements to existing forensic facilities including those in Worcester and Holyoke	\$2,000,000

Reserves.

1599-0023	For a reserve to be administered by the executive office for administration and finance in cooperation with the department of economic development to support the recapitalization of the small business capital access program, established in section 57 of chapter 23A of the General Laws and administered by the Massachusetts Business Development Corporation	\$3,000,000
1599-0024	For a reserve to be administered by the executive office for administration and finance in cooperation with the department of labor and workforce development to support the recapitalization of loan and loan guarantee programs of the economic stabilization trust, established in chapter 23D of the General Laws, and administered by the Commonwealth Corporation . .	\$10,000,000
1599-8001	For public safety equipment purchases; provided, that such equipment purchases shall enhance the commonwealth's ability to prepare for and combat terrorism, including bioterrorism; provided further, that \$20,000,000 of the funds authorized herein shall be provided for a grant program for police departments of cities and towns and fire departments of cities, towns, districts and authorities; provided further, that the grant program shall be administered by the secretary of public safety according to the population served by each grant recipient; and provided further, that departments expending funds transferred from this item shall maximize federal reimbursement available for the purpose	\$25,000,000

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.

Office of the Secretary.

- 4000-2011 For planning and studies, the preparation of plans and specifications, construction, renovation, reconstruction, improvement, demolition, expansion, repair, including furnishings and equipment, and related administrative expenses at executive office of health and human services agencies including, but not limited to, the Soldiers' Home in Massachusetts and the Soldiers' Home in Holyoke, for the ongoing costs of removal of asbestos and air conditioning installation, the department of youth services, the department of mental health, the department of mental retardation and the department of public health, including infrastructure for the 4 public health hospitals: Tewksbury Hospital, Massachusetts Hospital School, Shattuck Hospital and Western Massachusetts Hospital for the demolition and remediation of the former Lakeville State Hospital site in the town of Lakeville \$120,000,000
- 4590-9999 For the purchase of public health equipment; provided, that the department shall award grants for public access defibrillation programs to cities and towns for automatic external defibrillator equipment; provided further, that the police or fire department or fire protection district may apply in writing to the department in a manner prescribed by the department based upon current deployment levels of automatic external defibrillators, population and geographic need to best promote availability and access to defibrillators by the general public and to ensure that prospective first responders are appropriately trained in automatic cardiac defibrillation; provided further, that such grant requests shall be used for automatic defibrillation equipment purchase and replacement; provided further, that a city or town shall, as a condition of receiving financial assistance under this item, have implemented a plan for first responder automatic cardiac defibrillation training and documentation in accordance with this item; provided further, that \$518,920 shall be expended for a one-time grant to the Tufts University dental program for the developmentally disabled for the costs associated with the purchase of equipment; provided further, that no funds appropriated in this item shall be expended for payroll or contracted services; and provided further, that the department of public health in

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conjunction with Tufts University shall file a report with the house and senate committees on ways and means detailing the equipment purchased with the funds appropriated herein \$3,218,920

EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.

Department of Highways.

6033-9014 For the department of highways, pursuant to section 20 of this act, to take by eminent domain on behalf of the commonwealth under chapter 79 of the General Laws certain land located in the city of Quincy as necessary for construction, operation and maintenance of detention ponds for the purpose of alleviating and preventing flooding; provided, that upon completion of construction, the department of highways shall transfer, notwithstanding sections 40E to 40I, inclusive, of chapter 7 of the General Laws, all property acquired, together with improvements constructed thereon to the city of Quincy; and provided further, that the transfer shall include appropriate restrictions to ensure that the property is utilized solely for maintenance of the detention ponds and other conservation purposes consistent with this item \$7,000,000

BOARD OF LIBRARY COMMISSIONERS.

7000-9010 For a program of grants to cities and towns for approved public library projects as authorized by sections 19G to 19I, inclusive, of chapter 78 of the General Laws; provided, that grants for approved public library projects may be awarded for projects for which construction commenced after April 10, 1996; provided further, that not more than \$500,000 of the amount authorized herein may be expended by the board of library commissioners for the administrative costs directly attributable to the projects funded herein, including the costs of temporary personnel; provided, however, that no permanent personnel shall be compensated from this item; provided further, that said board shall file an annual spending plan with the fiscal affairs division and the house and senate committees on ways and means which details, by subsidiary, all temporary personnel and administrative costs charged to this item \$75,000,000

Department of Housing and Community Development.

7004-9108 For urban revitalization and development projects authorized pursuant to section 54 of chapter 121B of the General Laws; provided, that notwithstanding section 53 or section 57 of said chapter 121B to the contrary, the funds may be provided to an agency of a city or town designated by the chief executive office to act on behalf of the city or town; provided further, that not more than \$11,208,205 shall be expended for a matching grant to the city of Fitchburg for the urban renewal program, provided further, that \$3,879,600 shall be expended for the Lawrence Riverfront Project so-called, provided further, that \$1,652,000 shall be expended for the Pittsfield Capitol Theatre, provided further, that \$135,250 shall be expended for the Charles Hotel in Springfield, provided further, that \$135,250 shall be expended for the South Main Project, so-called in Springfield, provided further, that \$9,179,559 shall be expended for Lowell Aere, and provided further, that \$28,920,000 shall be expended on the Worcester Medical City project, so-called \$55,109,864

BOARD OF HIGHER EDUCATION.

7066-2010 For planning and studies, the preparation of plans and specifications, construction, renovation, reconstruction, alteration, improvement, demolition, expansion, repair, including furnishings and equipment, and related administrative expenses at state and community college campus facilities and grounds; provided, that not less than \$2,000,000 shall be expended for renovations to the Massachusetts Bay Community College Framingham facility at the former Farley school; provided that renovations shall be undertaken by the town of Framingham; provided further, that such expenditures shall be contingent upon the town and Massachusetts Bay Community College entering into a lease agreement for the renovated facility for a period of at least 10 years at a rate below the fair market value, which is calculated to reflect the commonwealth's investment; provided, that not less than \$1,000,000 shall be expended for the development of the Southeast Regional Education and Training Skills Alliance Facility at the former Paul A. Devor State School in the city of Taunton \$100,000,000

University of Massachusetts.

7100-0000 For planning and studies, the preparation of plans and specifications, construction, renovation, reconstruction, improvement, demolition, expansion, repair, including furnishings and equipment, and related administrative expenses at the University of Massachusetts campus facilities and grounds . . \$77,000,000

EXECUTIVE OFFICE OF PUBLIC SAFETY.

Office of the Secretary.

8000-2010 For the design, construction, and implementation of the department of state police mobile data network and an automated motor vehicle citation system, including the use of so-called "MDT" devices \$19,000,000

8000-2011 For the repair, maintenance and upgrade of facilities within the control of the secretary of public safety; provided, that no single project shall exceed \$250,000; and provided further, that \$250,000 shall be provided to the Massachusetts criminal justice training council for reimbursement of the costs incurred to renovate facilities at the former South Weymouth Naval Air Station \$8,500,000

8000-2014 For the repair, maintenance and upgrade of department of fire services facilities; provided, that funds may also be provided for certain fire apparatus and specialty vehicles \$7,500,000

8000-2019 For costs associated with state police laboratories and equipment, including, but not limited, to forensic lab equipment \$1,500,000

8000-9012 For costs associated with the architectural design and engineering studies, preparation of plans and construction costs, including furnishings and equipment for a multiple function headquarters and training facility in the town of Stow, pursuant to section 21, for the department of fire services including, but not limited to, office and administrative space, technical firefighting training space, a firefighter burn building, a firefighter training tank, a computer laboratory and technical development center, a cafeteria, dormitories and a parking facility \$40,000,000

State Police.

8100-0004 For the replacement of state police cruisers; provided, that the

state police shall develop a 5-year plan where 509 vehicles or 20 per cent of the department's vehicles shall be replaced each fiscal year over a 5 year period; provided further, that the department shall report annually to the house and senate committees on ways and means the number of vehicles and condition of each vehicle replaced each year under this plan; provided further, that the report shall also include, but not be limited to, the total amount spent in each fiscal year; and provided further, that the first such report shall be filed on January 1, 2003 \$60,000,000

Massachusetts Emergency Management Agency.

8800-2096 For the Massachusetts Emergency Management Agency to administer a grant program to cities and towns for the purpose of providing them with technical support and assistance in developing Local Emergency Plans to bring them into compliance with federal laws and regulations regarding the development of first responder plans and regional response plans; provided, that the Massachusetts Emergency Management Agency shall report to the house and senate committees on ways and means prior to March 1 of each year detailing expenditures from this program \$1,500,000

Sheriffs.

8910-0024 For the planning, studies, construction, renovation, reconstruction, alteration, improvement, demolition, repair, life safety and other facility improvements at correctional facilities operated by the sheriffs of the commonwealth \$30,000,000

SECTION 3. The division of capital asset management and maintenance may transfer up to two per cent from each item authorized in section 2, to an account to be established for the purpose of supporting salaries and administrative expenses of the division associated with projects authorized in said section 2, such amounts as may be required therefore.

SECTION 4. To meet the expenditures necessary in carrying out sections 2 the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth, in an amount to be specified by the governor from time to time, but not exceeding, in the aggregate, the sum of \$762,328,784. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Capital Outlay Loan, Act of 2002, and shall be issued for such maximum terms of years, not exceeding 20 years, as the governor may recommend to

the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution, but all such bonds shall be payable not later than June 30, 2027. All interest and payments on account of principal of such obligations shall be payable from the General Fund, unless otherwise specified. Bonds and interest thereon issued under the authority of this section, notwithstanding any other provision of this act, shall be general obligations of the commonwealth.

SECTION 5. Section 5 of chapter 273 of the acts of 1994, is hereby amended by striking out the figure "\$580,202,254", inserted by section 16 of chapter 55 of the acts of 1999, and inserting in place thereof the following figure:- \$579,202,254.

SECTION 6. Item 7504-7960 of section 2 of chapter 267 of the acts of 1995 is hereby amended by adding the following words:- ; provided, that Cape Cod Community College may borrow \$3,000,000 through the Massachusetts Health and Educational Facilities Authority for the planning, design and construction of a new technology building, including the cost of furnishings and equipment, in addition to the amounts authorized in this item.

SECTION 7. Section 3 of said chapter 267 is hereby amended by striking out the figure \$621,678,911, inserted by section 24 of chapter 55 of the acts of 1999, and inserting in place thereof the following figure:- \$635,678,911.

SECTION 8. Item 1102-7967 of section 2 of chapter 12 of the acts of 1996 is hereby amended by striking out the figure "\$198,755,000", inserted by section 27 of chapter 55 of the acts of 1999, and inserting in place thereof the following figure:- \$218,755,000.

SECTION 9. Item 8199-7967 of said section 2 of said chapter 12 is hereby amended by striking out the figure "\$10,000,000" and inserting in place thereof the following figure:- \$13,000,000.

SECTION 10. Section 3 of said chapter 12 is hereby amended by striking out the figure "\$492,250,860" inserted by section 28 of chapter 55 of the acts of 1999, and inserting in place thereof the following figure:- \$515,250,860.

SECTION 11. Section 4 of chapter 205 of the acts of 1996 is hereby amended by striking out the word "eighty-six", inserted by section 49 of chapter 235 of the acts of 2000, and inserting in place thereof the following figure:- ninety-six.

SECTION 12. Section 103 of said chapter 205 is hereby amended by striking out, in lines 18 and 19, the words "two thousand and one" and inserting in place thereof the following figure:- 2006.

SECTION 13. The first sentence of the first paragraph of section 3 of chapter 11 of the acts of 1997 is hereby amended by striking out the figure "\$345,000,000" and inserting in place thereof the following figure:- \$298,242,427.

SECTION 14. Subsection (a) of section 5 of chapter 189 of the acts of 1998 is hereby amended by inserting after the definition "commissioner" the following definition:-
"Construction management at risk", a construction method wherein there is an entity which is responsible for the construction of the project at a guaranteed maximum price, which shall represent the maximum amount to be paid by the commissioner for construction

of the project, including the fee payable to the construction manager at risk.

SECTION 14A. Said subsection (a) of said section 5 of said chapter 189 is hereby further amended by inserting after the definition of "design/build" the following definition:- "Division", the division of capital asset management and maintenance.

SECTION 15. Subsection (c) of said section 5 of said chapter 189 is hereby amended by inserting after the term "design/build", in lines 6 and 7, each time they appear, the following words:- or construction management at risk.

SECTION 16. Said subsection (c) of said section 5 of said chapter 189 is hereby further amended by inserting after the word "subsection (d)", in line 9, the following words:- or the commissioner may develop a procedure for the procurement of construction management at risk services.

SECTION 16A. Subsection (d) of said section 5 of said chapter 189 is hereby further amended by striking out the introductory paragraph and inserting in place thereof the following introductory paragraph:-

The commissioner shall develop procedures for site selection or procurement of contractor services utilizing design/build or construction manager at risk services consistent with subsection (c), in consultation with the office of the inspector general. For the selection of design/build services, the procedures shall include, but not be limited to, the following provisions.

SECTION 17. Subsection (e) of said section 5 of said chapter 189 is hereby amended by inserting after the term "design/build", in lines 2 and 6, each time they appear, the following words:- and construction manager at risk.

SECTION 18. Said section 5 of chapter 189 is hereby further amended by adding the following subsection:-

(f)(1) A construction manager for the project shall be selected and awarded a contract for construction management services pursuant to competitive negotiations in accordance with procedures adopted by the commissioner. Such procedures shall, at a minimum, provide for the following: (i) a publicly advertised request for qualifications shall be issued by the commissioner; (ii) the commissioner shall determine based upon the responses to the request for qualifications which respondents are the most qualified to perform the contract; (iii) a request for proposal shall be issued to each respondent determined by the commissioner to be most qualified to perform the contract; (iv) the commissioner shall evaluate the responses to the request for proposal, including any fee proposals, and shall rank the offerors based upon that evaluation; (v) the commissioner shall engage in negotiations with the offeror ranked highest; (vi) the contract shall be awarded to the offeror that represents the highest ranked proposal to the commissioner, after consideration of any fee proposal and other facts; (vii) to the extent that a contract cannot be successfully negotiated with the offeror ranked highest by the commissioner, the commissioner shall engage in negotiations with the next highest ranked offerors until such time as a contract can be successfully negotiated.

(2) The commissioner's contract with the construction manager for the project shall require a guaranteed maximum price, which shall represent the maximum amount to be paid by the commissioner for construction of the project, including the fee payable to the construction manager. Following the award of the contract to the construction manager, at such time as the commissioner and the construction manager shall agree, the construction manager shall submit a proposed guaranteed maximum price. The commissioner shall analyze the proposed guaranteed maximum price and enter into negotiations with the construction manager to agree upon a guaranteed maximum price for a project. In the event that a guaranteed maximum price cannot be agreed upon between the commissioner and the construction manager, the commissioner shall engage another construction manager in accordance with the provisions of this section.

(3) The commissioner shall establish a trade contractor selection process for all sub-bid classes of work under section 44F of chapter 149 of the General Laws and for all other classes of work selected by the awarding authority for the project for any other trades provided the sub-bid work meets the threshold value of that section. All trade contractors seeking to provide services in connection with the construction of the project, shall be prequalified in order to be eligible to bid on any work for the provision of labor, material or equipment. A request for qualifications shall be issued for each trade contract. The commissioner shall establish a subcontractor prequalification team for the project. The prequalification team shall be comprised of 2 employees of the division who have had management roles in the construction of large buildings, a representative from the designer, a representative from the construction manager and a subcontractor appointed by the Associated Subcontractors of Massachusetts, Inc. The prequalification team, in consultation with the commissioner, shall determine, based upon the responses to the request for qualifications, which respondents are most qualified to perform the contract.

Trade contractors shall be prequalified as follows. The construction manager shall develop detailed information describing the work required for each trade contractor and provide this information to the division. The division shall advertise requests for qualifications, RFQ, in the central register and Dodge reports for each trade. The RFQ shall contain at a minimum the following: (i) the date, time and place for submission; (ii) the background, authority, project information and bidding process; (iii) the criteria for evaluation and selection process; (iv) the respondents names to be posted but no public opening of proposals; (v) contents of proposals shall be confidential until completion of evaluations. The RFQ shall identify the criteria for evaluation, which shall consist of the following, without limitation: (i) business history; (ii) comparable experience; (iii) past performance and references; (iv) volume of work in place for the last 3 years; (v) projected workload for the next 3 years based on current contractual commitments; (vi) listing of all claims, litigation, administrative proceedings, failures to meet schedule, direct payment claims, terminations and invocation of payment or performance bonds. The prequalification team shall evaluate the RFQ keeping a record of the consideration of each applicant based on criteria established and a numerical scoring system. Scores of more than 70 shall be required out of a possible

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100 to be prequalified.

Trade contractors shall be selected as follows. The division shall provide to all prequalified trade contractors 1 copy of a request for bids for subcontracting services, RFB. The RFB shall include, without limitation, the following attachments: (i) detailed drawings and specifications by class of work in accordance with paragraph (a) of subsection 1 of 44F of chapter 149 of the General Laws; (ii) drawings and specifications that provide for full competition for each item of material to be furnished under the contract as set forth under subsection (b) section 39M of chapter 30 of the General Laws; (iii) a list of prequalified trade contractors; (iv) a trade contractor bid form, which shall require, without limitation, the names of all subtrade contractors to be used if awarded the trade contract at the subtrade contract price; (v) an affidavit of tax compliance; (vi) an affidavit of prevailing wages compliance; (vii) a noncollusion affidavit; (viii) a bid bond and deposit requirement and form; and (ix) a trade contractor agreement form as set forth in said section 44F of said chapter 149. The prequalified trade contractors shall submit bids per the bid package requirement. Bids shall be opened publicly by the division and shall be awarded to the lowest eligible bidder in accordance with subsection (3) of section 44A of said chapter 149; provided, however, that a trade contract may be awarded by the commissioner to other than the lowest responsive bidder upon written justification by the commissioner who shall explain the reasons for the award in writing and shall maintain such explanation in its files for at least 6 years after the date of final payment under the contract. Provision shall be made to allow the construction manager who has established a guaranteed maximum price to reject bids which exceed its budget and allow for limited redesign. The provisions of section 26 to 27F, inclusive, and sections 29 and 44H of said chapter 149 shall apply to the contract between the commissioner and the construction manager and all trade contracts awarded pursuant to this section.

The contract between the commissioner and the construction manager shall contain the following provisions: within 15 days after receipt from the construction manager at the place designated by the commissioner, if such a place is so designated, of a periodic estimate requesting payment of the amount due for the preceding month, the commissioner shall make a periodic payment to the construction manager for the work performed during the preceding month and for the materials not incorporated in the work but delivered and suitably stored at the site, or at some location agreed upon in writing, to which the construction manager has title or to which a trade contractor has title and has authorized the construction manager to transfer title to the division, less: (1) a retention based on its estimate of the fair value of the division claims against the construction manager; and less (2) a retention not exceeding 5 per cent of the approved amount of the periodic payment. After the receipt of a periodic estimate requesting final payment and within 65 days after: (a) the construction manager fully completes the work or substantially completes the work so that the value of the work remaining to be done is, in the estimate of the authority, less than 1 per cent of the adjusted contract price; or (b) the construction manager substantially completes the work and the division takes possession for occupancy, whichever occurs first, the division shall pay the

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contractor the entire balance due on the contract less a retention based on its estimate of the fair value of its claims against the contractor and of the cost of completing the incomplete and unsatisfactory items of work.

The construction manager shall make periodic payment to the trade contractor as required by section 39F of chapter 30 and the trade contractor, for this purpose, shall have all rights to pursue direct payments from the construction manager as is accorded subcontractors demanding payment for general contractors under section 39F of said chapter 30.

A certificate of the architect to the effect that the construction manager has fully or substantially completed the work shall be conclusive for the purposes of this section.

SECTION 19. Item 8700-7997 of section 2 of chapter 289 of the acts of 1998 is hereby amended by adding the following words:- ; provided, that funds shall be available directly to the city of Newburyport for the purposes of developing a senior center on the Newburyport Armory site.

SECTION 20. Section 27A of chapter 235 of the acts of 2000 is hereby amended by striking out, in line 1, the number "7462-7965", and inserting in place thereof the following number:- 7452-7965.

SECTION 21. Notwithstanding any general or special law to the contrary, the division of capital asset management and maintenance may make expenditures to the Massachusetts State College Building Authority for the purpose of completing fire safety improvements in buildings owned by said authority from any general obligation bond-funded account which has been appropriated as of the effective date of this act for the maintenance and repair of state college buildings and such expenditures shall be made in a manner that will enable the authority to enter into contracts for such work.

SECTION 22. Section 40B of chapter 7 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in line 8, the figure "\$500,000" and inserting in place thereof the following figure:- \$1,000,000.

SECTION 23. (a) Notwithstanding any general or special law to the contrary, the department of highways may take by eminent domain on behalf of the commonwealth under chapter 79 of the General Laws land located in the city of Quincy as necessary for the construction, operation and maintenance of retention ponds for the purpose of alleviating and preventing flooding.

(b) Upon completion of construction, the department of highways shall transfer, notwithstanding sections 40E to 40I, inclusive, of chapter 7 of the General Laws, all property acquired under subsection (a), together with improvements constructed thereon, to the city of Quincy. The transfer shall include appropriate restrictions to ensure that the property shall be used solely for maintenance of the retention ponds and other conservation purposes consistent with this act.

SECTION 24. (a) The commissioner of capital asset management and maintenance,

acting in consultation with the department of environmental management, may, notwithstanding sections 40F¹/₂ and 40H of chapter 7 of the General Laws, transfer from the department of environmental management to the department of fire services, the parcels of land described in subsection (b). The commissioner may change the use of the parcels from conservation and recreation to public safety and training.

(b) The parcels to be transferred are parcels 1 and 3 as shown on a preliminary plan of land entitled "Parcels to be Transferred from the Department of Environmental Management to the Department of Fire Services, Ducharme & Wheeler, Inc. 1092 Main Street, Bolton, MA 01740" on file with the division of capital asset management and maintenance. Parcel 1 contains 8.73 acres, more or less, and includes property leased to the department of fire services in accordance with chapter 285 of the acts of 1984. Parcel 3 contains approximately 50 acres of land, more or less. The commissioner may revise the plan after consultation with the department of environmental management.

(c) The department of fire services shall pay as compensation for the parcels described in subsection (b) the fair market value of the property subject to the use restrictions currently held by the United States or the fair market value of the property, free of such United States restrictions, for the use described in subsection (a), in both cases valued as though vacant, whichever is greater. The value shall be determined by the commissioner on the basis of an independent professional appraisal approved under subsection (d). Payment for the parcels shall be deposited in the Conservation Trust and shall be used by the department of environmental management for the procurement of replacement lands as required by the United States in order for it to grant a release of the use restrictions currently held on the parcels described in subsection (b). The department of environmental management shall obtain the written approval of the United States Department of the Interior and the National Park Service before the purchase of any replacement property and shall file a copy of the written approval with the commissioner of capital asset management and maintenance.

(d) Before the delivery of any care and control agreement, the commissioner of capital asset management and maintenance shall file a copy of the appraisal with the inspector general. The inspector general shall, within 30 days of receipt of the appraisal, review the methodology utilized for the appraisal. The inspector general shall prepare a report of his review and comments, if any, and file this report with the commissioner of capital asset management and maintenance. The commissioner of capital asset management and maintenance shall submit the report and, upon its execution, any agreement authorized by this section, or any subsequent amendment thereof, to the house and senate committees on ways and means and the chairmen of the joint committee on state administration.

(e) The department of fire services shall pay for all costs of the transfer authorized by this section including, without limitation, cost of surveys, title exams, appraisals and site assessments required by the commissioner of capital asset management and maintenance.

(f) No transfer between the department of environmental management and the department of fire services shall be valid unless the United States Department of the Interior

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and the National Park Service, release, in writing, all existing reuse restrictions on the property described in subsection (b).

SECTION 25. Notwithstanding any general or special law to the contrary, the unexpended balance of the bond-funded authorizations which are listed in this item, and any allocations thereof, shall cease to be available for expenditure on the effective date of this act: 0330-7979; 0330-8968; 0330-9998; 1102-0961; 1102-0964; 1102-3912; 1102-6977; 1102-7870; 1102-7872; 1102-7882; 1102-7890; 1102-7958; 1102-7959; 1102-7974; 1102-7977; 1102-7979; 1102-8812; 1102-8878; 1102-8888; 1102-8890; 1102-8962; 1102-8978; 1102-9802; 1102-9880; 1102-9884; 1599-3914; 1599-8000; 2100-3914; 2120-7977; 2120-7978; 2120-8861; 2420-1402; 2441-9800; 2511-3914; 3722-8872; 3722-8873; 3722-8874; 3722-8894; 3722-9959, 4070-8831; 4097-8831; 4311-7890; 4315-8841; 4530-7977; 4530-8300; 4530-8500; 4530-8600; 4530-9999; 4533-7890; 4537-7891; 4540-8881; 5011-8842; 5377-8841; 5500-8400; 5500-8500; 5500-8700; 5500-8800; 5500-8900; 5500-9000; 5500-9230; 5500-9999; 5800-7977; 5800-8110; 5800-8400; 5800-8610; 5800-9999; 5911-0894; 5911-3914; 5911-7894; 6000-8969; 6001-9680; 6001-9699; 6005-8880; 6010-7957; 6033-0001; 6033-0002; 6033-0003; 6033-0020; 6033-0022; 6033-0023; 6033-0024; 6033-0027; 6033-0029; 6033-0030; 6033-0033; 6033-0034; 6033-0035; 6033-0040; 6033-0041; 6033-8051; 6033-8827; 6033-8830; 6033-8888; 6033-9502; 6033-9518; 6033-9559; 6033-9560; 6033-9569; 6033-9572; 6033-9604; 6033-9620; 6033-9655; 6034-9606; 6035-9502; 6035-9512; 6035-9517; 6035-9569; 6035-9577; 7007-9513; 7109-0961; 7110-0960; 7111-7891; 7112-0960; 7113-7978; 7114-0960; 7115-0960; 7116-0960; 7116-0961; 7220-2961; 7310-2965; 7310-7978; 7416-7978; 7502-3914; 7502-7957; 7504-7892; 7506-0162; 7506-0961; 7506-0964; 7506-7960; 7507-7960; 7508-7871; 7509-7960; 7510-7960; 7512-7960; 7515-7960; 7518-7871; 8000-7950; 8000-8958; 8314-7977; 8324-8958; 8700-7977; 8900-3914; 8900-7977; 8910-0398; 8910-0697; 8910-0698; 8910-0904; 8910-9123; 8950-9998; 9000-8968.

SECTION 26. Notwithstanding any general or special law to the contrary, the following bond-funded appropriations are hereby reduced by the amount specified below for each item.

1102-8899	\$4,000,000
3722-8871	\$662,725
3722-8891	\$2,822,017
3722-8892	\$15,692,269
4000-8200	\$12,000,000
4530-8400	\$5,500,000
5095-8872	\$2,000,000
5500-8300	\$1,500,000
5500-9400	\$7,000,000
6001-9610	\$2,500,000
6033-8878	\$1,000,000

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6033-9117	\$4,410
6033-9130	\$4,068
6033-9169	\$61,248
6033-9539	\$1,000,000
6033-9555	\$2,782,244
6033-9717	\$23,000,000
6035-9559	\$5,000,000
7504-7960	\$1,700,000

This bill was returned on August 10, 2002, by the Lieutenant-Governor, Acting Governor to the Senate, the branch in which said bill was originated, with Her objections in writing to the following items therein:

SECTIONS: 25 and 26.

SECTION 2 *Items disapproved by striking the wording:*

Item	Wording Stricken
0333-0010	“provided however, that said personnel and officers shall be relocated within a 3-mile radius of the existing courthouse; and provided further, that effective January 1, 2007, said existing courthouse shall be the asset and property exclusively of the commonwealth”
400-2011	“for the demolition and remediation of the former Lakeville State Hospital site in the town of Lakeville”

Pursuant to Article 63, Section 5 of the Amendments to the Constitution, the Lieutenant-Governor, Acting Governor sent a separate letter to the Senate and the House of Representatives setting forth recommended amendments.

The remainder of the bill was approved by the Governor on August 10, 2002 at twelve o'clock and thirty-one minutes, P.M.

Chapter 246. AN ACT PROVIDING FOR CERTAIN TRANSPORTATION IMPROVEMENTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide for a program of capital transportation development and improvements in the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. To provide for a program of capital transportation improvements to various

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state institutions and properties, the sums set forth in this act, for the several purposes and subject to the conditions specified in this act, are hereby made available from the General Capital Projects Fund, subject to the provisions of law regulating the disbursement of public funds.

SECTION 2.

EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.

Massachusetts Aeronautics Commission.

6006-9980 For a program of airport planning, development and improvements in the commonwealth; provided that funds authorized in this item and funds previously authorized by item 6006-9500 of section 2G of chapter 273 of the acts of 1994 and item 6006-9680 of section 2I of chapter 205 of the acts of 1996 and item 6006-9980 of section 2E of chapter 235 of the acts of 2000 be made available to fund the costs of professional personnel directly involved in projects funded from these authorizations, and for the purpose of funding and implementing the provisions of Sections 35 to 51, inclusive, of Chapter 90 of the Massachusetts General Laws and Sections 1 to 7, inclusive, of Chapter 702 of the Code of Massachusetts Regulations, and for funding contracts to public and non-public entities for airport and state system projects in support of the Commission's various funding programs including the Airport Improvement Program, Airport Safety & Maintenance program, Vegetation Management Program, NAVAID Management Program, Pavement Management Program, Fuel Farm Improvement Program, Aviation Education & Promotions Program, and Airport Information Management System; provided further, that the Commission is hereby authorized and directed to seek federal funding participation for projects earmarked herein whenever applicable; provided further, that notwithstanding previous authorization for matching fund expenditure requirements, so called, the Commission may fund up to 100% of the non-federal share for airport security projects funded from this authorization; provided further, that \$6,000,000 shall be made available for a new airport terminal building and related site and roadway access improvements for the Westfield-Barnes Municipal Airport; provided further, that \$800,000 shall be made available for a new instrument landing system at the Plymouth Municipal Airport; provided

further, that \$1,700,000 shall be made available for public-use infrastructure facilities and related site improvements for an airport business park at the Plymouth Municipal Airport; provided further, that \$2,215,200 shall be made available for public-use infrastructure facilities and related site improvements to expand the airport business park at the Martha's Vineyard Airport; provided further, that \$1,000,000 shall be expended for drainage improvements near Worcester Airport; provided further, that no more than \$350,000 shall be expended on Commission administration costs and expenses; provided further, that the Commission shall expend no more than \$3,000,000 to replace its existing aircraft with new equipment; provided further, that \$15,000,000 shall be expended on security improvements at municipal airports . . . \$31,065,200

Department of Highways.

- 6033-9013 For the design and construction of roadways and other transportation-related projects deemed necessary for economic development by the secretary of transportation and construction upon the petition of the appropriate local executive government body and pursuant to section 4; provided, that funds authorized in this item shall be expended in accordance with chapter 19 of the acts of 1983; provided further, that all projects funded through this item, subsection (f) of section 3 of chapter 15 of the acts of 1988, item 6033-9501 of section 2A of chapter 273 of the acts of 1994, item 6033-9603 of section 2A of chapter 205 of the acts of 1996, item 6033-9703 of section 2B of chapter 11 of the acts of 1997, and item 6033-9903 of section 2B of chapter 235 of the acts of 2000 shall be in accordance with 701 CMR 5.00 to 701 CMR 5.10 inclusive; and provided further, that the secretary of transportation and construction shall notify cities and towns of the availability of funds through this program and shall inform municipalities of the application process prior to the expenditure of any funds from this item . . . \$66,198,958
- 6033-9015 For the Mystic Valley Development Commission to be allocated for engineering and construction costs associated with the reconstruction of Commercial Street in the city of Malden, Corporate Way in the cities of Malden and Medford, Wellin-

gton Circle in the city of Medford, Route 16 in the cities of Medford and Everett, other roadways in or abutting the Mystic Valley Development Commission's Project, also known as Telecom City, in the cities of Malden, Medford and Everett

..... \$2,000,000

6037-0017 For construction and reconstruction of town and county ways; provided, that funds shall be in addition to those funds appropriated in section 10 of chapter 208 of the acts of 1988, subsection (c) of section 3 of chapter 15 of the acts of 1988, subsection (c) of section 3 of chapter 33 of the acts of 1991, item 6010-3950 of section 2A of chapter 85 of the acts of 1994, item 6033-1969 of section 2A of chapter 113 of the acts of 1996, item 6033-9798 of section 2B of chapter 11 of the acts of 1997 and item 6037-0018 of section 2B of chapter 235 of the acts of 2000, for projects for construction and reconstruction of town and county ways as described in subdivision (a) of clause (2) of section 34 of chapter 90 of the General Laws; provided further, that a city or town may appropriate for such projects amounts not in excess of the amounts provided to the city or town under this act; provided further, that the appropriation shall be considered as an available fund upon the approval of the commissioner of revenue pursuant to section 23 of chapter 59 of the General Laws; provided further, that the commonwealth shall reimburse a city or town under this section within 30 days of receipt by the department of highways of a request for reimbursement by the city or town, such request to include certification by the city or town that actual expenses have been incurred on projects eligible for reimbursement under this section and that the work has been completed to its satisfaction according to the specifications of the project and in compliance with applicable law; provided further, that the department of highways may enter into agreements with cities and towns to provide engineering and other services essential to the development of projects and, if the department of highways agrees to provide services, amounts charged for department of highways employees may include the salary and salary-related expenses of the employees to the extent that they work on or in support of such projects; provided further, that any such funds expended from this item for the salary and salary-related expenses of employees working on or in support of such projects shall not

exceed the level of expenditure in connection with such projects as of January 1, 2002	\$200,000,000
8100-9961 For the acquisition of one light twin helicopter and one training helicopter, so-called	\$1,900,000

SECTION 3. In carrying out item 6033-9013 of section 2, the department of highways may enter into such contracts or agreements as are appropriate with other state, local or regional public agencies or authorities. In relation to such agreements between the department and other state agencies or authorities, the department may advance monies to the agencies or authorities, without prior expenditure by the agencies or authorities, and such agencies and authorities may accept monies necessary to carry out the agreements; provided, however, that the department shall certify to the comptroller the amounts so advanced; provided, further, that the agreements shall contain provisions satisfactory to the department for the accounting of the monies as expended by the agency or authority; and provided further, that all monies not expended under the agreement shall be credited to the account of the department from which they were advanced.

SECTION 4. To meet the expenditures necessary in carrying out the provisions of section 2, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time but not exceeding, in the aggregate, the sum of \$301,164,158. All the bonds issued by the commonwealth as aforesaid shall be designated on their face, Town and County Ways and Economic Development Loan, Act of 2002, and shall be issued for such maximum terms of years, not exceeding 20 years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth; provided, however, that all such bonds shall be payable not later than June 30, 2027. All interest and payments on account of principal of such obligations shall be payable from the General Fund. Notwithstanding the provisions of any general or special law to the contrary, bonds and interest thereon issued under the authority of this section shall be general obligations of the commonwealth.

SECTION 5. Section 1 of chapter 81A of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

There is hereby created a body politic and corporate to be known as the Massachusetts Turnpike Authority within the executive office of transportation and construction. The authority is hereby authorized and empowered, subject to the provisions of this chapter, to own, construct, maintain, repair, reconstruct, improve, rehabilitate, finance, refinance, use, police, administer, control and operate (a) the turnpike as defined herein; and (b) the metropolitan highway system as defined herein.

SECTION 6 Section 2 of said chapter 81A, as so appearing, is hereby amended by striking out the first 3 paragraphs and inserting in place thereof the following 4 paragraphs:- The authority shall consist of 5 members to be appointed by the governor who shall be residents of the commonwealth, not more than 3 of whom shall be of the same political party,

and at least 1 member at all times shall be a resident of a town which abuts the Massachusetts turnpike and is wholly or partially located between the Weston toll plaza and the interstate route 495 interchange. The governor shall designate one of the members as chairperson who shall serve as such during his term in office. The members of the authority in office on July 31, 2002 shall continue for the remainder of their respective terms. The successor of each member shall be appointed for a term of 8 years; provided, however, that any person appointed to fill a vacancy shall serve only for the unexpired term; provided further that, of the 2 members appointed after July 31, 2002, 1 shall serve for an initial term of 6 years and 1 shall serve for an initial term of 3 years but all successive terms for such members shall be for a term of 8 years; and provided, further, that all members shall have senior management level experience in 1 or more of the following areas: engineering, construction, business, public or private finance, and transportation. A member of the authority shall be eligible for reappointment. Prior to entering upon the duties of his office, each member of the authority shall take an oath before the governor to administer the duties of his office faithfully and impartially and a record of such oath shall be filed in the office of the state secretary.

The authority shall elect 1 of the members as vice chairperson thereof. Three members of the authority, including the chairperson, shall constitute a quorum and the affirmative vote of 3 members shall be necessary for any action taken by the authority. No vacancy in the membership of the authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the authority.

For the purposes of this chapter, the chairperson of the authority shall receive an annual salary from said authority, that is \$205,000 subject to annual increases in the discretion of the board that are no greater than the percentage annual increase in the consumer price index for all urban consumers. The remaining members shall each receive an annual salary of \$25,852. Each member shall be reimbursed for his actual expenses necessarily incurred in the performance of his duties. The members shall be eligible to participate in any benefit plan approved by the authority.

The chairperson of said authority shall report to the secretary of transportation and construction on a regular basis to assist the secretary in coordinating the transportation agenda of the commonwealth.

SECTION 7. Chapter 90 of the General Laws is hereby amended by adding the following section:-

Section 61. (a) Notwithstanding the provisions of any general or special law to the contrary, as a matter of public safety and security, there is hereby created a security zone bordering the General Edward Lawrence Logan Airport that shall include the area between the mean high water line of said airport and a line measured 500 feet seaward of and parallel to said mean high water line from Wood Island Basin to the easterly end of Jeffries Cove as shown on a plan entitled "Plan of General Edward Lawrence Logan International Airport Security Zone" prepared by Massachusetts Port Authority Capital Programs Department, April 2002.

(b) No person, except authorized law enforcement or military personnel and authorized personnel of the authority, shall: (1) carry or otherwise possess a firearm, rifle, shotgun, assault weapon, ammunition, explosive device or material, or any hoax device as defined by section 102A½ of chapter 266, within said security zone; (2) engage in any activity within said security zone that jeopardizes or may jeopardize the safety or security of any person or of the airport; or (3) enter said security zone or engage in any activity, including boating, anchoring, fishing, shell-fishing, hunting, swimming or other underwater activities, within said security zone, except (i) as may be expressly permitted in writing by said authority; or (ii) with respect to shell-fishing, as may be authorized by the department of marine fisheries within the security zone and in accordance with regulations or policies as may be promulgated by said department of marine fisheries in coordination with the authority, except in no event shall the total number of shell-fishermen within said security zone exceed 50 and no person shall engage in shell-fishing within the security zone without prior notice provided by said department of marine fisheries to the authority setting forth (a) the number of shell-fishermen working within the security zone, (2) the time said fishermen will be working within the security zone, and (3) all other information as the Authority may reasonably require, or (iii) with respect to boating in the vicinity of Logan Airport, as may be clearly and conspicuously demarcated within said security zone by said authority to allow boats to travel through navigable waters within said security zone, provided that in no circumstance may any boat enter within 250 feet seaward of the mean high water line surrounding said airport.

(c) Notwithstanding the provisions of any general or special law to the contrary, no person shall engage in shell-fishing within a regulated shell-fishing zone consisting of the security zone, as defined in subparagraph (a), and shell-fish beds located within the property of the authority, unless such person has registered with the authority to access the regulated shell-fishing zone in accordance with the provisions of this chapter.

(d) Within 7 days of the receipt of a completed application for registration to access the regulated shell-fishing zone, the authority may forward one copy of the application and one copy of the applicant's fingerprints to the colonel of state police, who shall, within 14 days, advise the licensing authority, in writing, of any criminal record of the applicant arising from within or without the commonwealth. In searching for any history of the applicant, the authority or the colonel may utilize, or cause to be utilized, files maintained by the department of mental health, department of probation and statewide and nationwide criminal justice, warrant and protection order information systems and files including, but not limited to, the National Instant Criminal Background Check System. If the information available to the authority or the colonel does not indicate that the applicant should be restricted from the regulated shell-fishing zone, the authority shall issue a registration card to the applicant within such 14 day period.

(e) The authority may not prescribe any other condition for the issuance of a registration card and shall, within 21 days from the date of application, either approve the application and issue the registration card or deny the application and notify the applicant of

the reason for such denial in writing.

(f) Any person who violates the provisions of this section shall be subject to immediate arrest and shall be punished by imprisonment in a house of correction for not more than 2 years or by a fine of not more than \$25,000, or both.

SECTION 8. Clause (2) of the first paragraph of section 34 of chapter 90 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the introductory paragraph and subdivision (a) and inserting in place thereof the following introductory paragraph and subdivision (a):-

Not less than 90 per cent of the balance then remaining shall be used exclusively-

(a) For expenditure, under the direction of the department, for maintaining, repairing, improving and constructing town and county ways and bridges, sidewalks adjacent to the ways and bridges, bikeways and for design and engineering expenses, together with any money which any town or county may appropriate for such purposes. The ways, bridges, bikeways and sidewalks shall remain town and county ways, bridges, bikeways and sidewalks. The remaining 10 per cent of the balance may be used in a manner and for the purposes described above or may be used for expenditures, under the direction of the department, for other projects eligible for funding as a transportation enhancement project as described in the Intermodal Surface Transportation Efficiency Act of 1991, P.L. 102-240, salt storage sheds, public use off-street parking facilities related to mass transportation, expenses related to highway transportation enhancement and mass transportation purposes, for care, repair, storage, replacement, purchase and long-term leasing of road building machinery, equipment and tools, for the erection and maintenance of direction signs and warning signs and for necessary or beneficial improvements to unpaved town and county ways together with any money which a town or county may appropriate for such purposes to be used on the same ways, sheds, bikeways, bridges, machinery, equipment, tools and facilities. The department shall send written notification to each town advising of the funds apportioned to said town for eligible projects no later than April 1 of each year. Each town shall submit to the members of the general court a written plan outlining the projects for which such funds shall be applied no later than April 15 of each year, and further, each town shall submit to the members of the general court a written report explaining how funds authorized pursuant to this chapter were spent and advising as to the amount, if any, of any unexpended funds no later than December 15 of each year. No revenue credited to the Highway Fund shall be transferred from said fund to any other fund for any other purpose; provided, however, that such revenue shall be transferred in order to cover fringe benefit costs pursuant to section 5D or subsection (f) of section 6B of chapter 29. The department shall withhold or withdraw the unexpended balance of any funds assigned by it under this subdivision if a town fails to comply with the official standards for traffic control established by the department or with any traffic control agreement negotiated between the department and a town, as required by the United States Secretary of Commerce under 23 U.S.C. 109. In this subdivision, the word "town" shall include city; provided further, that towns with a population of less than 10,000 persons according to the 2000 United States Census shall be

allowed to petition said department for a waiver in the department's discretion from the percentage limitation that would allow said towns to use up to 100 percent of the funding provided pursuant to this section for those uses detailed above.

SECTION 9. Section 5 of chapter 161A of the General Laws, as so appearing, is hereby amended by striking out subsection (d) and inserting in place thereof the following subsection:-

(d) No proposal for a systemwide change in fares or decrease in systemwide service of 10 per cent or more shall be effective until said proposal shall first have been the subject of one or more public hearings and shall have been reviewed by the advisory board and, for a systemwide increase in fares of 10% or more, the MBTA board has made findings on the environmental impact of such increase in fares and, for a systemwide decrease in service of 10% or more, the decrease shall be the subject of an environmental notification form initiating review pursuant to sections 61 and 62H, inclusive, of chapter 30. Any systemwide increase in fares of 10 per cent or more shall conform to the fare policy established pursuant to paragraph (r). The authority shall increase fares only to provide needed revenue and shall not increase fares solely for the purpose of funding the stabilization fund established pursuant to section 19.

SECTION 10. Section 2 of chapter 465 of the acts of 1956 is hereby amended by adding the following language to the third paragraph:-

All appointees to the Authority made after July 31, 2002 shall have the following qualifications: The chairman shall have executive level business leadership experience with a preferred background in transportation, engineering, aviation or finance. The vice-chairman shall have executive level experience in aviation, security, information technology, seaport operations, or transportation. The remaining members, other than the bona fide representative of a national or international labor organization, shall have senior management level experience in one or more of the following: business, engineering, construction, safety and security, public finance, community affairs, environmental issues or transportation.

SECTION 11 Section 2A of chapter 205 of the acts of 1996 is hereby amended by striking out the figure "\$7,000,000" and inserting in place thereof the following figure:- "\$13,000,000".

SECTION 12. The last sentence of section 103 of chapter 205 of the acts of 1996 is hereby amended by striking out the words "June thirtieth, two thousand and one" and inserting in place thereof the following words:- June 30, 2006.

SECTION 13. The second paragraph of section 112 of chapter 205 of the acts of 1996 is hereby amended by striking out the fifth sentence and inserting in place thereof the following sentence:- The authority granted under this section shall expire on December 31, 2007, except as to any contract or contracts made prior to such expiration date.

SECTION 14. Item 6033-9702 of section 2B of chapter 11 of the acts of 1997 is hereby amended by inserting after the word "Uxbridge", in line 18, the following words:- ;

provided, further, that \$10,000,000 shall be expended for the acquisition of land for the development of rail trails; provided further, that not less than \$40,000 shall be awarded for the creation of a rails-to-trails line in the town of Millbury; provided further, that not more than \$500,000 shall be expended for reconstruction of a bicycle pathway-tunnel under state highway route 56 in the town of Rutland; provided further, that \$750,000 shall be expended for the completion of the Tri-Community Bike Path in the town of Winchester; provided further, that \$600,000 shall be expended for the construction of the Watertown bike path between Grove and School Streets; provided further, that \$500,000 shall be expended for the purposes of a rail trail in the cities of Leominster and Fitchburg adjacent to Route 12; provided further, that \$500,000 shall be expended for the construction of a rail trail bridge in the town of West Boylston next to the Beaman Street Bridge on Route 140. The department of environmental protection shall be authorized to do a study to assess the environmental impacts of reducing the use of salt on the roads in the Mystic River Watershed.

SECTION 15. Said item 6033-9702 of said section 2B of chapter 11 of the acts of 1997 is hereby further amended striking out the figure "\$7,000,000" and inserting in place thereof the figure:- \$19,890,000.

SECTION 16. Section 7 of said chapter 11 is hereby amended by striking out, in line 4, the figure "\$1,057,200,000" and inserting in place thereof the following figure:- \$1,070,090,000.

SECTION 17. Item 6001-9957 of section 2D of chapter 235 of the acts of 2000 is hereby amended by striking out the following:- "\$1,000,000 be expended for the Intermodal Transportation Facility in the town of Westfield" and inserting in place thereof:- "\$3,500,000 be expended for the Intermodal Transportation Facility in the town of Westfield".

SECTION 18. Item 6033-9917 of section 2B of chapter 235 of the Acts of 2000 is further amended by striking out, in line 99, the words "an amount not to exceed".

SECTION 19. Item 6033-9917 of section 2B of chapter 235 of the acts of 2000 is hereby amended by striking out, in lines 18 and 19, the words "Tanzio road" and inserting in place thereof the following words:- "Malburn street",- and by adding the following words:- ;provided further, that \$43,500 shall be expended for the reconstruction of historical and environmental aspects of Bay Road in the town of Sharon; provided further that \$375,000 shall be expended for the design and installation of traffic signals at the intersection of East and Livingston Streets in the town of Tewksbury; provided further, that \$150,000 shall be expended on engineering and design associated with projects in the Central Square intersection of West Bridgewater; provided further, that \$758,558 shall be expended for the UNESSA Central Artery Mitigation project; provided further, that \$6,500,000 shall be expended by the department of highways for a corrosion mitigation program utilizing electrochemical corrosion passivation and/or chloride extraction treatment of steel reinforced structures; provided further, that \$200,000 shall be expended for traffic signals and improvements in the city of Lynn; provided further, that \$2,400,000 shall be expended for improvements on Chestnut Street in the town of Needham; provided further, that \$150,000

shall be expended design and installation of traffic control signals on Middle Road and on Main Street in the town of Acushnet; provided further, that \$150,000 shall be expended for design and installation of traffic control signals at the intersection of Lumbert Mill Road and Route 28 (Falmouth Road) in Centerville; provided further, that \$100,000 shall be expended for traffic signalization at state route 12 in the Greendale section of the city of Worcester; provided further, that \$500,000 shall be expended for traffic signalization at Hillside Road and rotary improvements at Vinerock and Needham Streets in the town of Dedham; provided further, that \$500,000 shall be expended for the resignalization of a certain intersection in the town of Ashland; provided further, that \$85,000 shall be expended for traffic signalization on Sea Street in the city of Quincy; provided further; that \$1,900,000 shall be expended for design, engineering and construction of improvements on Union Street in the town of Braintree, which shall include the rotary at state route 3 in said town; provided further, that \$250,000 shall be expended for engineering and design of on- and off-ramps on Route 213 in the city of Methuen; provided further, that \$1,900,000 shall be expended for a sound abatement program on Interstate 93, from Brookside parkway to Newport avenue; provided further, that \$250,000 shall be expended for design and construction of safety improvements on state route 6 at Sanford Road in the town of Westport; provided further, that \$150,000 shall be expended for intersection improvements at the intersection of Canton Avenue, Highland Avenue, and Thatcher Street in the town of Milton; provided further, that not less than \$250,000 be expended for the repaving of Paradise Road, Route 1A in Swampscott; provided further, that \$400,000 shall be expended for the signalization of Blue Hills Parkway at Brook Road in the town of Milton; provided further, that \$300,000 shall be expended for signalization at the intersection of Adams Street, Randolph Avenue and Canton Avenue in the town of Milton; provided further, that \$175,000 shall be expended for a study of signalization at Blue Hills Parkway, Canton Avenue and Unquity Road in the town of Milton; provided further, that \$750,000 shall be expended for reconstruction of the intersection at state route 20 and Concord Road in the city of Marlborough; provided further, that \$75,000 shall be expended for the reimbursement of costs associated with the paving of state route 31 in the town of Charlton; provided further, that \$500,000 shall be expended for the County Bridge in the city of Haverhill; provided further, that \$2,500,000 shall be expended for off-street parking on Granite Street at Moulton Way and Essex Street in the city of Haverhill; provided further, that \$500,000 shall be expended for off-street parking in the town of Franklin; provided further, that \$120,000 shall be expended for signalization on High Street at Canton Street and Reed Street in the town of Randolph; provided further, that \$292,000 shall be expended on signalization and reconstruction on Oak Street from North Street to McDevitt Road in the town of Randolph; provided further, that \$785,000 shall be expended on signalization and reconstruction of a bridge and an intersection on North Main Street at Depot Street, Pond Street, West Street, Liberty Street and Grove Street in the town of Randolph, provided further, that \$50,000 shall be expended for repair of fencing along Route 9 at Hartford Street in the town of Natick; provided further that \$50,000 be provided to the town of Barnstable for a traffic and economic feasibility study relative to considering

the possible reconfiguration of traffic patterns in downtown Hyannis and the harbor area and parking facilities in the downtown harbor area; provided further, that \$200,000 shall be expended for repair of the Marian Street bridge in the town of Natick; provided further, that \$1,500,000 shall be expended for streetscape and roadway improvements on Mount Vernon Street in the town of Winchester; provided further, that \$1,147,000 shall be expended for intersection improvements on Forest Street at Trapelo Road and Beaver Street in the city of Waltham; provided further, that \$1,000,000 shall be expended for an intermodal transportation center in the town of Belchertown; provided further, that \$1,500,000 shall be expended for an intermodal transportation center in the city of Holyoke; provided further, that \$3,400,000 shall be expended for widening of Montvale Avenue in the city of Woburn; provided further, that \$1,500,000 shall be expended for the design and engineering of a state route 57 flyover ramp over state route 5 in the town of Agawam; provided further, that \$1,625,000 shall be expended for reconstruction of Queen Anne's Corner in the towns of Norwell and Hingham; provided further, that \$1,000,000 shall be expended to expand the "Safe Routes to School" program; provided further, that \$1,000,000 shall be expended for repairs to the Bullard Street bridge and culvert at Willett Pond; provided further, that \$4,000,000 shall be expended for reconstruction of the northbound side of state route 1A at Kendall Street; provided further, that \$300,000 shall be expended for a barrier on the southbound side of Interstate 95 at the Sharon-Canton line of the identical type and length of the existing barrier on the northbound side of said highway; provided further, that no less than \$200,000 shall be expended for signalization at the intersection of Route 495 and Ramp 109 in the town of Milford; provided further that \$500,000 shall be expended for the engineering and replacement of Bridge No. N-18-002 (Park Street) over Martin's Brook in the town of North Reading; provided further that up to \$200,000 shall be expended for improvements to the intersection of Route 6 and Brandt Ave. in the town of Dartmouth; provided further that not less than \$100,000 shall be expended for resignalization and reconstruction on North Main Street at the Trilling House in the Town of Randolph; provided further, that \$750,000 shall be expended for intersection improvements at Route 28 (Palmer Avenue) and Jones Road; Route 28 (Davis Straits) and Jones Road; and Route 28 and Davisville Road in the Town of Falmouth; provided further, that not less than \$500,000 be expended for reconstruction of upper Palmer Avenue bridge in Falmouth; provided further, that \$300,000 shall be expended for a project to engineer and place a street light at the intersection of Route 28 and Orchard Street in the town of Mashpee; provided further, that not less than \$50,000 shall be expended for drainage improvements on Bernache Street off Route 9, in the city of Northampton; provided further, that not less than \$150,000 shall be provided to the town of North Attleborough to provide the necessary specialized equipment for the police department's emergency operations center for advancement of a telecommunications highway program; provided further, that not more than \$750,000 shall be expended for the resurfacing of Plantation Street in Worcester, from the intersection of Route 9 to Sunderland Road; provided further, that not less than \$130,000 shall be expended to study the feasibility of erecting a sound barrier on 95/128 abutting East Quinobequin Road

in the city of Newton; provided further, that \$2,000,000 shall be expended for repairs and improvements to state route 38 at North Main Street and Bates Road off of route 28 and route 60 in the town of Winchester; and provided further, that \$100,000 shall be expended for a revitalization study and/or a traffic flow study at the convergence of Routes 139, 27 and 138 in the center of the town of Stoughton; provided further, that \$150,000 shall be expended for the restoration of the North Lake Avenue Bridge in the city of Worcester; provided further, that \$150,000 shall be expended for a study to be conducted by the Highway department regarding the possibility of traffic signalization or other traffic controls to be installed at Fellsway East and Glenwood Street in the city of Malden, and if sufficient funds are still available, for the installation of said signalization on controls; provided further that \$500,000 shall be expended for reconstruction of Marianno Bishop Boulevard in the city of Fall River; provided further that \$490,000 shall be expended on signalization on state route 99 at Gladstone Street, Second Street, Summer Street, Hancock Street and Lexington Street; provided further, that not more than \$155,000 be awarded to the city of Worcester for public way enhancement for Pleasant Street from the intersection with Chestnut Street to the intersection with Park Avenue; provided further that not less than \$500,000 shall be expended on the design and construction of a pedestrian underpass under the Mystic Wellington bridge on state highway route 28 in the city of Somerville; provided further, that \$150,000 shall be expended by the Massachusetts Highway Department for a traffic noise survey to be conducted in the area of Interstate 290 in Shrewsbury; provided further, that not less than \$250,000 shall be provided to the town of Plymouth to provide for a traffic light at the intersection of Route 3A and Manomet Point Road; provided, further, that \$250,000 shall be expended for roadway improvements on Dartmouth Street (connecting road to Route 110), \$250,000 shall be expended for roadway improvements on Hillside Avenue (connecting road to Route 110), \$175,000 shall be expended for roadway improvements on Marston Street (connecting road to Route 495) all in the city of Lawrence; provided, further, that \$250,000 shall be expended for roadway improvements on Prospect Street (connecting road to Route 110 & Route 495), in the city of Lawrence; provided further that not less than \$100,000 shall be expended for traffic signals at the intersection of Hathaway Road and Rockdale Avenue off of Route 140 in the city of New Bedford; provided further, that \$2,500,000 shall be expended for improvements to Front Street in the city of Chicopee; provided further, that \$1,000,000 shall be expended for repairs to the state street bridge in Springfield on Route 20; provided further, that \$1,200,000 shall be expended for the construction of a parking garage in the downtown area in the city of Brockton; provided further, that \$28,050 shall be expended for the repair of 2 rail bridge crossings of the Hop brook in the town of Sudbury; provided further, that \$2,431,500 shall be expended on the Wiggins avenue extension project in the town of Bedford; provided further, that funds shall be expended for improvement planning at the Crosby corner rotary in the town of Concord; provided further, that \$100,000 shall be expended for culvert repair due to flooding at Heywood avenue and Westford road in the town of Concord; provided further, that \$150,000

shall be expended to improve or install sidewalks from Littleton common to Shaker lane along the eastbound side of state highway route 2A and from Littleton common to the Fortin mall along the westbound side of state highway route 2A in the town of Littleton; provided further, that \$1,000,000 shall be expended for the construction of a sound barrier along interstate highway route 93 in the town of Somerville; provided further, that the department of highways shall remove the overhanging traffic light at the corner of Bellvale avenue and route 60 in the city of Malden; provided further, that \$1,000,000 shall be expended for improvements to the sidewalks and the pedestrian walkways on state highway routes 5 and 10 in the town of Northfield; provided further, that \$55,000 shall be expended for the additional work necessary to complete the Smith road rehabilitation project in the town of Chesterfield; provided further, that \$300,000 shall be expended for the Nielson road relocation project in the town of New Salem; provided further, that \$1,500,000 shall be expended for the state's portion of the Westfield multimodal transportation project; provided further, that the department of highways shall design and construct the state highway route 181 and the River street bridge replacements in the town of Belchertown; provided further, that said department shall work in coordination with the department of environmental management to improve Laurel lake road in the town of Erving; provided further, that \$1,600,000 shall be expended for road infrastructure improvements to Center street from the city of Springfield boundary line to interstate highway route 391 in the city of Chicopee; provided further, that \$180,000 shall be expended for a traffic light on Grossman drive in the town of Braintree; provided further, that the department of highways shall study the cost and benefit of a bike path along the department of highways/MBTA route from the town of Braintree to the city of Boston; provided further, that not more than \$350,000 shall be expended for improvements to exit 2 on route 6 in the town of Sandwich; provided further, that \$325,000 shall be expended for traffic and safety improvements at the Main street intersection in the town of Acushnet; provided further, that \$450,000 shall be expended for phase I reconstruction on Green street in the town of Fairhaven; provided further, that \$1,000,000 shall be expended for the reconstruction of Dartmouth street in the town of Dartmouth; provided further, that \$1,000,000 shall be expended for phase II of the New Bedford downtown streetscape project; provided further, that not less than \$70,000 be provided for the installation of traffic signals on state highway route 113 at the Pentucket Regional High School at 22 Main Street and the Public Safety Building to be located at 403 Main street in the town of West Newbury; provided further, that \$750,000 shall be expended for the resurfacing of Lake avenue in the city of Worcester; provided further, that \$100,000 shall be expended to study the CSX Corporation's Worcester-Framingham commuter line to examine possible solutions to the problem of insufficient commuter rail service from Worcester to Framingham, including the possibility of adding a track, adding more switching and signaling equipment, adding commuter rail service during peak hours and addressing the problem of parking commuter trains when not in use; provided further, that \$1,500,000 shall be expended for 5 extremely hazardous intersections at Salem and Temple streets; Edgell and Water streets; Edgell and Brook streets; Edgell and Central streets; and Edgell and Vernon

streets in the town of Framingham; provided further, that \$2,200,000 shall be expended for the resignaling and reconstruction of Franklin street in the town of Framingham; provided further, that \$1,300,000 shall be expended for the reconstruction of the Central street bridge in Saxonville; provided further, that \$1,000,000 shall be expended for the reconstruction of the Winter street bridge in Framingham; provided further, that \$1,500,000 shall be expended for the resurfacing of route 126 from the town line with Ashland to Irving street; provided further, that \$50,000 shall be expended to reimburse the town of Medway for expenditures incurred to conduct a traffic study on state highway route 109 in fiscal years 2001 and 2002; provided further, that not less than \$100,000 shall be expended for the design and installation of a pedestrian traffic control signal to be installed on East Main street, state highway route 131 in the town of Southbridge, opposite the entrance of the Center of Hope Sheltered Workshop; provided further, that \$150,000 shall be expended for a comprehensive engineering and planning study, including recommendations and estimates of probable cost, of the feasibility of opening or replicating a portion of the historic Blackstone canal in the town of Uxbridge; provided further, that not less than \$3,000,000 shall be expended for the reconstruction and improvement of US route 1 Bridge road in the town of Salisbury; provided further, that not less than \$100,000 shall be expended on improvements to and restoration of the East Brookfield Railroad Station; provided further, that \$25,000 shall be expended for the purpose of conducting a feasibility study for transportation improvements between exits 16 and 17 on route 2 in the area of the proposed Athol Industrial Park; provided further, that \$50,000 shall be expended to study traffic flow at the intersection of routes 122, 32, and 62 in the town of Barre; provided further, that \$25,000 shall be expended for the purpose of conducting a feasibility study for improvements to route 32 in the area of the Nichewaug Inn in the town of Petersham; provided further, that \$1,000,000 shall be expended for the continuation of the Union Station Project in Springfield; provided further, that \$100,000 shall be expended for additional signalization on state route 202 at the public safety complex in Belchertown; provided further, that \$1,000,000 shall be expended for improvements at the Spec pond recreation area in Wilbraham; provided further, that \$500,000 shall be expended for the replacement of two bridge culverts in the town of Winchester in the area of Horn Pond Brook; provided further, that \$450,000 shall be expended for the design, study and completion of Phase Two of the Mystic Valley Parkway Rehabilitation project, so-called, encompassing the areas of Roosevelt circle and South Border road, located in the town of Winchester and the city of Medford; provided further, that \$3,200,000 shall be expended for the construction of a 1 mile connector road from US route 20 to state route 30 in the towns of Shrewsbury and Grafton, also known as the Cherry street connector; provided further, that \$2,000,000 shall be provided for the planning, design and construction of enhanced parking facilities and visitor information center in the vicinity of Washington street, Railroad Avenue and Maplewood avenue, as well as Main street in the city of Gloucester; provided further, that \$420,000 shall be expended to install a traffic signal at the intersection of Grove street and Greenough boulevard in Watertown; provided further,

that \$200,000 shall be expended in conjunction with matching state and federal funds for engineering and design associated with repair of the state route 106 rail bridge underpass in the town of Mansfield; provided further, that the department of highways shall install a traffic signal at the intersection of West Britannia street and Bay street in the city of Taunton; provided further, that the department of highways shall install full traffic signalization at Braga square in Taunton; provided further, that \$1,500,000 shall be expended for the reconstruction of the interchange at exit 34 on route 2 in the communities of Leominster and Lancaster; provided further, that \$500,000 shall be expended for the study, review, design and construction of road improvements for Lynnfield street and other state intersections and rotaries in the city of Lynn; provided further, that an amount not less than \$150,000 shall be expended for the relocation of Assabet avenue in the town of Concord; provided further, that \$1,000,000 shall be expended for the construction of a sound barrier along route 3 in the towns of Bedford and Chelmsford; provided further, that \$480,000 shall be expended for the intersection improvements on Lincoln street at Wyman street and Smith street in the city of Waltham; provided further, that \$350,000 shall be expended on a study of a regional parking facility in the town of Lexington to encourage greater use of local and regional public transport; provided further, that not less than \$75,000 shall be expended for the route 128 Regional Planning Project, so-called; provided further, that not less than \$1,500,000 is hereby authorized for planning and construction of a mini-intermodal center on the Lower Cape; provided further, that not less than \$1,500,00 is hereby authorized for planning and construction of a mini-intermodal center on the Upper Cape; provided further, that not less than \$250,000 shall be expended for a project to engineer and place a street light at the intersection of state route 28 and South County road in Marstons Mills; provided further, that not less than \$250,000 shall be expended for a project to engineer and place as street light at the intersection of state route 28 and state route 149 in Marstons Mills; provided further, that not less than \$700,000 shall be expended for the reconfiguration of the horizontal design, including extension of the on-ramp, at the intersection of route 6 and route 149 in Barnstable; provided further, that \$50,000 shall be expended for crosswalk and traffic light on Memorial Drive at Hawthorne Street Extension in the city of Cambridge; provided further, that \$3,500,000 shall be expended for the reconstruction and improvement of the R street bridge and Elm street in the town of Amesbury; provided further, that \$150,000 shall be expended for the design, construction and installation of traffic signals to portions of Boston road at the on and off ramps at state highway route 495 in the town of Westford.

SECTION 20. Said item 6033-9917 of said section 2B of said chapter 235 is hereby further amended by inserting after the word "Leominster" the following words:- ; provided further, that \$30,000,000 shall be obligated to the Massachusetts Convention Center Authority for the design, planning, permitting, repair, reconstruction, engineering and construction of transportation infrastructure in and around the new Boston Convention and Exhibition Center in the city of Boston to include a new Cypher street, connecting D street to the South Boston Haul road; at-grade roadways at surface level of said center; elevated ring road around said center; Massachusetts Bay Transportation Authority silver line stop in

front of said center; Summer street at front entrance of said center, including retaining wall; reconstruction of D street from Broadway to Summer street and reconstruction of West Second street from D street to B street; provided further, that not more than \$15,000,000 may be obligated to the Massachusetts Convention Center Authority for the engineering, design, siting, permitting and bid documents for the construction of a U-turn ramp in the city of Boston to manage the flow of traffic to allow eastbound traffic on the Massachusetts Turnpike at a location east of the Allston/Cambridge exit and west of the Copley/Prudential exit on said turnpike to reverse direction and/or to access the Back Bay section of the city of Boston; provided, however, that, except for such funds not to exceed \$2,500,000, as shall be necessary to complete any reports that may be required by the Massachusetts Environmental Policy Act, section 61 to 62H of chapter 30 of the General Laws, inclusive, no funds from the preceding \$15,000,000 authorization shall be expended until such reports are completed; provided, further that such reports shall be prepared in consultation with the Massachusetts Turnpike Authority and the Massachusetts Highway Department; provided further, that said convention center authority in consultation with said turnpike authority and said highway department shall conduct and prepare a study of the necessity, feasibility, costs, siting alternatives, design alternatives, financing alternatives and other issues related to construction of the ramp and a report shall be filed with the joint committee on transportation on or before January 31, 2003; provided further, that said Convention Center Authority in consultation with said turnpike authority and said highway department shall establish and conduct a public advisory process including a public hearing, as a part of such study regarding the specific issues stated herein and other issues related to the construction of said ramp; provided further, that not more than \$5,000,000 may be obligated to the Massachusetts Convention Center Authority towards the design, engineering and construction of a tunnel under D street in the city of Boston for use by the Massachusetts Bay Transportation Authority silver line; provided, that any costs above the amount authorized in this item shall be paid by other sources.

SECTION 21. Said item 6033-9917 of said section 2B of said chapter 235 is hereby further amended by striking out the figure "\$650,000,000" and inserting in place thereof the following figure:- \$799,295,608.

SECTION 22. Line item 6005-0016 of Section 2H of said chapter 235 is hereby repealed.

SECTION 23. Section 2D of said chapter 235 is hereby amended by inserting before item 6001-9905 the following item:-

6001-9605 For the purpose authorized by chapter 161B of the general laws including the purchase, long-term lease and rehabilitation of rolling stock, equipment and related appurtenances \$9,500,000

SECTION 24. Section 5 of said chapter 235 is hereby amended by striking out, in line 4, the figure "1,107,000,000" and inserting in place thereof the figure:- 1,256,145,608.

SECTION 25. The department of telecommunications and energy shall require that whistle markers on the railroad right-of-way on the approach to each grade crossing referred

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to in section 49 shall be replaced with bell markers within 90 days of the effective date of this act.

SECTION 26. The department of telecommunications and energy shall notify the Massachusetts Bay Transportation Authority and all other railroad corporations operating locomotive engines over the grade crossings referred to in section 49 of the provisions of this act within 30 days after its effective date.

SECTION 27. Notwithstanding sections 40E to 40K, inclusive, of chapter 7 of the General Laws to the contrary the commissioner of the division of capital asset management and maintenance, acting in consultation with the commissioner of the department of environmental management, is hereby authorized and directed to convey to the Massachusetts Bay Transportation Authority, by quitclaim deed, for mass transportation and roadway purposes, the fee simple interest in the former railroad right-of-way located in the towns of Hingham and Cohasset more fully described in a deed from the United States to the Commonwealth of Massachusetts, dated September 17, 1986 and recorded with the Norfolk county registry of deeds in Book 8918, Page 199 and in the Plymouth county registry of deeds in Book 8200, Page 153.

Said parcels of land are more particularly shown as parcels GBL-3P, GBL-3Q, GBL-3R, GBL-3S (in Hingham), and GBL-4A, GBL-4B, GBL-4C, and GBL-4D (in Cohasset) on a plan of land entitled "Public Lands in the Towns of Hingham and Cohasset Plymouth and Norfolk Counties" dated April 12, 2001, prepared by Bryant Associates, Inc. and on file with the Massachusetts Bay Transportation Authority. Sections 40E and 40K of said Chapter 7 shall not apply to this transfer.

SECTION 28. No deed of conveyance by, or on behalf of the Commonwealth of the property described in section four shall be valid unless such deed provides that such property shall be used solely for the purposes described therein. Prior to the execution of a deed, the Massachusetts Bay Transportation Authority shall file with the commissioner of the division of capital asset management and maintenance a written abrogation of deed restrictions executed by an authorized representative of the United States. In the event the parcels conveyed pursuant to section four above are not used for mass transportation purposes within five years of the effective date of this act, or if the Massachusetts Bay Transportation Authority ceases to utilize such parcels for mass transportation or roadway purposes at any time thereafter, title to such parcels shall revert to the Commonwealth upon such terms and conditions as the commissioner of the division of capital asset management and maintenance may determine.

SECTION 29. In consideration of the conveyance authorized by section 27, the Massachusetts Bay Transportation Authority shall plan, design and construct a recreational bicycle trail from its proposed commuter station at Route 3A in the town of Cohasset into Wompatuck State Park, approximately 7,000 linear feet. In addition the Massachusetts Bay Transportation Authority shall and is hereby authorized to convey to the commonwealth, under the care and control of the department of environmental management or, at the department of environmental management's option, to some or all of the respective towns,

by deed approved as to form and content by the commissioner of the division of capital asset management and maintenance, the railroad right of way known as the West Hanover Secondary and located in the towns of Abington, Rockland and Hanover, containing approximately 3.4 miles of right of way between Monroe street in the town of Abington and mile post 3.49 (STA 192+00) in the town of Hanover as shown on the railroad Valuation Plans Nos. 5.22/1 through 5.22/4, which right of way shall be held by the Commonwealth or the respective towns, as applicable, for conservation and recreation purposes.

SECTION 30. In accordance with the authorization set forth in this act and in section 47 of chapter 33 of the acts of 1991, the Massachusetts Bay Transportation Authority may acquire, by deed, eminent domain, or otherwise, and thereafter may use the former railroad right of way extending from Braintree to the Greenbush area of Scituate, and certain properties adjacent to such right of way for mass transportation and roadway purposes, including, without limitation, the properties referenced in section 28 and said section 47 of said chapter 33, and the following properties, some or all of which may be presently used for open space or recreation purposes: a certain parcel of land presently owned by the town of Scituate improved with tennis courts and located on Henry Turner Bailey road in North Scituate; the entire length of the right of way located within the towns of Cohasset and Scituate; certain conservation land along Herring Brook in the town of Weymouth which may be required for the construction of East Weymouth station; a portion of Home Meadows, so-called, in the town of Hingham which is required for a connector road; and a portion of Ellms Meadow, so-called, in the town of Cohasset which is required for the widening of Spring street.

SECTION 31. The Massachusetts Bay Transportation Authority shall assume the costs of any appraisals; surveys or other expenses related to the conveyances authorized in sections 26, 27, 29 and 30.

SECTION 32. The commissioner of the division of capital asset management and maintenance shall, 30 days prior to the execution of any agreement or deed authorized by sections 28 or 30, or any subsequent amendment thereof, submit said agreement or 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 of receipt. The commissioner of the division of capital asset management and maintenance shall submit the agreement, or deed, or any subsequent amendments thereof, the report, and the comments of the inspector general, if any, to the house and senate committees on ways and means and the chairmen of the joint committee on state administration at least 15 days prior to the execution of same.

SECTION 33. The commissioner of the division of capital asset management and maintenance is hereby authorized, subject to the provisions of sections 40E to 40J, inclusive, of chapter 7 of the General Laws, to acquire by eminent domain, purchase or otherwise, and or to transfer the care custody and control of certain parcels of land, herein described in sections 33 to 40, inclusive, located in the towns of Billerica and Chelmsford.

SECTION 34. A parcel of land known as Parcel 13-3, owned by the town of Billerica conservation commission. This parcel is located on the easterly side of the Route 3 northbound off-ramp and southerly of Concord road in the town of Billerica and is bounded and described as follows:-

Starting along the 1953 state highway layout, Westerly along the 1953 state highway layout for about 96 feet by a line (N26° 30'14"W), Northerly along the 1953 state highway layout by a line of about 234 feet (N28° 42'01"E);

Southerly by a line of about 221 feet (S15° 56'29"W), and by a curve to the left with a radius of about 578 feet and a length of about 79 feet by land now or formerly of the town of Billerica Conservation Commission.

Said parcel contains about 7,714 square feet. The parcel is to be diverted from its present use for conservation purposes to a highway use. The parcel of land, hereinbefore described, is shown on a plan entitled "Plan of land in the Town of Billerica, Parcel 13-3", prepared by URS Corporation, dated June 24, 2002. Said plan shall be kept on file with the chief engineer of the department of highways.

SECTION 35. A parcel of land known as Parcel 13-12-T owned by the town of Billerica. The parcel is located easterly of Treble Cove road in the town of Billerica adjacent the on- and off-ramps to Route 3 southbound and is bounded and described as follows:

Starting along the 1959 county layout, Northerly along the 1959 county layout by a curve and a line. The curve is to the left with a radius of about 796 feet and a length of about 92 feet and a line of about 123 feet long (N24° 04'28"E);

Easterly along the projection of the common line of the 1959 county layout and the 1953 state highway layout by a line of about 7 feet (N74° 42'44"W) by land now or formerly of the town of Billerica; and Southerly by a line of about 174 feet (N26° 07'09"E), and by a line of about 43 feet (N31° 46'21"E) by land now or formerly of the town of Billerica.

Said parcel contains about 667 square feet. This parcel of land is to be diverted from its present use for park purposes to a highway use. This parcel of land, hereinbefore described, is shown on a plan entitled "Plan of land in the Town of Billerica, Parcels 13-12 & 13-12-T", prepared by URS Corporation, dated June 24, 2002. Said plan shall be kept on file with the chief engineer of the department of highways.

SECTION 36. A parcel of land known as parcel 13-12 owned by the town of Billerica. This parcel is located easterly of Treble Cove road in the town of Billerica, north of Parcel 13-12-T, and adjacent to the on- and off-ramps to Route 3 southbound and is bounded and described as follows:

Starting along the 1953 state highway layout, Northerly along the 1953 state highway layout by two lines and a curve, the first line is a line of about 36 feet (N24° 04'28"E), the second line is line of about 230 feet (N15° 17'13"E), and the curve is to the right with a radius of about 72 feet and a length of about 79 feet;

Southerly by two curves and a line, the first curve is to the right with a radius of about 2,223 feet and a length of about 172 feet, the second curve is to the right with a radius of

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about 1,752 feet and a length of about 103 feet, and by a line of about 57 feet (N25° 13'48"E); and Westerly by a line of about 7 feet (N74° 42'44"W) by land now or formerly of the town of Billerica.

Said parcel contains about 7,406 square feet. This parcel is to be diverted from its present use for park purposes to a highway use. The parcel of land, hereinbefore described, is shown on a plan entitled "Plan of land in the Town of Billerica, Parcels 13-12 & 13-12-T", prepared by URS Corporation, dated June 24, 2002. Said plan shall be kept on file with the chief engineer of the department of highways.

SECTION 37. A parcel of land known as parcel 15-D-17 owned by the town of Chelmsford Conservation Commission. This parcel is located west of Stony Brook on the southerly side of Route 3 southbound in the town of Chelmsford and is bounded and described as follows:

Starting along the 1958 state highway layout, Northerly along the 1958 state highway layout for about 33 feet by a line (S78° 36'36"E);

Easterly, by a line of about 33 feet (S11° 23'24"W), Southerly by a line of about 33 feet (S78° 36'36"E), and Westerly by a line of about 33 feet (S11° 23'24"W) by land now or formerly of the town of Chelmsford Conservation Commission.

Said parcel contains about 1,076 square feet. The parcel is to be diverted from its present use for conservation purposes to a highway use. This parcel is shown on a plan entitled "Plan of land in the Town of Chelmsford, Parcels 15-D-17 & 15-D-18", prepared by URS Corporation, dated June 24, 2002. Said plan shall be kept on file with the chief engineer of the department of highways.

SECTION 38. A parcel of land known as 15-D-18 owned by the town of Chelmsford conservation commission. The parcel is located west of Stony Brook, west of Parcel 15-D-17, and on the southerly side of Route 3 Southbound in the town of Chelmsford and is bounded and described as follows:

Starting along the 1958 state highway layout, Northerly along the 1958 state highway layout for about 33 feet by a line (S78° 36'36"E);

Easterly, by a line of about 33 feet (S11° 23'24"W), Southerly by a line of about 33 feet (S78° 36'36"E), and Westerly by a line of about 33 feet (S11° 23'24"W) by land now or formerly of the town of Chelmsford Conservation Commission.

Said parcel contains about 1,076 square feet. This parcel is to be diverted from its present use for conservation purposes to a highway use. This parcel of land, hereinbefore described, is shown on a plan entitled "Plan of land in the Town of Chelmsford, Parcels 15-D-17 & 15-D-18", prepared by URS Corporation, dated June 24, 2002. Said plan shall be kept on file with the chief engineer of the department of highways.

SECTION 39. A parcel of land known as Parcel 15-D-16 owned by the Town of Chelmsford. The parcel is located west of the B&M Railroad tracks and east of Moores Canal on the southerly side of Route 3 Southbound in the town of Chelmsford, and is bounded and described as follows:-

Starting along the 1958 State highway layout, Westerly along the 1958 State highway layout for about 45 feet by a line (N78° 36'36"W);

Southerly, by a line of about 49 feet (S11° 23'24"W), Easterly by a line of about 10 feet (S78° 36'36"E) by land now or formerly of the Town of Chelmsford, and Northerly by a line of about 60 feet (N46° 32'37"E) by land now or formerly of the B&M Railroad.

Said parcel contains about 1,342 square feet. This parcel is to be diverted from its present use for education purposes to a highway use. The parcel of land, hereinbefore described, is shown on a plan entitled "Plan of land in the Town of Chelmsford, Parcels 15-D-16", prepared by URS Corporation, dated June 24, 2002. Said plan shall be kept on file with the chief engineer of the Department of Highways.

SECTION 40. A parcel of land known as Parcel 15-D-19 owned by the North Chelmsford Water District. The parcel is located west of Stony Brook on the northerly side of Route 3 northbound in the town of Chelmsford and is bounded and described as follows:-

Starting along the 1958 state highway layout, Easterly along the 1958 state highway layout for about 33 feet by a line (S78° 36'36"E);

Northerly, by a line of about 33 feet (S11° 23'24"W), Westerly by a line of about 33 feet (S78° 36'36"E), and Southerly by a line of about 33 feet (S11° 23'24"W) by land now or formerly of the North Chelmsford Water District.

Said parcel contains about 1,076 square feet. This parcel is to be diverted from its present use for water purposes to a highway use. The parcel of land, hereinbefore described, is shown on a plan entitled "Plan of land in the Town of Chelmsford, Parcels 15-D-17, 18 & 19", prepared by URS Corporation, dated June 24, 2002. Said plan shall be kept on file with the chief engineer of the department of highways.

SECTION 41. A parcel of land known as parcel 13-E-1-T owned by the commonwealth under the care custody and control of the Middlesex community college. The parcel is located on the southerly side of Manning road in the town of Billerica at the intersection of Manning road and Technology Park Drive adjacent the on-ramp to Route 3, and is bounded and described as follows:-

Starting along Manning Road, Westerly along the Billerica town layout for about 85 feet by a line (S24° 36'56"W), and then for about 3 feet (S50° 49'35"W); northerly along the Billerica town layout by a line of about 67 feet (N61° 41'56"E);

Southerly and Westerly by a line of about 137 feet (N32° 40'22"E), by a line of about 14 feet (N43° 10'04"E); and by a line of about 46 feet (N50° 48'57"E); by land now or formerly of the Commonwealth of Massachusetts (Board of Regional Community Colleges).

This parcel contains about 4,591 square feet. This parcel is to be diverted from its present use for educational purposes to a highway use. This parcel of land, hereinbefore described, is shown on a plan entitled "Plan of land in the Town of Billerica, Parcel 13-E-1-T", prepared by URS Corporation, dated June 24, 2002.

Said plan shall be kept on file with the chief engineer of the department of highways.

SECTION 42. The Massachusetts Port Authority is hereby authorized and directed to repay to the commonwealth all interest expenses incurred by the commonwealth as result

of the delay in the authority's scheduled payment to the Capital Expenditure Reserve Fund in accordance with the terms of the roadway transfer agreement dated March 23, 1999, and executed by said authority, the Massachusetts Turnpike Authority, the department of highways, and the executive office of administration and finance. Repayment shall proceed according to terms agreed upon by said port authority and the treasurer; provided, however, that full repayment shall be completed within 2 years of the effective date of this act.

SECTION 43. The Massachusetts Port Authority is hereby directed to study and present alternative locations to shellfish harvesting at the ends of runway 22R and runway 22L. Said authority will report the findings of said study to the joint committee on transportation on or before June 30, 2003.

SECTION 44. There is hereby established an advisory committee consisting of 6 persons to be appointed by the governor, 4 persons appointed by the president of the senate with at least 1 such person to be a member of the minority party, 4 persons appointed by the speaker of the house of representatives, with at least 1 such person to be a member of the minority party, 1 person appointed by the chief executive officer of Massachusetts Turnpike Authority and 1 person appointed by the chief executive officer of the Massachusetts Port Authority for the purpose of studying and making recommendations relative to future proposals and actions to finance the obligations of the Massachusetts Turnpike Authority, the metropolitan highway system, the Massachusetts Port Authority and the Central Artery/Third Harbor Tunnel Project.

The study shall examine the equity of the funding structure with regard to financing the obligations of the Massachusetts Turnpike Authority, the Metropolitan highway system, the Massachusetts Port Authority and the Central Artery/Third Harbor Tunnel Project and shall include, but not be limited to, an examination of the following: (1) the fairness of the proposed toll structure for private passenger vehicles using interstate highway route 90 relative to private passenger vehicles using the other highways of the commonwealth and to benefit from the intended use of the Central Artery/Third Harbor Tunnel Project; (2) the effect and practicality of instituting tolls on the commonwealth's border with neighboring states, including on the commonwealth's border with the state of New Hampshire on the interstate highway routes 93 and 95 and state highway route 3; (3) the effect of providing for a more uniform and consistent toll structure on highways throughout the commonwealth, including the effect of instituting tolls on that portion of the metropolitan highway system, as defined in chapter 81A of the General Laws, presently consisting of interstate highway route 93; (4) the effect of reinstating tolls on the Boston Extension at the interchange of interstate highway routes 90 and 93 and on the turnpike from exit 1 at the commonwealth's border with the state of New York to, but excluding, exit 6, at the interchange of interstate highway Route 90 and interstate highway route 291; (5) the effect of modifying toll discounts or free travel on the turnpike, roadways within the metropolitan highway system and Tobin Bridge including consideration of frequent user and commuter discount; (6) the effect of limiting or eliminating contributions by the Massachusetts Turnpike Authority to the surface

artery; (7) the effect of excluding from the metropolitan highway system that portion constituting a section of interstate highway route 93; (8) the effect of transferring to the department of highways such portion of the turnpike extending from the commonwealth's border with the state of New York to, but excluding, exit 6 at the interchange of interstate highway route 90 and interstate highway route 291; (9) the effect of redefining the metropolitan highway system to include such portion of the turnpike extending from the interchange of interstate highway route 90 to and excluding the interchange of interstate highway route 90 and interstate highway route 495; (10) funding sources for the department of highways to meet the expenses of operating such portion of interstate highway route and other highway transferred to the department of highways from the Massachusetts Turnpike Authority; (11) the effect of providing a tax credit to Massachusetts residents purchasing transponders for use on the turnpike or the metropolitan highway system; (12) the effect of permitting turnpike revenues in excess of those needed to pay operating expenses and debt service on bonds supported by turnpike revenues available to be pledged and pay debt service on bonds issued for the metropolitan highway system; (13) the elimination of the Local Tourism Grant Program of the Massachusetts Turnpike Authority; (14) the effect of limiting certain liabilities of the Massachusetts Turnpike Authority, including the extent to which the provisions of chapter 258 of the General Laws should also be applicable to the Massachusetts Turnpike Authority; (15) further cost savings that might be realized by the Massachusetts Turnpike Authority; (16) the effect and practicality of dedication of a portion of the vehicle registration fee under clause 2 of section 33 of chapter 90 of the General Laws and a portion of the fee for a license to operate motor vehicles under clause 21 of said section 33 of said chapter 90 to offset proposed or actual toll increases on interstate highway route 90; (17) the effect and practicality of dedicating all or a portion of all taxes collected on fuel sold on property owned or leased by the Massachusetts Turnpike Authority to offset the proposed or actual toll increase on interstate highway route 90; and (18) the feasibility of the Massachusetts Turnpike Authority instituting a size limitation of 80 square feet in area, excluding supports, and a height restriction of 30 feet from the ground for signs advertising any gasoline station, restaurant or other service erected or maintained on the turnpike and the feasibility of eliminating existing signs that do not meet such limitations or prohibiting the illumination of existing signs that do not meet such limitations between the hours of 10:00 p.m. and 6:00 a.m.

No member of the advisory board shall receive compensation for his services nor shall a member of the advisory committee be reimbursed for travel expenses or actual expenses incurred in carrying out his duties as a member of the advisory committee. The advisory committee shall report to the joint committee on transportation the results of its study, together with its recommendations and drafts of any legislation necessary to carry those recommendations into effect, not later than January 1, 2003. The Massachusetts Turnpike Authority and the Massachusetts Port Authority shall not implement any adjustment in tolls imposed on 2 axle passenger, noncommercial vehicles at least until 90 days after the submission of the report.

SECTION 45. The Massachusetts Turnpike Authority is hereby authorized and directed to provide for the continued operation of the fifty-percent toll discount program for account holders who participate in the authority's electronic toll collection system, as approved by the board of directors in open meeting on June 28, 2002. The authority shall appropriate the funds necessary to provide said discount on a permanent basis.

SECTION 46. The Massachusetts Turnpike Authority shall establish and convene within 30 days of the effective date of this act a task force to determine the effect that the Massachusetts Turnpike and its new toll increases shall have for neighborhoods in the vicinity of Exits 16 and 17 on the Massachusetts Turnpike in the city of Newton, specifically, the areas known as Newton Corner, Nonantum, Newtonville, West Newton, Auburndale, Newton Lower Falls and Waban. Said task force shall also study the continuing problem of noise from the turnpike for neighborhoods abutting the turnpike throughout the city of Newton. Said task force shall consist of 5 members: 1 shall be appointed by the Massachusetts Turnpike Authority; 1 shall be appointed by the Massachusetts highway department; 1 shall be appointed by the executive office of environmental affairs; 2 shall be appointed by the mayor of the city of Newton. Said study shall include, but not be limited to, any issues concerning traffic, pedestrian access and safety, parking, pollution and noise in the city of Newton related to its proximity to the Massachusetts Turnpike. Said task force shall conduct at least 1 public hearing in the city of Newton. The task force shall make recommendations, including but not limited to mitigating the noise, traffic and safety problems stemming from proximity to the Massachusetts turnpike of the neighborhoods of the city of Newton. The cost of implementing any such recommendations shall be the responsibility of the Turnpike Authority. Nothing herein shall in any way limit the city of Newton's authority to approve any changes to its public roadways. Said task force shall submit its findings and recommendations to the house and senate chairs of the general court's joint committee on transportation, and to the city of Newton, no later than January 1, 2003. The Massachusetts Turnpike Authority shall not institute tolls at Exit 16 or 17 prior to the conclusion of this study and without further analysis of the impact of such institution on the problems aforementioned.

SECTION 47. The Massachusetts Turnpike Authority is hereby authorized and directed to expend \$5,000,000 for the purpose of erecting sound barriers along Interstate 90, which shall include but not be limited to the following cities and towns: the Allston-Brighton section of the city of Boston; the city of Newton; the town of Charlton; the town of Natick; the town of Wayland; the town of Hopkinton, the town of Southborough; the town of Framingham and the town of Sturbridge.

SECTION 48. Notwithstanding chapter 160 of the General Laws or any other general or special law, rule or regulation to the contrary, no railroad corporation, including the Massachusetts Bay Transportation Authority, shall permit any locomotive engine passing over the so-called Greenbush right of way extending from the Braintree Wye, so-called, to the Greenbush area of the town of Scituate, in the towns of Braintree, Weymouth, Hingham, Cohasset and Scituate to sound a whistle at any of said grade crossings which has the follow-

ing safety features: flashing lights in each direction which are caused to be automatically activated by an approaching train; two gates, one on each side of the crossing, both of which are caused to be automatically lowered by an approaching train and each of which extends across approximately half the width of the lanes of traffic at said crossing so that the entire width of the lanes of traffic at said crossing is blocked when said gates are lowered; a bell that is caused to be automatically activated by an approaching train; overhead street lights; signs posted before the grade crossing in each direction warning motorists and pedestrians of the crossing ahead; posted speed limits for roadway traffic of not more than 40 miles per hour, and not more than two lanes of vehicular traffic in each direction at the grade crossing. Notwithstanding the provisions of this section, the whistle of a locomotive shall be sounded in the event of an emergency or in accordance with established rules governing the protection of railroad workers.

SECTION 49. Section 2 of chapter 21 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in line 2, the word "seven" and inserting in place thereof the following word:- 9.

SECTION 50. Said section 2A of said chapter 21, as so appearing, is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The commissioner shall request each of the boards of trustees or directors of the Massachusetts Audubon Society, the Massachusetts Chapter of the Sierra Club, and the Trustees of Reservations, to nominate 3 candidates for the seventh member of the board. The commissioner shall also request each of the boards of directors of the Snowmobile Association of Massachusetts, the New England Trail Riders Association, the Massachusetts All Terrain Vehicle Association and the Massachusetts Motorcycle Business Association or their successor organizations, to nominate 3 candidates for the eighth member of the board. The commissioner shall also request the board of directors of the Appalachian Mountain Club to nominate a candidate for the ninth member of the board. From the nominations received from the several boards of such organizations for the seventh member of the board, the commissioner shall select 3 candidates for the seventh member of the board whom he shall recommend to the governor, from the nominations received from the several boards of such organizations for the eighth member of the board, the commissioner shall select three candidates for the eighth member of the board whom he shall recommend to the governor, and from the commissioner shall recommend to the governor the candidate nominated by the Board of the Appalachian Mountain Club for the ninth member of the board. The governor shall appoint the seventh and eighth members of the board, respectively, from among the candidates recommended by the commissioner for the seventh and eighth members of the board, respectively, which members shall be appointed without regard to the county membership restrictions outlined above. The governor shall appoint the candidate recommended by the board of the Appalachian Mountain Club and recommended by the commissioner as the ninth member of the board.

SECTION 51. The first paragraph of section 9 of chapter 161A of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the sixth sentence and inserting in place thereof the following 3 sentences:- A city or town that is also a member of a regional transit authority as of June 30, 2002 shall have 100 per cent of the amount assessed for the operation of the regional transit authority credited against its share of the assessment made under this section. A city or town that joins a regional transportation authority after June 30, 2002 shall have 75 per cent of the amount assessed for the operation of such regional transit authority credited against its share of the assessment made under this section. The amount credited shall not exceed the total amount of the assessment.

SECTION 52. Section 3 of chapter 161B of the General Laws, as so appearing, is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

Any city or town, or group or combination of cities or towns, other than a city or town included in the Massachusetts Bay Transportation Authority or in an authority established pursuant to section fourteen may, by a majority vote of the city council or of the town meeting or majority vote of any other legislative body, respectively, and subject to the approval of the secretary, and subsequent to the notification of the advisory board to such authority by the secretary, join an authority which is not separated from the city or town or group or combination of cities and towns by more than 1 other municipality. For the purposes of this section, any city or town defined as an other served community in section 1 of chapter 161A shall not be considered a member of the Massachusetts Bay Transportation Authority.

SECTION 53. (a) As used in this section, the following words shall have the following meanings unless the context clearly requires otherwise:

"Authority", the Massachusetts Bay Transportation Authority.

"Developer", the private entity selected to design and build the project, which private entity may be comprised of, but not be limited to, a civil engineering firm, a railroad construction firm, a law firm and a consulting firm.

"Development agreement" or "design-build contract", the agreement or contract entered into between the developer and the authority pursuant to subsection (d).

"Facility", that portion of the authority's commuter rail system necessary to extend the authority's existing commuter rail system from South Station in the city of Boston to the cities of New Bedford and Fall River.

"Project", the study, planning, design and construction of an extension to the authority's commuter rail system to the cities of New Bedford and Fall River, as approved by the secretary of environmental affairs in certificates issued on the Final Environmental Impact Report, in accordance with the terms of the agreement described in subsection (4).

"Secretary", the secretary of transportation and construction or his designee.

(b) Notwithstanding chapter 30, 149, 161 or 161A of the General Laws or any other general or special law to the contrary, the authority may solicit proposals from, and negotiate

and enter into a development agreement or design-build contract with, a developer to undertake, as appropriate, all or a portion of the project. No such prospective developer or entity making up a portion of the prospective developer's team shall be precluded from participation in the project on the basis of its prior participation in the project based upon paragraph (q) of section 1 of chapter 268A of the General Laws unless the authority determines that such prospective developer or entity actually participated in the engineering or environmental analysis of the project on behalf of the authority and, in doing so, came into contact with information pertaining to the project which is not a public record or otherwise generally available to all prospective developers and entities.

(c)(1) The authority shall develop and publicly advertise a request for qualifications setting forth a description of the project and the criteria for prequalification of developers, including minimum levels of experience, financial capability, bonding capacity and such other criteria as are deemed appropriate by the authority in consultation with the secretary. The authority may consult with legal, financial, technical and other experts within and outside state government in the prequalification of developers.

(2) The authority shall select a minimum of 3 prospective developers, which it has determined to be the most qualified, based on their abilities to design and construct the project. Any selection made in response to a request for qualifications issued by the authority prior to the effective date of this section is hereby authorized and ratified if the request for qualifications is in a form which is consistent with this section.

(3) Following the authority's determination of the most qualified developers, the authority shall develop and distribute to those developers deemed to be most qualified a request for proposals setting forth the minimum criteria upon which the authority expects to select the most qualified developer to undertake the project. At the authority's option the request for proposals may specify that the sole or primary criteria to be used in the selection of the developer shall be price. The authority may consult with legal, financial, technical and other experts within and outside state government in the development of the request for proposals, the selection of a developer and the negotiation of a development agreement or design-build contract. Each developer may then submit to the authority a proposal in the format specified by the authority. The authority may waive any informalities in such proposals and reject any proposals if, in its sole discretion, a rejection would be in the public interest.

(4) All statements of qualifications and all proposals shall be reviewed in private and no proposal or any information contained in a proposal shall be released to a third party, other than as specified in this section, prior to execution of the development agreement or design-build contract in accordance with this section, nor shall any portion of such proposal nor any statement of qualifications submitted to the authority in response to its request for qualifications be deemed to be a public record until such development agreement or design-build contract is executed.

(5) Each proposal shall be evaluated by criteria determined by the authority and set

forth in the request for proposals including, but not limited to, the proposed cost of the project and the financial benefit to the authority, the commonwealth and the regions which the facility shall serve and, at the authority's option, the reputation, industry experience and financial capacity of the developer, the proposed design of the facility, the time schedule proposed for completion of the project, local citizen and government concerns, environmental concerns relative to the project, benefits to the commuting public and such other criteria as the authority deems appropriate. The authority may request oral presentations by such proposers as it deems necessary for the purpose of understanding, clarifying and improving the terms contained in a proposal. An oral presentation shall include a written component, including minutes of the meeting in which the presentation took place, which shall be made public after the execution of the development agreement or design-build contract.

(6) The authority shall select the developer which it determines best meets the selection criteria for the benefit of the authority. If the authority selects a developer which did not submit the proposal offering the lowest overall cost, the authority shall explain the reason for the selection in writing to the joint committee on transportation not later than 5 days before the execution of the development agreement or design-build contract.

(d) The authority may enter into a binding development agreement or design-build contract with the selected developer, which development agreement or contract shall:

(1) provide for the design and construction of the project;

(2) specify a design and construction schedule with project milestones and an enforceable project completion date, subject to delays beyond the control of the developer;

(3) specify the cost of the design and construction of the project, as an aggregate total and separated into cost for each identified project segment;

(4) establish a schedule for annualized, periodic or other payments by the authority to reimburse the developer's capital outlay costs for the project, but all payments made shall be in accordance with obligations established in the development agreement or contract;

(5) describe the procedures to be utilized in the completion of design and construction of the project;

(6) identify the remaining parcels, required for railroad purposes, for the authority to obtain pursuant to the authority granted to the authority under chapter 161A of the General Laws;

(7) outline the responsibilities of the authority and the developer in obtaining any remaining environmental permits or approvals;

(8) provide for the participation of the authority and the developer in a value engineering program which shall be reviewed by the inspector general;

(9) require that the developer secure and maintain bonding and liability insurance coverage in amounts appropriate to protect the project's viability as determined by the authority;

(10) set forth the responsibilities of the authority and the developer in community outreach efforts, including the planning and scheduling of periodic community meetings in

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the regions to be impacted by the facility;

(11) set forth the guarantee of performance and security to be provided by the developer;

(12) specify the claims process to be utilized in the event of unforeseen circumstances during project design or construction and provide for the reimbursement to the developer for reasonable costs and expenses incurred in developing the design of the project and the construction cost estimate and in the financing of the project should the authority, for any reason, determine to terminate the development agreement or design-build contract;

(13) clarify the responsibilities of the authority and developer in responding to hazardous materials in the project's right-of-way;

(14) provide that the authority's construction inspections shall be conducted by personnel employed directly and on a full-time basis by the authority or, if such inspection is to be performed by an entity other than the authority, that such inspections be supervised by authority employees;

(15) contain minority and women business enterprise or disadvantaged business enterprise goals and minority and women workforce goals as specified by the authority in accordance with state and federal law; and

(16) require the developer's prime contractor to obtain a labor and material payment bond, in accordance with section 29 of chapter 149 of the General Laws, covering all construction, reconstruction or maintenance, including capital maintenance, work of the project and shall require the payment of prevailing wages for labor performed on the project in accordance with sections 26 to 27H, inclusive, of said chapter 149.

(e) The project shall comply with the following conditions: (1) sections 26 to 27F, inclusive, and section 29 of chapter 149 of the General Laws shall apply to all contracts for the project; and (2) all construction employees employed in the construction of the project shall be paid not less than the wage rate established for such work pursuant to a project labor agreement with the appropriate labor organization or labor organizations, which includes (i) a uniform grievance and arbitration procedure for the resolution of work-related disputes on job sites; (ii) mutually agreeable uniform work rules and schedules for the project; and (iii) an obligation for a labor organization and its constituent members not to strike with respect to work on such project; provided, however, that it shall not be a precondition to the award of a contract or development agreement that a proposer or developer has previously entered into a collective bargaining agreement with a labor organization, but only that the proposer or developer shall be willing to execute and comply with the project labor agreement for the designated project if it is awarded a development agreement or design-build contract for the project.

(f) The authority may, through the adoption of a project procedure manual, delegate any of the powers conferred on it by this section to the general manager of the authority or his designee; provided, however, that in no event shall the authority delegate the power to award the development agreement or design-build contract which power is exclusively vested in the board of directors of the authority.

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(g) Notwithstanding chapters 7, 30 and 149 of the General Laws or any other general or special law to the contrary regarding procurement practices, the developer shall, in its sole discretion and in accordance with its own procurement practices and sound business judgment, determine the qualifications and selection of its own consultants, engineers, designers, architects, lawyers, contractors, materials suppliers and other persons or entities employed in connection with the project. The developer shall remain subject to all applicable anti-discrimination laws including, but not limited to, chapter 151B of the General Laws.

(h) The authority may exercise, on its own behalf and on behalf of the developer, any power possessed by it to facilitate the development, construction, financing, operation and maintenance of the facility.

(i) Notwithstanding any general or special law to the contrary, the authority may acquire land of the commonwealth or any city or town within the commonwealth, either by voluntary transfer or by eminent domain under chapter 79 of the General Laws and such additional properties as the authority may determine to be necessary for designing, constructing, equipping and operating a commuter rail line from the South Station area of the city of Boston, by extending the authority's existing Stoughton line along existing railroad right-of-way in part and along a new alignment in part, through the communities of Stoughton, Easton, Raynham, Taunton, Berkley, Freetown, Lakeville, Fall River and New Bedford, all as substantially described in the Draft Environmental Impact Report (EOEA File Number 10509) filed with the Massachusetts Environmental Policy Act Unit, a notice of which was published in the Environmental Monitor on August 10, 1999 or any final environmental impact report; provided further, the Massachusetts Bay Transportation Authority shall develop a proposed mitigation plan to maintain the same per cent valuation of the average property value of like properties in the municipalities of Stoughton, Easton, Taunton and Raynham for property owners in said municipalities whose properties abuts the commuter rail line extension to New Bedford and Fall River and is taken for such purpose or is not taken but is adversely affected by the commuter rail line extension and shall submit the plan within 90 days after the effective date of this act to the house and senate committees on ways and means and the joint committee on transportation. In making such determination, the authority may use, without limitation, the properties proposed for the right-of-way as set forth in the draft environmental impact report and which are presently being used for park and open space properties.

(j) The authority shall file quarterly reports with the house and senate committees on way and means, the joint committee on transportation and the house and senate clerks on the status of the project. Within 3 months of completion of construction of the project, the authority shall file with said committees and clerks a report detailing the actual costs incurred by the developer in the design and construction of the project.

(k) In recognition of the benefit of the project to the commonwealth, the secretary of administration and finance, on behalf of the commonwealth, shall, with the concurrence of

the secretary, enter into a contract with the authority providing for payments by the commonwealth to the authority equal to the cost of the debt service on the bonds issued by the authority to finance or refinance the project and related expenses. The issuance of such bonds, the maturities, which shall not exceed 40 years, and other details thereof, the rights of the holders thereof and the rights, duties and obligations of the authority with respect thereto shall be governed by chapter 161A which relate to the issuance of bonds, insofar as they may be appropriate therefor. The term of such agreement shall not exceed the final maturity of the bonds. The agreement shall provide that the secretary of administration and finance shall, for each year in which the bonds are outstanding, include in the governor's annual budget recommendation to the general court, an amount equal to all amounts due and payable in connection with the bonds for such year. The commonwealth's obligation to make payments under such contract shall be subject to annual appropriation by the general court.

SECTION 54. The Massachusetts highway department shall assume administration of state route 140 from the Gardner/Winchendon town line northerly to the intersection with Teel road.

SECTION 55. All appointments made by the commissioner of highways and the commissioner of the metropolitan district commission for construction inspection, engineering or related professional positions as authorized by this act and subparagraphs (2) and (3) of paragraph c of section 2 of chapter 811 of the acts of 1985, section 143 f chapter 33 of the acts of 1991, section 29 of chapter 102 of the acts of 1994, section 55 of chapter 273 of the acts of 1994 and chapter 235 of the acts of 2000 shall be employees who meet at least the minimum qualifications as established for the position by the personnel administrator and all such appointments shall be made in accordance with applicable collective bargaining agreements.

On or after the effective date of this act, all appointments made to civil engineering titles CE II, CE III, CE IV, CE V OR CE VI by the commissioner of highways and the commissioner of the metropolitan district commission, shall be in accordance with chapter 31 of the General Laws.

SECTION 56. Notwithstanding any general or special law to the contrary, the division of personnel administration shall conduct a classification study of the employees of the Wood's Hole, Martha's Vineyard and Nantucket Steamship Authority pursuant to section 45 of chapter 30 of the General Laws; provided however, that the study shall summarize the various employee classifications, the nature of their duties and responsibilities and the total number of employees in each classification by gender and their respective salaries and shall evaluate whether the salary and benefits for male and female employees in comparable positions who, in the opinion of the personnel administrator are doing the same type of work with the same preparation and training are equal. The personnel administrator shall file the report of the study with the house and senate committees on ways and means and the joint committee on public service within 60 days after the effective date of this act. The Steamship Authority shall, within 30 days after the filing of the personnel administrator's report, file a report with said committees describing actions taken by the steamship authority

as a result of the study.

SECTION 57. The Massachusetts Port Authority shall conduct a feasibility study of implementing a 50 cent toll discount for participants in the FAST LANE program, so-called, on the Maurice J. Tobin Memorial Bridge; provided further, that as part of said study the Massachusetts Port Authority shall hold a public hearing the time and location of which shall be determined by the Authority; provided however, that such public hearing be held within 45 days after the effective date of this act; provided further, that such public hearing be held in one of the following communities: Chelsea, Everett, Lynn, Malden, Melrose, Revere, Saugus or Winthrop, and; provided further, that comments from such public hearing be addressed by the Authority and its responses incorporated into the feasibility study authorized in this section.

Said Authority shall provide a report of its findings, including responses to public comments, to the Speaker of the House of Representatives, President of the Senate, Chairman of the House Committee on Ways and Means, Chairman of the Senate Committee on Ways and Means, Chairman of the Joint Committee on Transportation, Clerk of the House of Representatives and Clerk of the Senate 60 days after the effective date of this act.

SECTION 58. There shall be a special commission to study the feasibility of transferring ownership, or operation and maintenance, of the Ted Williams Tunnel from the Massachusetts Turnpike Authority, in this section called MassPike, to the Massachusetts Port Authority, in this section called Massport, in return for Massport's assuming the debt service on the MassPike bonds secured by the Tunnel's tolls and for Massport's making an additional payment to MassPike or the commonwealth to assist in paying the cost of the Central Artery/Tunnel project. The commission shall consist of the secretaries of administration and finance and of transportation and construction, the chairman of MassPike, the chairman of Massport, and the attorney general, or their designees, and 2 persons appointed by the governor, 1 of whom is expert in public finance and toll-backed debt issuance, and 1 of whom is expert in tunnel maintenance and management.

The commission shall include in its study the amount of the additional payment by Massport, possible additional revenue sources for Massport to defray this payment, and meeting any legal concerns identified by the attorney general.

The commission shall report its findings and recommendations, including draft legislation if any, to the joint committee on transportation and the house and senate committees on ways and means not later than December 31, 2002.

SECTION 59. There shall be established a special advisory commission on multimodal transportation improvements to the Massachusetts Bay Transit Association line corridor in the city of Fitchburg to consist of 3 members of the senate, 3 members of the house of representatives, the secretary of transportation and construction or his designee, the general manager of the Massachusetts Bay Transportation Authority or his designee, the commissioner of highways or his designee, the president of Massachusetts Development Finance Corporation or his designee, the executive director of the metropolitan area planning

commission or his designee, the executive director of the Montachusett regional planning commission or his designee, the land use administrator or director of the Devens Enterprise Commission or his designee, a representative from the Massachusetts Municipal Association, a representative from an environmental interest group, a representative from the minuteman area group on interlocal coordination sub-region, a representative from the Montachusett Regional Transit Authority, 3 representatives from separate chambers of commerce within the Fitchburg commuter rail line service area and 4 representatives from municipalities primarily serviced by the Massachusetts Bay Transportation Authority commuter rail line in the city of Fitchburg, 2 of whom shall be appointed by the metropolitan area planning council and 2 of whom shall be appointed by the Montachusett regional planning commission for the purpose of promoting and facilitating interlocal and interregional cooperation and to investigate, propose, evaluate and vote on recommendations to the executive office of transportation and construction on the need for transportation improvements, enhancements and alternatives for the municipalities and the regions serviced by the Massachusetts Bay Transportation Authority commuter rail line in the city of Fitchburg.

SECTION 60. A special commission is hereby established for the purpose of making an investigation and study of the safety of the commonwealth's crosswalks and to make recommendations to promote the improvement thereof. Said investigation shall include, but not be limited to, the frequency at crosswalks of irregular pavement markings, inadequate lighting, intrusive vegetation, poles or parked cars, missing stop signs or inoperative or defective traffic signals, traffic signals that do not allow a reasonable amount of time for pedestrians to cross, and moving violations, including speeding and red light violations. Said study also shall examine, without limitation, whether a more uniform system of pavement markings that graphically delineate the boundaries of the crosswalk may improve motorist recognition of crosswalks, police enforcement of pedestrian and motor vehicle right-of-way laws and speed limits, especially around schools and playgrounds, may be improved and whether placement of cameras at dangerous intersections may help police enforce traffic safety laws. Said commission shall also consider whether construction of more sidewalks and bicycle paths may promote separation of motor vehicles and pedestrians, as well as whether speed bumps, "Children at Play" signs or similar devices may reduce average motor vehicle speeds in residential neighborhoods, and whether driver education courses should include pedestrian-awareness training. Said commission shall consist of: three members of the senate to be appointed by the senate president, one of whom shall be the chairman of the joint committee on transportation or designee, who shall serve as co-chair of the commission, and one of whom shall be the chairman of the joint committee on public safety; three members of the house of representatives to be appointed by the speaker of the house, one of whom shall be the chairman of the joint committee on transportation or designee, who shall serve as co-chair of the commission, and one of whom shall be the chairman of the joint committee on public safety; the secretary of the executive office of transportation and construction or designee, the secretary of the executive office of public safety or designee; and three persons to be appointed by the governor, one of whom

shall be a representative of the Massachusetts municipal association, and one of whom shall be a member of private industry who shall represent insurance providers and one person upon the recommendation of Walk Boston. Said 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 house of representatives and the clerk of the senate within six months of the effective date of this act.

SECTION 61. The executive office of transportation and construction shall submit to the joint committee on transportation and the committees on house and senate ways and means not later than January 1, 2003, the findings of the feasibility study conducted to determine the viability of commuter water shuttle service from the city of Lynn and its surrounding coastal sites to the city of Boston.

This bill was returned on August 10, 2002, by the Lieutenant-Governor, Acting Governor to the Senate, the branch in which said bill was originated, with Her objections in writing to the following items therein:

SECTIONS: 5, 8, 47, 50, 51, 52, 55, 58, and 60.

Items reduced in amount and by striking the wording

Item	Reduce by	Reduce to	Wording Stricken
Section 21	\$14,263,558	\$783,032,050	“Said item 6033-9917 of said section 2B of said chapter 235 is hereby further amended by striking out the figure “\$650,000,000” and inserting in place thereof the following figure:- \$799,295,608.”

Wording Inserted

“ Said item 6033-9917 of said section 2B of said chapter 235 is hereby further amended by striking out the figure “\$650,000,000” and inserting in place thereof the following figure:- \$785,032,050.”

Section 24	\$14,263,558	\$1,239,882,050	Wording Stricken
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“Section 5 of said chapter 235 is hereby amended by striking out, in line 4, the figure “1,107,000,000” and inserting in place thereof the figure:- 1,256,145,608.”

Wording Inserted

“Section 5 of said chapter 235 is hereby amend-

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Item	Reduce by	Reduce to	Wording Inserted
			ed by striking out, in line 4, the figure "1,107,000,000" and inserting in place thereof the figure:- 1,241,882,050.

Section disapproved by striking the wording:

Item	Wording Stricken
Section 19	; ; provided further, that \$758,558 shall be expended for the UNESSA Central Artery Mitigation project" and "; provided further, that \$1,900,000 shall be expended for a sound abatement program on Interstate 93, from Brookside parkway to Newport avenue" and "; provided further, that \$75,000 shall be expended for the reimbursement of costs associated with the paving of state route 31 in the town of Charlton" and "; provided further, that \$2,500,000 shall be expended for off-street parking on Granite Street at Moulton Way and Essex Street in the city of Haverhill; provided further, that \$500,000 shall be expended for off-street parking in the town of Franklin" and "; provided further, that \$50,000 shall be expended for repair of fencing along Route 9 at Hartford Street in the town of Natick" and "; provided further, that \$200,000 shall be expended for repair of the Marian Street bridge in the town of Natick" and "; provided further, that \$3,400,000 shall be expended for widening of Montvale Avenue in the city of Woburn" and "; provided further, that \$300,000 shall be expended for a barrier on the southbound side of Interstate 95 at the Sharon-Canton line of the identical

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Item

Wording Stricken

type and length of the existing barrier on the northbound side of said highway”

and

“; provided further that not less than \$100,000 shall be expended for resignalization and reconstruction on North Main Street at the Trilling House in the Town of Randolph”

and

“; provided further, that not less than \$130,000 shall be expended to study the feasibility of erecting a sound barrier on 95/128 abutting East Quinobequin Road in the city of Newton”

and

“; provided further that not less than \$500,000 shall be expended on the design and construction of a pedestrian underpass under the Mystic Wellington bridge on state highway route 28 in the city of Somerville”

and

“; provided further, that \$1,200,000 shall be expended for the construction of a parking garage in the downtown area in the city of Brockton”

and

“; provided further, that funds shall be expended for improvement planning at the Crosby corner rotary in the town of Concord”

and

“; provided further, that \$1,000,000 shall be expended for the construction of a sound barrier along interstate highway route 93 in the town of Somerville; provided further, that the department of highways shall remove the overhanging traffic light at the corner of Bellvale avenue and route 60 in the city of Malden”

and

“; provided further, that \$50,000 shall be expended to reimburse the town of Medway for expenditures incurred to conduct a traffic study on state highway route 109 in fiscal years 2001 and 2002”

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Item *Wording Stricken*

and

“; provided further, that \$150,000 shall be expended for a comprehensive engineering and planning study, including recommendations and estimates of probable cost, of the feasibility of opening or replicating a portion of the historic Blackstone canal in the town of Uxbridge”

and

“; provided further, that not less than \$100,000 shall be expended on improvements to and restoration of the East Brookfield Railroad Station”

and

“; provided further, that \$450,000 shall be expended for the design, study and completion of Phase Two of the Mystic Valley Parkway Rehabilitation project, so-called, encompassing the areas of Roosevelt circle and South Border road, located in the town of Winchester and the city of Medford”

and

“; provided further, that \$420,000 shall be expended to install a traffic signal at the intersection of Grove street and Greenough boulevard in Watertown”

and

“; provided further, that \$1,000,000 shall be expended for the construction of a sound barrier along route 3 in the towns of Bedford and Chelmsford”

and

“; provided further, that \$350,000 shall be expended on a study of a regional parking facility in the town of Lexington to encourage greater use of local and regional public transport”

and

“; provided further, that \$50,000 shall be expended for crosswalk and traffic light on Memorial Drive at Hawthorne Street Extension in the city of Cambridge”

Pursuant to Article 63, Section 5 of the Amendments to the Constitution, the Lieutenant-Governor, Acting Governor sent a separate letter to the Senate and the House of Representatives setting forth recommended amendments.

The remainder of the bill was approved by the Governor on August 10, 2002 at twelve o'clock and thirty-three minutes, P.M.

Chapter 247. AN ACT AUTHORIZING THE DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO CONVEY CERTAIN EASEMENTS IN THE TOWNS OF GROTON AND PEPPERELL.

Be it enacted, etc., as follows:

SECTION 1. Chapter 154 of the acts of 1992 is hereby repealed.

SECTION 2. The commissioner of capital asset management and maintenance may, subject to sections 40E to 40J, inclusive, of chapter 7 of the General Laws, sell and convey by deed approved as to form by the attorney general, certain permanent sewer easements, or any interest therein, located in the towns of Groton and Pepperell, to the town of Groton subject to such terms and conditions as the commissioner may prescribe in consultation with the department of environmental management, said property being 2 easements, described as Easement I and Easement II currently used for recreational purposes, shall be located within the boundaries of 2 sections of an abandoned railroad right of way, formerly known as the Hollis Branch of the Boston and Maine Railroad.

EASEMENT I is shown on a plan entitled: "Proposed Sewer Easement I in Groton, Mass. on land owned by the Commonwealth of Massachusetts - Department of Environmental Management," dated June 29, 1998, prepared for the Town of Groton by Whitman and Bingham Associates, Leominster, MA.

EASEMENT II is shown on a plan entitled: "Proposed Sewer Easement II in Groton & Pepperell, Mass. on land owned by the Commonwealth of Massachusetts - Department of Environmental Management," dated June 30, 1998; prepared for the Town of Groton by Whitman and Bingham Associates, Leominster, MA. Said plans are on file in the office of the town clerk of the Town of Groton.

Approved August 10, 2002.

Chapter 248. AN ACT RELATIVE TO HOMEOWNER TESTING FOR UREA FORMALDEHYDE FOAM INSULATION.

Be it enacted, etc., as follows:

Section 12I of chapter 255 of the General Laws is hereby repealed.

Approved August 10, 2002.

Chapter 249. AN ACT RELATIVE TO THE TRANSFER OF LAND IN THE TOWN OF SHARON.

Be it enacted, etc., as follows:

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SECTION 1. The town of Sharon, acting by and through its board of selectmen, may transfer a parcel of land currently used for park land and outdoor recreational uses and under the care and control of the board of selectmen to the board of selectmen for use as a senior center or construction of recreational buildings and facilities or parking related and accessory to such senior center or recreational buildings.

SECTION 2. In consideration for the transfer authorized by this act, the town of Sharon, acting by and through the board of selectmen or the conservation commission shall grant to the National Park Service, or such other designated federal or state agency, a replacement park land restriction on the land described in section 4. The land in section 4 is of the same or comparable value as that of the land described in section 1. The transfer of the parcel in section 1 shall be contingent upon the approval of the replacement park land being provided by the secretary of the executive office of environmental affairs and the National Park Service.

SECTION 3. The parcel of land to be transferred in section 1 contains approximately 3.03 acres and is shown as parcel "N" on a plan entitled "Proposed Park Land Conversion" prepared by the town of Sharon engineering department and is on file with the town clerk.

SECTION 4. The parcel of land provided as replacement park land in section 2 is known as the King Philip Rock property, containing about 91 acres of land, acquired by the town of Sharon on June 8, 2001 pursuant to Article 11 of the May 7, 2002 annual town meeting.

SECTION 5. The vote of the town meeting on May 13, 2002 authorizing the transfer of land in section 1 is hereby ratified, validated and confirmed as if this act had been in effect on the date of such vote.

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

Approved August 10, 2002.

Chapter 250. AN ACT RELATIVE TO CERTIFICATES OF BIRTH RESULTING IN STILLBIRTH.

Be it enacted, etc., as follows:

Chapter 46 of the General Laws is hereby amended by inserting after section 1 the following section:-

Section 1½. The state registrar shall establish a certificate of birth resulting in stillbirth for fetal deaths, as defined in section 202 of chapter 111, occurring in the commonwealth after a gestational period of 20 weeks or more. The certificate shall be issued only at the request of either individual listed as mother or father on the report of fetal death. The certificate of birth resulting in stillbirth shall meet all of the format requirements for a

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certificate of live birth as provided in this chapter and in section 4 of chapter 17 . If the parents of the stillborn child decide not to name the stillborn child, the person preparing a certificate of birth resulting in stillbirth shall leave blank any references to the stillborn child's name.

The certificate of birth resulting in stillbirth shall be filed with the state registrar within 10 days after the delivery. When a birth resulting in stillbirth occurring in the commonwealth has not been registered within 1 year after the date of delivery, a certificate marked "delayed" may be filed and registered in accordance with regulations of the department of public health relating to evidentiary and other requirements sufficient to substantiate the alleged facts of birth resulting in stillbirth.

Approved August 10, 2002.

Chapter 251. AN ACT AUTHORIZING AN EXCHANGE OF CERTAIN LAND BETWEEN THE TOWN OF TEWKSBURY AND THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding sections 40E to 40J, inclusive, of chapter 7 of the General Laws, the commissioner of the division of capital asset management and maintenance may convey by deed to the town of Tewksbury for cemetery and recreation purposes, 2 parcels of land described as parcels (1) and (3) on a plan dated February 14, 2001, by Robert P. Morris, P.L.S.

SECTION 2. Notwithstanding paragraphs (a), (b), and (g) of section 16 of chapter 30B of the General Laws, the town of Tewksbury, acting by and through its board of selectmen may convey to the commonwealth 2 parcels of land presently used for conservation and recreation purposes and described as, parcels (2) and (4) as shown on a plan dated February 14, 2001, by Robert P. Morris, P.L.S.

SECTION 3. The consideration for the conveyances authorized by sections 1 and 2 shall be the full and fair market value of parcels (1) and (3) as described in said section 1, to be conveyed by the commonwealth, minus the full and fair market value of parcels (2) and (4) as described in said section 2, to be conveyed by the town of Tewksbury, based upon 1 or more professional appraisals commissioned by the commissioner of the division of capital asset management and maintenance. Should the full and fair market value of parcels (1) and (3) be determined to be greater than that of parcels (2) and (4) the town of Tewksbury shall pay to the commonwealth the outstanding difference thereof. All money paid to the commonwealth, if any, by the town of Tewksbury shall be deposited in the General Fund of the commonwealth. Should the full and fair market value of parcels (2) and (4) be determined to be greater than that of parcels (1) and (3), the commonwealth shall not pay any value or compensation for the difference to the town of Tewksbury.

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The inspector general shall review and approve the appraisal or appraisals, and the review and appraisal shall include an examination of the methodology utilized for the appraisal or appraisals. The inspector general shall prepare a report of his review and approval of the appraisal or appraisals and file the report with the commissioner of the division of capital asset management and maintenance, and copies of the same shall be filed with the house and senate committees on ways and means and with the chairmen of the joint committee on state administration.

SECTION 4. The town of Tewksbury shall be responsible for all costs associated with any appraisal, survey, or other expense incurred by the commonwealth relating to the conveyance authorized by sections 1 and 2.

SECTION 5. Any further disposition of parcels (1) and (3), as described in section 1 and conveyed to the town of Tewksbury by the commonwealth, other than for cemetery and recreation purposes as authorized by this act, shall be subject to chapter 30B and any other applicable chapter of the General Laws.

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

Approved August 10, 2002.

Chapter 252. AN ACT AUTHORIZING THE METROPOLITAN DISTRICT COMMISSION AND THE MASSACHUSETTS BAY TRANSPORTATION AUTHORITY TO ENTER INTO CERTAIN TEMPORARY CONSTRUCTION AGREEMENTS AND CONVEY CERTAIN PERMANENT EASEMENTS TO FACILITATE THE RECONSTRUCTION OF THE RED LINE CHARLES/MGH STATION IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

The metropolitan district commission may enter into certain temporary construction agreements with the Massachusetts Bay Transportation Authority to facilitate the reconstruction of the red line Charles/MGH station in the city of Boston. Upon satisfactory completion of the reconstruction of the red line Charles/MGH station and the satisfactory completion of all reviews by the secretary of environmental affairs under sections 61 to 62H, inclusive, of chapter 30 of the General Laws, historic commission reviews and the securing of any necessary permits, the metropolitan district commission may convey to the authority permanent easements in the following real property, some of which was acquired for park purposes:-

MGH-P1: A certain parcel of land beginning at a point (Massachusetts State Plane Point N2957002.4872, E771547.7670) on the easterly shoreline of the Charles River, thus running easterly 14', 3', 47', then turning and running southerly 32', then turning and running westerly 37', 11', 14', then turning and running northerly 27' to the point of beginning. Said

parcel to have a volumetric limit of elevation 106.3 to 154.12.

MGH-P2: A certain structure beginning at the northeasterly corner of MGH-P1 thus running easterly 54', then turning and running southerly 33', then turning and running westerly 54', then turning and running northerly 32' to the point of beginning. Said portion of structure to have a volumetric limit of elevation 129.5 to 154.12.

MGH-P3: A certain parcel of land beginning at the northeasterly corner of MGH-P2 thus running easterly 32', 16', 19', then turning and running southerly 38', then turning and running westerly 68', then turning and running northerly 33' to the point of beginning. Said parcel to have a volumetric limit of elevation 110.5 to 154.12.

MGH-P4: A certain structure beginning at the northeasterly corner of MGH-P3 thus running easterly 43', then turning and running southerly 40', then turning and running westerly 43', then turning and running northerly 38' to the point of beginning. Said portion of structure to have a volumetric limit of elevation 127.2 to 154.12.

MGH-P5: A certain parcel of land beginning at the northeasterly corner of MGH-P4 thus running easterly 30', then turning and running southerly 41', then turning and running westerly 31', then turning and running northerly 40' to the point of beginning. Said parcel to have a volumetric limit of elevation 109.5 to 154.12.

MGH-P6: A certain structure beginning at the northeasterly corner of MGH-P5 thus running easterly 25', 15', then turning and running southerly 43', then turning and running westerly 38', then turning and running northerly 41' to the point of beginning. Said portion of structure to have a volumetric limit of elevation 129.2 to 154.12.

MGH-P7: A certain parcel of land beginning at the northeasterly corner of MGH-P6 thus running easterly 153', 3', 2', 13', then turning and running southerly 48', then turning and running westerly 14', 3', 158', then turning and running northerly 43' to the point of beginning. Said parcel to have a volumetric limit of elevation 111.13 to 154.12.

MGH-P8: A certain parcel of land beginning at the northeasterly corner of MGH-P7 thus running northerly 21', then turning and running easterly 35', 9', then turning and running southerly 7', 15', 11', 52', 17', then turning and running westerly 6', 20', 61', then turning and running northerly 1', 48' to the point of beginning. Said parcel to have a volumetric limit of elevation 111.13 to 154.12.

MGH-P9: A certain structure beginning at a point 32' southerly from the northeasterly corner of MGH-P8 thus running easterly 36', then turning and running southerly $L=4'$ $R=31'$, 49', then turning and running westerly 37', then turning and running northerly 52', 1' to the point of beginning. Said portion of structure to have a volumetric limit of elevation 130.6 to 154.12.

MGH-P10: A certain parcel of land beginning at a point 4' southerly from the northeasterly corner of MGH-P9 thus running northerly $L=39'$ $R=31'$, then turning and running easterly $L=49'$ $R=21'$, then turning and running southerly 62', $L=19'$ $R=31'$, then turning and running westerly $L=6'$ $R=3'$, then turning and running northerly 66' to the point of beginning. Said parcel to have a volumetric limit of elevation 111.13 to 154.12.

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MGH-P11: A certain structure beginning at a point 9' southerly from the northeasterly corner of MGH-P10 thus running easterly 34', then turning and running southerly 73', then turning and running westerly 35', then turning and running northerly L=8' R=31', 53' to the point of beginning. Said portion of structure to have a volumetric limit of elevation 130.3 to 154.12.

MGH-P12: A certain parcel of land beginning at a point 4' northerly from the northeasterly corner of MGH-P11 thus running northerly L=29' R=151', then turning and running easterly L=7' R=4', 12', L=6' R=4', then turning and running southerly L=130' R=181', then turning and running westerly L=8' R=3', then turning and running northerly 93' to the point of beginning. Said parcel to have a volumetric limit of elevation 111.13 to 154.12.

MGH-P13: A certain structure beginning at a point L=28' R=181' southerly from the northeasterly corner of MGH-P12 thus running easterly 12', 21', then turning and running southerly L=107' R=214', then turning and running westerly 22', 11', then turning and running northerly L=86' R=181' to the point of beginning. Said portion of structure to have a volumetric limit of elevation 129.9 to 154.12.

MGH-P14: A certain parcel of land beginning at a point 16' northerly from the northeasterly corner of MGH-P13 thus running easterly L=8' R=4', L=8' R=190', L=31' R=190', 72', L=23' R=107', then turning and running southerly L=26' R=41', then turning and running easterly 6', then turning and running westerly 42', L=77' R=141', L=62' R=250', 3', L=11' R=6', then turning and running northerly L=145' R=214' to the point of beginning. Said parcel to have a volumetric limit of elevation 111.13 to 154.12.

MGH-P15: A certain structure beginning at the easterly corner of MGH-P14 thus running easterly 40', 1', 2', 1', 36', then turning and running southerly 14', 34', then turning and running westerly 9', 1', 57', 1', 2', then turning and running northerly 42' to the point of beginning. Said portion of structure to have a volumetric limit of elevation 129.5 to 154.12.

Approved August 10, 2002.

Chapter 253. AN ACT RELEASING CERTAIN LAND IN THE TOWN OF HADLEY FROM THE OPERATION OF AN AGRICULTURAL PRESERVATION RESTRICTION.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the release of certain agricultural preservation restrictions, 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. Pursuant to section 40E of chapter 7 and section 32 of chapter 184 of

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the General Laws but notwithstanding any other general or special law to the contrary, the commissioner of capital asset management and maintenance, in consultation with the commissioner of food and agriculture may execute a certificate of release of a portion of that agricultural preservation restriction, in this act referred to as "APR", granted by John F. Devine, Robert E. Devine and Stephen W. Devine, in this act referred to as "former owner", to the commonwealth, dated July 26, 1986, recorded in the Hampshire county registry of deeds at Book 2881, Page 209, the portion of the APR land to be released being more particularly described as follows:-

"The land in Hadley, Hampshire County, Massachusetts, being shown as Parcel A containing 30,000 square feet, more or less, on a plan entitled "Plan of Land in Hadley, Massachusetts prepared for John F. Devine et als" dated May 26, 1995 and recorded in the Hampshire county registry of deeds in Book of Plans 178, Page 230".

SECTION 2. Parcel A, described in section 1, to be released, was transferred by former owner to Robert E. Devine by deed dated July 13, 1995, recorded in Book 4698, Page 017 at Hampshire county registry of deeds. The remaining land of former owner under the agricultural preservation restriction, exclusive of Parcel A, was transferred by deed dated August 17, 1999, recorded in Book 5767, Page 0114, Hampshire county registry of deeds to Stephen W. Devine, Robert E. Devine and William J. Dion, in this act referred to as "Current Owner", subject to the agricultural preservation restriction. In consideration of the release of Parcel A, current owner has agreed to, and shall execute a new, current agricultural preservation restriction and an option to purchase at agricultural value running to the commonwealth, to be recorded at the Hampshire county registry of deeds, prohibiting the construction of future dwellings on the remaining APR land and granting the commonwealth an option to purchase all the remaining APR land at agricultural value. If current owner does not execute the new, current agricultural preservation restriction and option to purchase at agricultural value, the existing agricultural preservation restriction shall be reimposed on the released parcel, unless the restriction is released or discharged by the commonwealth in its entirety in the interim.

SECTION 3. Except as partially released by this act, the referenced agricultural preservation restriction shall remain in full force and effect.

Approved August 10, 2002.

Chapter 254. AN ACT AUTHORIZING THE TOWN OF SAUGUS TO CONVEY CERTAIN PARCELS OF LAND.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the town of Saugus may convey certain parcels of conservation land to S. Joseph Procopio, Trustee

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of Vinegar Hill Realty Trust, under a Declaration of Trust dated October 4, 1994, and recorded with Essex south district registry of deeds, at Book 12773, Page 342, for residential development. The parcels are Parcels G10-01-51; F10-11-36; G10-13-04; G10-12-02; G10-01-39; G10-11-07; and Parcel G10-01-29 on the Saugus Assessor's Plan.

SECTION 2. In consideration for the conveyance authorized in section 1, S. Joseph Procopio, Trustee of Vinegar Hill Realty Trust and Procopio Construction Co. Inc. shall convey certain parcels of land to the town of Saugus, which shall be placed under the care, custody and control of the conservation commission of the town to be used for conservation purposes under section 8C of chapter 40 of the General Laws. The parcels are shown as OS-1, OS-2 and OS-3 on a plan of land entitled "Definitive Plan Cluster Residential Subdivision, Stonecliffe Heights, Saugus, Massachusetts" dated October 18, 2001, revised November 15, 2001, drawn by Otte & Dwyer, Inc., Land Surveyors, and McKenzie Engineering Group, Inc. The land being conveyed by Procopio Construction Co. Inc. to the town shall be of equal or greater value than the parcels being conveyed in section 1 by the town to S. Joseph Procopio, Trustee of Vinegar Hill Realty Trust.

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

Approved August 10, 2002.

Chapter 255. AN ACT AUTHORIZING THE DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO CONVEY EASEMENTS AND LAND ORIGINALLY ACQUIRED FOR WATER QUALITY PROTECTION FOR THE SUDBURY RESERVOIR IN THE CITY OF MARLBOROUGH.

Be it enacted, etc., as follows:

SECTION 1. The commissioner of capital asset management and maintenance, in consultation with the metropolitan district commission, may, notwithstanding sections 40E to 40J, inclusive, of chapter 7 of the General Laws, convey for the purpose of constructing and operating a sewage pumping station and appurtenances by deed a certain parcel of land located in the city of Marlborough, as shown as Parcel No. SS-3-C on a plan of land entitled "Easement Plan of Land in Marlborough, Massachusetts" prepared by Vanasse Hangen Brustlin, Inc., dated November 29, 2000, containing approximately 6278 square feet to the city of Marlborough subject to such terms and conditions as the commissioner may prescribe. The parcels described in this section and sections 2 to 4 inclusive are currently used for conservation purposes.

SECTION 2. The commissioner of capital asset management and maintenance, in consultation with the metropolitan district commission, may, notwithstanding sections 40E to 40J, inclusive, of chapter 7 of the General Laws, convey for the purpose of constructing and operating a sewage pumping station and appurtenances by deed a certain parcel of land

located in the city of Marlborough, as shown as Parcel No. SS-5-C on a plan of land entitled "Easement Plan of Land in Marlborough, Massachusetts" prepared by Vanasse Hangen Brustlin, Inc., dated November 29, 2000, containing approximately 1650 square feet to the city of Marlborough subject to such terms and conditions as the commissioner may prescribe.

SECTION 3. The commissioner of capital asset management and maintenance, in consultation with the metropolitan district commission, may, notwithstanding sections 40E to 40J, inclusive, of chapter 7 of the General Laws, convey for the purpose of roadway realignment by deed a certain parcel of land located in the city of Marlborough, as shown as Parcel No. E-1-C on a plan of land entitled "Easement Plan of Land in Marlborough, Massachusetts" prepared by Vanasse Hangen Brustlin, Inc., dated November 29, 2000, containing approximately 2779 square feet to the city of Marlborough subject to such terms and conditions as the commissioner may prescribe.

SECTION 4. The commissioner of capital asset management and maintenance, in consultation with the metropolitan district commission, may, notwithstanding sections 40E to 40J, inclusive, of chapter 7 of the General Laws, convey for the purpose of the construction and maintenance of water quality improvements by deed easements as shown as Parcels Nos. D-1-C, D-2-C, D-3-C, D-4-C, D-5-C and D-9-C on a plan of land entitled "Easement Plan of Land in Marlborough, Massachusetts" prepared by Vanasse Hangen Brustlin, Inc., dated November 29, 2000, containing in total approximately 21,347 square feet to the city of Marlborough subject to such terms and conditions as the commissioner may prescribe.

SECTION 5. The transfers pursuant to section 1 to 4, inclusive, shall be made only if the city of Marlborough acting by and through its city council and mayor, shall convey to the commonwealth for use by the metropolitan district commission or place under conservation restriction a certain parcel of land located in said city and within the watershed of the Sudbury Reservoir. Said parcel shall contain an area greater than or equal to the total area of that land conveyed to the city under sections 1, 2, and 3 and subject to such terms and conditions as the city through its mayor and city council may prescribe.

SECTION 6. The city of Marlborough shall be responsible for any costs for appraisals, surveys and other expenses relating to the transfer of the property, or for any costs and liabilities of any nature and kind for its development, maintenance or operation. In the event any or all of said parcels of land cease to be used at any time for the purposes contained herein, said parcel of land shall be subject to the provisions of chapter 7 of the General Laws, and any further disposition shall require the approval of the general court.

SECTION 7. The commissioner of capital asset management and maintenance shall 30 days before the execution of any agreement authorized by this act, or any subsequent amendment thereof, submit the agreement or amendment and a report thereon to the inspector general for his review and comment. Said inspector general shall issue his review and comment within 15 days of receipt of any agreement or amendment. Said commissioner shall submit the agreement and any subsequent amendments thereof, the reports, and the comments of said inspector general, if any, to the house and senate committees on ways and

means and the chairman on the joint committee on state administration at least 15 days prior to execution.

Approved August 10, 2002.

Chapter 256. AN ACT AUTHORIZING THE CONVEYANCE OF CERTAIN PROPERTY IN THE CITY OF BOSTON.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to provide for the conveyance of certain property to the city of Boston, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The commissioner of capital asset management and maintenance may, subject to sections 40E to 40J, inclusive, of chapter 7 of the General Laws, to lease for a term or terms of up to 99 years in accordance with the provisions of this act, all or portions of certain property located on South Bay avenue in the city of Boston, containing 123,432 square feet, more or less, on which the former Boston municipal incinerator was located, together with any and all rights-of-way and easements appurtenant thereto and subject to any and all rights-of-way and easements deemed necessary by said commissioner for the benefit of the commonwealth. Said property is shown on a plan, entitled "South Bay Incinerator - South Bay Ave. in Boston Massachusetts (Suffolk County) Activity and Use Plan" dated January 21, 2002 and prepared for CDM, Camp Dresser & McKee Inc., One Cambridge Place, 50 Hampshire Street, Cambridge, MA, 02139 and prepared by BSC Group, 384 Washington Street, Norwell, MA 02061 by Everett J. Chandler, Professional Land Surveyor and retained as File: 597101 - Auldwg, Drawing No. 4437.02. Said property shall be shown on a survey conducted on behalf of the division of capital asset management and maintenance. The lease shall enumerate allowable uses of the property which uses shall be determined during the selection process. The lease shall further provide that deviation from the allowable uses may result in termination of the lease and reversion of the property to commonwealth control.

SECTION 2. In the selection process for determining the recipient of the property described in section 1, the commissioner of the division of capital asset management and maintenance shall recommend potential developers to propose light industrial/manufacturing commercial uses consistent with existing zoning for the area. In addition, the commissioner shall recommend proposers to provide at least 1 new job for each 500 square feet of built space, jobs that pay at the rate of twice the minimum wage of the commonwealth, and that 80 per cent of the employees of the new user be residents of the city of Boston. The commissioner shall recommend that developers ensure that public transportation be utilized

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to the greatest extent possible to transport future employees and others to and from the property and that use of private vehicles requiring off-site parking facilities or on-street parking be minimized or avoided.

SECTION 3. Consideration for the property described in section 1 shall be the full and fair market value of the property for its highest and best use as determined by an independent appraisal and consistent with this act. Said property shall be disposed of in its existing condition without warranty by the commonwealth. The recipient of the property described in section 1 shall assume the costs in full of any appraisals, surveys, title examinations, site assessments, recording fees and other expenses deemed necessary by the commissioner of the division of capital asset management and maintenance to effect the disposition of the property authorized by this act.

SECTION 4. Prior to any disposition authorized by this act, the inspector general shall review and approve the appraisal that determines fair market value, and said review shall include an examination of the methodology utilized for said appraisal. Within 30 days of his receipt of said appraisal, said inspector general shall prepare a report of his review and file said report with the commissioner of the division of capital asset management and maintenance for submission to the house and senate committees on ways and means.

Approved August 10, 2002.

Chapter 257. AN ACT PROVIDING FOR INSURANCE COVERAGE OF CERTAIN CLINICAL TRIALS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 175 of the General Laws is hereby amended by inserting after section 110K the following section:-

Section 110L. (a) For purposes of this section, the following words shall have the following meanings:-

"Cooperative group", a formal network of facilities that collaborate on research projects and have an established peer review program approved by the National Institutes of Health operating within the group, including a National Cancer Institute sanctioned clinical cooperative group and the National Cancer Institute community clinical oncology program.

"Patient care service", a health care item or service that is furnished to an individual enrolled in a qualified clinical trial, which is consistent with the usual and customary standard of care for someone with the patient's diagnosis, is consistent with the study protocol for the clinical trial, and would be covered if the patient did not participate in the clinical trial. "Patient care service" does not include:-

(1) An investigational drug or device but a drug or device that has been approved for use in the qualified clinical trial, whether or not the Food and Drug Administration has approved the drug or device for use in treating the patient's particular condition, shall be a

patient care service to the extent that the drug or device is not paid for by the manufacturer, distributor or provider of the drug or device.

(2) Nonhealth care services that a patient may be required to receive as a result of being enrolled in the clinical trial.

(3) Costs associated with managing the research associated with the clinical trial.

(4) Costs that would not be covered for non-investigational treatments.

(5) Any item, service or cost that is reimbursed or otherwise furnished by the sponsor of the clinical trial.

(6) The costs of services which are inconsistent with widely accepted and established national or regional standards of care.

(7) The costs of services which are provided primarily to meet the needs of the trial, including, but not limited to, tests, measurements and other services which are typically covered but which are being provided at a greater frequency, intensity or duration.

(8) Services or costs that are not covered under the patient's contract with the health plan.

(b) Any policy, contract, agreement, plan or certificate of insurance issued, delivered or renewed within the commonwealth shall cover and reimburse for patient care services provided pursuant to a qualified clinical trial to the same extent as they would be covered and reimbursed if the patient did not receive care in a qualified clinical trial.

(c) A "qualified clinical trial", a clinical trial that meets the following conditions:

(1) The clinical trial is intended to treat cancer in a patient who has been so diagnosed.

(2) The clinical trial has been peer reviewed and is approved by 1 of the United States National Institutes of Health, a cooperative group or center of the National Institutes of Health, a qualified nongovernmental research entity identified in guidelines issued by the National Institutes of Health for center support grants, the United States Food and Drug Administration pursuant to an investigational new drug exemption, the United States Departments of Defense or Veterans Affairs, or, with respect to Phase II, III and IV clinical trials only, a qualified institutional review board.

(3) The facility and personnel conducting the clinical trial are capable of doing so by virtue of their experience and training and treat a sufficient volume of patients to maintain that expertise.

(4) With respect to phase I clinical trials, the facility shall be an academic medical center or an affiliated facility, and the clinicians conducting the trial shall have staff privileges at said academic medical center.

(5) The patient meets the patient selection criteria enunciated in the study protocol for participation in the clinical trial.

(6) The patient has provided informed consent for participation in the clinical trial in a manner that is consistent with current legal and ethical standards.

(7) The available clinical or pre-clinical data provide a reasonable expectation that

the patient's participation in the clinical trial will provide a medical benefit that is commensurate with the risks of participation in the clinical trial.

(8) The clinical trial does not unjustifiably duplicate existing studies.

(9) The clinical trial must have a therapeutic intent and must, to some extent, assess the effect of the intervention on the patient.

(d) An institutional review board shall qualify under clause (2) of subsection (c) only if it: (i) meets all the federal requirements for the operation of institutional review board as identified in the Code of Federal Regulations; (ii) is not disqualified to oversee clinical research by the National Institutes of Health or the Food and Drug Administration for noncompliance with federal law; and (iii) has taken corrective action to rectify any noncompliance issue raised by the National Institutes of Health or the Food and Drug Administration within the past 3 years and has passed all subsequent National Institutes of Health or Food and Drug Administration inspections, audits or examinations.

(e) This section does not apply to any policy, contract, agreement, plan or certificate of insurance paid for, or providing supplemental coverage, under Title XVIII or XIX of the Social Security Act.

(f) Coverage under this section shall be subject to all other terms and conditions of the policy, contract, agreement, plan or certificate of insurance, including, but not limited to, provisions requiring the use of participating providers and provisions related to utilization review. Payment to health care providers under this section shall be subject to the terms and conditions of the applicable agreement between the provider and the carrier, including, but not limited to, provisions relating to utilization review, audits and the financial liability of covered persons.

(g) Coverage of services, when required by this section, shall not create any legal presumption that the carrier has recommended, directed or required the patient's participation in the trial.

SECTION 2. Chapter 176A of the General Laws is hereby amended by inserting after section 8W the following section:-

Section 8X. Any contract between a subscriber and the corporation under an individual or group hospital service plan delivered or issued or renewed within the commonwealth shall provide for coverage of patient care services furnished pursuant to qualified clinical trials as defined in, and subject to the requirements and limitations of, section 110L of chapter 175.

SECTION 3. Chapter 176B of the General Laws is hereby amended by inserting after section 4W the following section:-

Section 4X. Any subscription certificate under an individual or group medical service agreement delivered, issued or renewed within the commonwealth shall provide for the coverage of patient care services furnished pursuant to qualified clinical trials as defined in, and subject to the requirements and limitations of, section 110L of chapter 175.

SECTION 4. Chapter 176G of the General Laws is hereby amended by inserting after section 4O the following section:-

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Section 4P. Any individual or group health maintenance contract shall provide for the coverage of patient care services furnished pursuant to qualified clinical trials as defined in, and subject to the requirements and limitations of, section 110L of chapter 175.

SECTION 5. This act shall apply to all policies, contracts, agreements, plans or certificates of insurance issued or delivered within commonwealth on or after January 1, 2003, and to all policies, contracts, agreements, plans or certificates of insurance in effect before January 1, 2003 upon renewal on or after January 1, 2003.

Approved August 10, 2002.

Chapter 258. AN ACT RELATIVE TO THE USE OF ASTHMA INHALERS BY STUDENTS IN PUBLIC SCHOOLS.

Be it enacted, etc., as follows:

Section 54B of chapter 71 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by adding the following paragraph:-

Notwithstanding any general or special law or regulation to the contrary, no school district shall prohibit students with asthma or other respiratory diseases from possessing and administering prescription inhalers in accordance with department of public health regulations concerning students' self-administration of prescription medications.

Approved August 10, 2002.

Chapter 259. AN ACT AUTHORIZING THE DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO GRANT CERTAIN EASEMENTS TO THE TOWN OF PLYMOUTH OVER LANDS HELD FOR CONSERVATION AND RECREATION PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. The commissioner of the division of capital asset management and maintenance, on behalf of and in consultation with the commissioner of environmental management, may, notwithstanding sections 40E to 40J, inclusive of chapter 7 of the General Laws, convey two easements over a certain parcel of land, currently under the care and control of the department of environmental management and used for recreation purposes, to the town of Plymouth, their successors and assigns, for highway purposes, subject to the requirements of sections 2, 3 and 4, and to such additional terms and conditions consistent with this act as the commissioner may prescribe in consultation with the department of environmental management. The easements to be granted are shown on a plan entitled "Proposed Layout Alteration of a Portion of Long Pond Road, Plymouth, Massachusetts"

dated February 23, 2001 prepared by the Plymouth Department of Public Works - Engineering Division, Russell A. Firth, Survey Engineer. The easements are described as follows:

A permanent easement, known as parcel PE-01, is to be granted for highway purposes, excepting from the rights to be granted all easements for wires, pipes, conduits, poles and other appurtenances for the conveyance of water, sewage, gas, oil and electricity and for telephone communications and any other utilities lawfully in or upon the premises to be granted and a temporary easement, is known as parcel TE-20, is to be granted for the purpose of grading, paving and constructing slopes of excavation.

The temporary easement shall allow for the right to enter upon the land at any time during the effective period of this easement for the purpose of effecting the required construction. The temporary easement is to be in effect only for a period of 3 years from the date of recording the easement plans.

SECTION 2. No deed or grant of easement conveying, by or on behalf of the commonwealth, the title to the property described in section 1 shall be valid unless the deed or grant of easement provides that the property shall be used solely for the purposes described in section 1. The deed or grant of easement shall include a reversionary clause that shall stipulate that the property will revert back to the commonwealth and assigned to the care, custody and control of the department of environmental management if the property ceases to be utilized for the express purposes for which it was conveyed or the easement was granted.

SECTION 3. The grantees of the property or recipient of the easement shall assume the cost of any appraisals, surveys and other expenses deemed necessary by the commissioner of the division of capital asset management and maintenance for the granting of title or the easement.

SECTION 4. The grantees or recipient of the easement shall compensate the commonwealth through the transfer of land or an interest of land to the department of environmental management, equal to or greater than the full and fair market value of the property described in section 1, or its value in use as proposed, whichever is greater, as determined by independent appraisal or in a sum equal to the full and fair market value of the property or its value in use as proposed, whichever is greater, as determined by independent appraisal or through some combination thereof.

SECTION 5. The commissioner of the division of capital asset management shall, 30 days before the execution of any agreement authorized by this act or any subsequent amendment thereof, submit the agreement or amendment and a report thereon to the inspector general for his review and comment. Said inspector general shall issue his review and comment within 15 days of receipt of any agreement or amendment. Said commissioner of the division of capital asset management and maintenance shall submit the agreement and any subsequent amendments thereof, the reports and the comments of said inspector general, if any, to the house and senate committees on ways and means and the chairmen of the joint

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committee on state administration at least 15 days prior to the execution. The grantees or recipient of the easement of the property shall transfer the land or interest in land or pay the purchase price as determined in accordance with section 4 as set forth in the agreement.

Approved August 10, 2002.

Chapter 260. AN ACT RELATIVE TO THE PROVINCETOWN PIER CORPORATION.

Be it enacted, etc., as follows:

SECTION 1. Section 3 of chapter 13 of the acts of 2000 is hereby amended by adding the following 2 subsections:-`

(g) The board of directors of the corporation shall be subject to section 23B of chapter 39 of the General Laws and shall hold all its meetings in the town of Provincetown unless otherwise approved by a vote of the board of selectmen.

(h) The corporation shall manage the pier in such a manner as to encourage and support the commercial fishing industry, and shall, at a minimum, give first priority to Provincetown based commercial fishing vessels in the assignment of dockage space on the town owned finger piers and floating dock slips on the northeasterly side of the pier as well as to the provision of adequate loading and off-loading facilities for commercial fishing vessels.

SECTION 2. Subsection (a) of section 4 of said chapter 13 is hereby amended by striking out the twelfth sentence and inserting in place thereof the following sentence: Members of the board of directors shall have education and experience in 1 or more of the following fields: commercial fishing, law, finance, marine operations and real estate and the board as a whole shall include persons with education and experience in several of these fields.

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

Approved August 10, 2002.

Chapter 261. AN ACT AUTHORIZING THE CITY OF SPRINGFIELD TO CONVEY A CERTAIN PARCEL OF LAND.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding chapter 30B of the General Laws, or any other general or special law to the contrary, the city of Springfield, acting by and through its city council, with the approval of its mayor, may convey a certain parcel of land on Elliot street

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in the city of Springfield to the Society for the Preservation of New England Antiquities, a nonprofit organization, for the purpose of relocating and preserving an historic structure known as the Alexander House on said parcel, on such terms and conditions as required by the city. The parcel contains 18,026.4 square feet (0.4138 acres), and is shown as Lots 5, 6 and Proposed Lot B on a plan entitled "Existing Conditions Plan of Land" issued for a Boundary Survey, prepared by Vanasse Hangen Brustlin, Inc., dated March 31, 2000, at a scale of 1=40, and revised April 29, 2002, and is more particularly described as follows:-

A certain parcel of land situated on the northerly side of Elliott Street approximately 355' feet north of State Street in the City of Springfield, Hampden County, Commonwealth of Massachusetts bounded and described as follows: Beginning at an iron rod on the easterly sideline of Elliott Street two hundred eighty and eighty-one hundredths feet (280.81') from the northerly sideline of State Street, thence

N 53° 48' 15" W a distance of one hundred twenty-three and twenty hundredths feet (123.20') to a drill hole in a stone bound, by the northerly sideline of Elliott Street; thence

N 36° 11' 45" E a distance of one hundred fifty and no hundredths feet (150.00') to a point, by land now or formerly City of Springfield; thence

S 53° 48' 15" E a distance of eighty-five and no hundredths feet (85.00') to a point; thence

S 36° 11' 45" W a distance of twelve and no hundredths feet (12.00') to a point; thence

S 53° 48' 15" E a distance of thirty-eight and twenty-seven hundredths feet (38.27') to a point, the last (3) course by land now or formerly City of Springfield; thence

S 36° 3' 30" W a distance of one hundred thirty-eight and no hundredths feet (138.00') to the point of beginning, by land now or formerly Rita McInnis.

SECTION 2. In consideration for the conveyance authorized in section 1, the Society for the Preservation of New England Antiquities shall pay to the city of Springfield the fair market value of said parcel, according to customarily accepted appraisal procedures, subject to the approval of the city council and mayor.

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

Approved August 10, 2002.

Chapter 262. AN ACT RELATIVE TO THE DISPOSITION OF CERTAIN STATE OWNED PROPERTY IN THE CITY OF SOMERVILLE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to provide for the disposition of certain state owned property in the city of Somerville, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The commissioner of capital asset management and maintenance, in consultation with the metropolitan district commission, shall grant easements over certain parcels of land adjacent to the McGrath Highway, notwithstanding any general or special law to the contrary but subject to the provisions of this act and of section 40J of chapter 7 of the General Laws, to the Cambridge Charter Realty 1, LLC, for the purposes identified in this act.

The commissioner of said division, in consultation with said commission, may execute and deliver in the name of and on behalf of the commonwealth 1 or more instruments to transfer to the Cambridge Charter Realty 1, LLC, for the considerations described in sections 2, 3, 4 and 5, the following: (1) a fee interest in a certain parcel of land in the city of Somerville, said parcel shown as "Parcel 3" on a plan entitled "Easements Plan," dated January 12, 2001, last modified October 26, 2001, prepared by Daylor Consulting Group, Inc. and not to exceed 3,644 square feet, under the jurisdiction and control of said commission; (2) an easement over a certain parcel of land in the city of Somerville shown as "Easement E1" on said 2001 plan.

The commissioner of said division may also release and terminate the easements granted to the commonwealth over certain parcels of land in the city of Somerville in a certain deed dated February 4, 1982, and recorded with the Middlesex county registry of deeds in Book 14630, Page 437, the easements to be released being referred to in said 1982 deed as "Parcel 4" and "Parcel 6". Said parcels being shown on a plan dated January 4, 1982 and recorded with the Middlesex county registry of deeds as Plan No. 528 of 1982.

SECTION 2. The conveyance of real property and the grant of easements authorized by this act shall be made only after Cambridge Charter Realty 1, LLC, in addition to the consideration set forth in section 5 hereof, shall complete certain mitigation measures proposed by the metropolitan district commission, and approved by the commissioner of the division of capital asset management and maintenance including:-

(1) the granting of easements over certain parcels of land located in the city of Somerville to the commonwealth for use by the commission, the parcels being shown as "Easement E4", "Easement E5" and "Easement E6" on said 2001 plan;

(2) the release of the easements over certain parcels of land shown as "Parcel 2" and "Parcel 3" on said 1982 plan, granted by the commission in that certain Easement dated February 4, 1982, and recorded with the Middlesex county registry of deeds in Book 14630, Page 439;

(3) the addition of landscaping in the existing median in the center of McGrath Highway, subject to the prior approval of the commission;

(4) the repair and replacement of the grates on certain existing catch basins on a portion of the eastbound side of McGrath Highway as designated by the commission.

SECTION 3. The easement granted by the division, in consultation with the commission, in section 1 shall include the following:-

(1) temporary easement for all activities and purposes necessary for the construction of structures on the adjacent property;

(2) a permanent easement to locate loading docks and other structures appurtenant to the structures located on the adjacent property and to cross and re-cross the easement area to access, maintain, repair, alter or re-construct the loading docks and other structures located thereon and on the adjacent property;

(3) a permanent, nonexclusive easement for reasonable access, ingress and egress over all paved driveways, roadways and walkways from time to time existing and constituting a part of the easement area so as to provide for the passage of motor vehicles and pedestrians between the easement area and the adjacent property from time to time.

(4) a permanent, nonexclusive easement for the parking of vehicles, including trailers, in the parking and loading areas located on easement area, as the same may be modified or removed from time to time by the grantee of the easement; and

(5) a permanent, nonexclusive easement under and across the easement area for the installation, maintenance, repair and replacement of water mains, storm drains, sewers, water sprinkler system lines, telephones or electrical conduits or systems, cable, gas mains and other utilities facilities and paved surfaces necessary for the orderly development and operation of the adjacent property.

SECTION 4. The metropolitan district commission, with the approval of the commissioner of capital asset management and maintenance, may accept the grant of a fee interest in Parcels 2A and 5 as shown on said 1982 plan, which parcels were conveyed to said commission in said 1982 deed. The commission also may, with the approval of said commissioner accept the grant of an easement in Parcel 1, as shown on said 1982 plan, which easement was granted to said commission in said 1982 deed, and which is also shown on said 2001 plan as "Easement E2."

SECTION 5. The consideration to be paid to the commonwealth by the Cambridge Charter Realty 1, LLC for the conveyance of the state owned real property, grant of easements or release of easements thereon to said Cambridge Charter Realty 1, LLC, as authorized by this act, shall be the full and fair market value of the state owned real property and easements minus the full and fair market value of the real property and easements owned and conveyed by said Cambridge Charter Realty 1, LLC to the commonwealth, as determined by an independent appraisal of each property as commissioned by the commissioner of the division of capital asset management and maintenance, plus the cost of the mitigation measures as proposed by the metropolitan district commission which said Cambridge Charter Realty 1, LLC shall expend and be responsible to provide.

Should the full and fair market value of the real property and easements or release of easements owned by the commonwealth be determined to be greater than the full and fair market value of the real property and easements owned by said Cambridge Charter Realty 1, LLC plus the cost of said mitigation measures to be paid by said Cambridge Charter Realty 1, LLC, then said Cambridge Charter Realty 1, LLC shall pay the commonwealth the difference thereof. All money paid to the commonwealth as a result of said difference, if any, shall be deposited in the General Fund.

The Cambridge Charter Realty 1, LLC shall be responsible for all costs associated with any appraisal, survey, or other expense incurred by the commonwealth relating to the conveyances authorized by this act, and for any costs, liabilities, or expenses of any kind for the development, improvement, maintenance, or operation of said parcel as may be determined by the commissioner of the division of capital asset management and maintenance.

The inspector general shall review and approve said appraisal or appraisals, and said review and appraisal shall include an examination of the methodology utilized for said appraisal or appraisals. The inspector general shall prepare a report of his review and file the report with the commissioner of said division for submission to the house and senate committees on ways and means and the chairmen of the joint committee on state administration in accordance with this act.

The deed for the conveyances and grant of easements, when executed by the division, shall be deemed conclusively authorized by this act, if all provisions therein are consistent with the provisions of this act. No deed or grant of easement other than those provided for by this act may be made without the prior approval of the general court.

SECTION 6. In the event that the parcel described in section 1 ceases to be used for the purpose as described herein at any time, and such cessation continues for a period of more than 24 consecutive months, then said easement shall terminate upon the giving of written notice of such termination by the commissioner of the division of capital asset management and maintenance and shall revert to the commonwealth and any further disposition of said parcel shall be subject to the provisions of sections 40E to 40J, inclusive, of chapter 7 of the General Laws, and shall have the prior approval of the general court.

Approved August 10, 2002.

Chapter 263. AN ACT AUTHORIZING THE DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO CONVEY AN EASEMENT IN CERTAIN PARK LAND IN THE CITY OF CHELSEA.

Be it enacted, etc., as follows:

SECTION 1. The division of capital asset management and maintenance may, in consultation with the metropolitan district commission, subject to section 40J of chapter 7 of the General Laws, convey to the city of Chelsea for drainage and maintenance purposes, a permanent subsurface drainage easement and a permanent maintenance easement on, over and under a certain parcel of park land under the care and control of the metropolitan district commission in the city of Chelsea, in consideration of and subject to the requirements of sections 2 to 4, inclusive and subject to such terms and conditions as the commission may prescribe. The parcel of land is shown on a plan of land entitled "Easement Plan * Chelsea

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High School * 299 Everett Avenue, Chelsea, MA (Suffolk County)," prepared for the City of Chelsea by Judith Nitsch Engineering, Inc., and dated February 28, 2001.

SECTION 2. The consideration for the disposition of the easement interests in the parcel as described in section 1, shall be the full and fair market value of the property determined by independent appraisal, for its use as described and restricted herein. The inspector general shall review and approve said appraisal of such properties and property interests, and said review shall include an examination of the methodology utilized for said appraisal. Said inspector general shall prepare a report of his review and file said report with the commission and with the house and senate committees on ways and means and the chairmen of the joint committee on state administration within 30 days of receipt of said appraisal.

SECTION 3. No deed or instrument conveying by or on behalf of the commonwealth the property described in section 1 shall be valid unless such deed or instrument provides that no buildings may be constructed on said property. The city of Chelsea shall pay all expenses associated with and any cost of appraisals, surveys and other expenses relating to the transfer of easement interests in the land, and any costs and expenses of any nature and kind relating to its ownership, maintenance and operation of such interests.

SECTION 4. The sales price paid pursuant to section 2 shall be deposited in the general fund of the commonwealth.

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

Approved August 10, 2002.

Chapter 264. AN ACT AUTHORIZING THE COMMISSIONER OF THE DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO CONVEY CERTAIN EASEMENTS IN THE TOWN OF NORTH ANDOVER.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to provide a more reliable, economical, environmentally clean and safer supply of electricity for our region, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The commissioner of capital asset management and maintenance, in consultation with the commissioner of environmental management, may, notwithstanding sections 40E to 40J, inclusive, of chapter 7 of the General Laws, by deed approved as to form by the attorney general, convey permanent and temporary easements, and any improvements

located thereon over, under and through portions of certain parcels of land at the Harold Parker State Forest and located in the town of North Andover which are currently under the control of and used by the department of environmental management for conservation and recreational purposes to Maritimes & Northeast Pipeline, L.L.C., a Delaware limited liability company, its successors and assigns, solely for the purposes of laying, constructing, maintaining, operating, replacing, repairing, abandoning and removing an interstate pipeline and appurtenant facilities for the transmission of natural gas, subject to the provisions of sections 2 to 5 of this act, and to such reasonable additional terms and conditions consistent with this act as the commissioner of said division, in consultation with the commissioner of said department, may prescribe. Said parcels are more particularly described in deeds recorded in the northern district of Essex county registry of deeds at Book 331, Page 217 and at Book 787, Page 214. Said pipeline shall be situated on such land for 1655.73 linear feet in the aggregate, more or less, and the permanent easement to be granted shall apply to 2.23 acres of land in the aggregate, more or less, as more fully described on 6 plans each entitled "Owner-N-F Commonwealth of Massachusetts" prepared by Northeast & Maritimes Pipeline, L.L.C. and numbered respectively as Dwg. No. ME-P-9101, Dwg. No. ME-P-9101.1, Dwg. No. ME-P-9101.2, Dwg. No. ME-P-9102, Dwg. No. ME-P-9152.1 and Dwg. No. ME-P-9153, which plans are on file with the department of environmental management. Those portions of such plans that identify the temporary easement as "M&N Temporary Easement" shall expire and revert to the commonwealth upon completion of initial pipeline construction and restoration of permanent easement areas. Minor modifications to the easement description set forth in the plans described above may be made in order to conform with a final land survey, as accepted by said department, prior to any conveyance to carry out the purposes of this act.

SECTION 2. There shall be an independent appraisal, or appraisals, of the easements described in section 1 to be conveyed by this act to determine the full and fair market value, or the value in use as proposed, based upon 1 or more professional appraisals as commissioned by the commissioner of capital asset management and maintenance. In order to expedite the conveyances authorized by this act said commissioner may, in consultation with the commissioner of environmental management, accept any appraisal or appraisals of said easements which may have been conducted prior to the effective date of this act and which may have been accepted and agreed to by said department. The grantees of said easements shall compensate the commonwealth an amount greater than, or equal to, the full and fair market value, or the value in use of said easements as proposed, whichever is greater, as determined by said independent appraisal or appraisals. The grantees of said easements shall assume all costs associated with any engineering, surveys, appraisals, deed preparation and other expenses deemed necessary by the commissioner of capital asset management and maintenance to execute the conveyances authorized by this act. All money paid to the commonwealth by Maritimes & Northeast Pipelines, L.L.C. as a result of the conveyance of the easements authorized by this act shall be deposited in the general fund of the commonwealth.

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The commissioner of capital asset management and maintenance shall submit said appraisal or appraisals and a report thereon to said inspector general for his review and comment. Said inspector general shall review and approve said appraisal or appraisals, and said review shall include an examination of the methodology utilized for said appraisal or appraisals. The inspector general shall prepare a report of his review and file said report with the commissioner for submission by said commissioner to the house and senate committees on ways and means and the chairmen of the joint committee on state administration. Said commissioner shall submit copies of said appraisals, his report, and the inspector general review and approval, and comments, if any, to the house and senate committees on ways and means and the chairmen of the joint committee on state administration prior to the execution of said conveyances.

SECTION 3. No easement instruments conveying, by or on behalf of the commonwealth, the easements described in section 1 shall be valid unless such instruments provide that said easements shall be used solely for the purposes described in said section 1. The easement instruments shall include a clause which shall state that in the event that said easements cease to be used by Maritimes & Northeast Pipeline, L.L.C. for the purposes described in said section 1 at any time said easements shall revert to the commonwealth under the control of and used by the department of environmental management upon such terms and conditions as the commissioner of the division of capital asset management and maintenance may determine. Should said easements revert to the commonwealth, any further disposition of said easements shall be subject to sections 40E to 40J, inclusive, of chapter 7 of the General Laws, and the prior approval of the general court.

Approved August 10, 2002.

Chapter 265. AN ACT REGULATING TELEMARKETING SOLICITATION.

Be it enacted, etc., as follows:

SECTION 1. The General Laws are hereby amended by inserting after chapter 159B the following chapter:

CHAPTER 159C.**TELEMARKETING SOLICITATION.**

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

"Caller identification service or device", a telephone service or device which permits a consumer to see the telephone number of incoming calls.

"Consumer", an individual who is a resident of the commonwealth and a prospective recipient of consumer goods or services.

"Consumer goods or services", an article or service that is purchased, leased, exchanged or received primarily for personal, family or household purposes including, but not

limited to, stocks, bonds, mutual funds, annuities and other financial products.

"Doing business in the commonwealth", conducting telephonic sales calls: (i) from a location in the commonwealth or (ii) from a location outside of the commonwealth to consumers in the commonwealth.

"Existing customer", a residential telephone subscriber with whom the person or entity making a telephonic sales call has maintained an account or had a business relationship within the previous 24 months.

"Marketing or sales solicitation", the initiation of a telephone call or message to encourage the purchase or rental of, or investment in, property, goods or services, that is transmitted to a consumer, but not including a telephone call or message: (i) to a consumer with that consumer's prior express written or verbal invitation or permission; (ii) by a tax-exempt nonprofit organization; (iii) by an individual or organization for a noncommercial purpose, such as a poll or survey; or (iv) to a consumer in response to a visit made by such consumer to an establishment selling, leasing or exchanging consumer goods or services at a fixed location.

"Office", the office of consumer affairs and business regulation.

"Telephonic sales call", a call made by a telephone solicitor to a consumer for the purpose of: (i) engaging in a marketing or sales solicitation; (ii) soliciting an extension of credit for consumer goods or services; or (iii) obtaining information that will or may be used for marketing or sales solicitation or exchange of or extension of credit for consumer goods or services.

"Telephone solicitor", an individual, association, corporation, partnership, limited partnership, limited liability company or other business entity, or a subsidiary or affiliate thereof, doing business in the commonwealth who makes or causes to be made a telephonic sales call.

"Unsolicited telephonic sales call", a telephonic sales call other than a call made: (i) in response to an express written or verbal request of the consumer called; (ii) primarily in connection with an existing debt or contract, payment or performance of which has not been completed at the time of the call; (iii) to an existing customer unless such customer has stated to the telephone solicitor that such customer no longer wishes to receive the telephonic sales calls of such telephone solicitor; or (iv) in which the sale of goods and services is not completed, and payment or authorization of payment is not required, until after a face-to-face sales presentation by the telephone solicitor or a meeting between the telephone solicitor and customer.

Section 2. The office shall establish and maintain a no sales solicitation calls listing of consumers who do not wish to receive unsolicited telephonic sales calls. The office may contract with a private vendor to establish and maintain such listing, provided that: (i) the private vendor has maintained national no sales solicitation calls listings for more than 2 years; and (ii) the contract requires the vendor to provide the no sales solicitation calls listing in a printed hard copy format and in any other format offered at a cost that does not exceed the production cost of the format offered. The office shall provide notice to consumers of

the establishment of a no sales solicitation calls listing. A consumer who wishes to be included on the listing shall notify the office by calling toll-free number provided by the office, or in such other manner and at such times as the office may prescribe, which may include electronic notification. A consumer on such listing shall be deleted from such listing upon the consumer's written request or in such other manner and at such times as the division may prescribe, which may include electronic notification. The office shall update such listing not less than quarterly and shall make such listing available to telephone solicitors and other persons for a fee as the office shall prescribe.

Section 3. A telephone solicitor shall not make or cause to be made an unsolicited telephonic sales call to a consumer: (i) if the consumer's name and telephone number appear on the then current quarterly no sales solicitation calls listing made available by the office under section 2; (ii) to be received between the hours of 8:00 p.m. and 8:00 a.m., local time, at the consumer's location; (iii) in the form of electronically transmitted facsimiles; or (iv) by use of a recorded message device.

Section 4. No telephone solicitor shall intentionally cause to be installed or shall intentionally use a blocking device or service to circumvent a consumer's use of a call identification service or device.

Section 5. (a) A person who obtains the name, residential address or telephone number of a consumer from published telephone directories or from any other source and republishes or compiles such information, electronically or otherwise, and sells or offers to sell such publication or compilation to telephone solicitors for marketing or sales solicitation purposes shall, in accordance with this chapter, exclude from any such publication or compilation and from any database used exclusively for marketing or sales solicitation purposes, the name, address and telephone number of a consumer whose name and telephone number appears in the then current quarterly no sales solicitation calls listing made available by the office under section 2.

(b) This section shall not apply to: (i) a telephone company, subject to the authority of the department of telecommunications and energy, for the sole purpose of compiling, publishing or distributing telephone directories or causing the compilation, publication or distribution of telephone directories or providing directory assistance; and (ii) a person, for the sole purpose of compiling, publishing or distributing telephone directories for such telephone company pursuant to an agreement or other arrangement with such telephone company.

Section 5A. (a) A telephone solicitor shall disclose all of the following information within the first minute of a telephonic sales call and before requesting, accepting or arranging for payment by a consumer: (i) that the purpose of the telephone call is to make a sale or solicit funds; (ii) the correct name of the telemarketing company that employs the individual telemarketer who is making the call; (iii) the correct name of the ultimate seller whose goods or services are being offered by means of the telemarketing call; and (iv) a complete and accurate description of the goods or services being offered including, but not limited to, the retail market value of the goods or services.

(b) The telemarketer shall provide all of the following information before requesting, accepting or arranging for payment by a consumer: (i) the cost to the consumer of the goods or services that are the subject of the telemarketing sales call including, but not limited to, any applicable tax, shipping and handling fees; (ii) any restrictions, limitations or conditions attached to purchasing the goods or services; (iii) the complete terms of any applicable refund, return, cancellation, exchange or repurchase policies; (iv) any material aspect of an investment opportunity being offered including, but not limited to, the price of the land or other investment, the location of the investment and the fact that an investor may lose some or all of their original investment.

Section 6. The office shall promulgate regulations to carry out this chapter which shall: (i) require each local exchange company to inform consumers of the opportunity to provide notification to the office or its contractor that such consumer objects to receiving unsolicited telephonic sales calls; (ii) specify the methods by which each such consumer shall give notice to the office or its contractor of the consumer's objection to receiving such sales calls or revocation of such notice; provided, however, that there shall be no cost to the consumer for joining the listing; (iii) specify the length of time for which a notice of objection shall be effective and the effect of a change of telephone number on such notice; (iv) specify the methods by which such objections and revocations shall be collected and added to the no sales solicitations calls listing; (v) specify the methods by which a person or entity desiring to make telephonic sales calls may obtain access to the no sales solicitation calls listing as required to avoid calling the telephone numbers of consumer included in such listing; and (vi) specify such other matters relating to the listing that the office deems desirable.

Section 7. If the Federal Communications Commission establishes a single national database of telephone numbers of consumers who do not wish to receive unsolicited telephonic sales calls pursuant to 47 U.S.C. section 227(c)(3), the office shall include that part of such single national database that relates to the commonwealth in the listing established pursuant to this chapter.

Section 8. (a) The attorney general may initiate proceedings relating to a knowing violation or threatened knowing violation of this chapter. Such proceedings may include, without limitation, an injunction, a civil penalty of not more than \$5,000 for each knowing violation, but not less than \$1,500 for a knowing violation involving a consumer who is 65 years of age or older, and additional relief in a court of competent jurisdiction. The attorney general may also issue investigative demands and subpoenas, administer oaths and conduct hearings in the course of investigating a violation of this chapter.

(b) A person who has received more than 1 unsolicited telephonic sales call within a 12-month period by or on behalf of the same person or entity in violation of this chapter may: (i) bring an action to enjoin the violation; (2) bring an action to recover for actual monetary loss from such knowing violation or to receive not more than \$5,000 in damages for such knowing violation, whichever is greater; or (iii) bring both such actions.

(c) In a civil proceeding resulting from a transaction involving a violation of this chapter, the prevailing party, after judgment in the trial court and exhaustion of all appeals, if any, shall be awarded reasonable attorney's fees and costs from the nonprevailing party.

Section 9. It shall be a defense in any action or proceeding brought pursuant to this chapter that the defendant has established and implemented, with due care, reasonable practices and procedures to effectively prevent unsolicited telephonic sales calls in violation of this chapter.

Section 10. No action or proceeding shall be brought pursuant to this chapter: (i) more than 3 years after the person bringing the action knew or should have known of the occurrence of the alleged violation; or (ii) more than 3 years after the termination of a proceeding or action arising out of the same violation by the commonwealth, whichever is later.

Section 11. Information contained in the no sales solicitation listing established pursuant to this chapter shall be used only for the purposes of compliance with this chapter or in a proceeding or action under section 8. Such information shall not be subject to public inspection or disclosure.

Section 12. A court of the commonwealth may exercise personal jurisdiction over a nonresident or his executor or administrator as to an action or proceeding authorized by this chapter.

Section 13. The remedies, duties, prohibitions and penalties provided in this chapter shall not be exclusive and shall be in addition to all other causes of action, remedies and penalties provided by law, including any applicable remedies pursuant to chapter 93A.

Section 14. The office shall establish an advisory group comprised of government entities, local telecommunications companies, businesses, senior citizens and other community advocates to compile and promote a list of educational literature to help consumers understand their options with regard to telephonic sales calls. The office shall work with local telecommunications companies to disseminate to their residential subscribers information about the availability of and instructions on how to request educational literature from the office. The office shall include on its internet website information that informs consumers of their rights to be placed on the no sales solicitation calls listing and the various methods, including notice to the office, of placing their names on the no sales solicitation calls listing.

SECTION 2. This act shall take effect on January 1, 2003.

Approved August 10, 2002.

Chapter 266. AN ACT AUTHORIZING CERTAIN CONVEYANCES OF LAND TO ESTABLISH THE SOUTHEASTERN MASSACHUSETTS BIORESERVE.

Be it enacted, etc., as follows:

SECTION 1. The division of capital asset management and maintenance, in consultation with the department of environmental management may convey, notwithstanding sections 40E to 40J, inclusive of chapter 7 and chapter 121B of the General Laws, to the Fall River Redevelopment Authority 3 parcels of land containing 300 acres of land located in the city of Fall River and the town of Freetown now a part of the Freetown-Fall River State Forest and presently being used for conservation and recreation purposes, to be more fully described on a survey to be prepared at the time of transfer by the Fall River Redevelopment Authority or the city of Fall River and approved by the department of environmental management. Said conveyance shall be subject to adequate compensation as set forth in the terms and conditions of "The Memorandum Of Understanding To Create The Southeastern Massachusetts Bioreserve" agreed to by executive heads of the executive office of environmental affairs, the department of environmental management, the department of fisheries, wildlife and environmental law enforcement, the division of fisheries and wildlife, the city of Fall River, the Fall River Redevelopment Authority, and the Trustees of Reservations dated June 29, 2000.

Said parcels are shown on a plan titled "Areas within the Freetown-Fall River State Forest of Proposed Fall River Executive Park and Associated Traffic Improvements" prepared by the department of environmental management, dated July 15, 2002.

SECTION 2. The Fall River Redevelopment Authority may purchase, notwithstanding chapter 121B of the General Laws or any other general or special law to the contrary, from the division of capital asset management and maintenance, in consultation with the department of environmental management, and subject to terms acceptable to the parties and to the department of environmental management, the parcels of land described in section 1.

The Fall River Redevelopment Authority may develop said land for commercial, industrial and other economic development purposes, but expressly excluding any use of said land for landfill or casino/gaming related purposes, without the necessity of adopting or adhering to an urban renewal plan, as defined in section 1 of chapter 121B of the General Laws, and with respect to said land the Fall River Redevelopment Authority shall enjoy the statutory authority it would possess for land and structures and other property within an urban renewal project as defined by section 1 of said chapter 121B. The lack of available industrial land in Fall River and Freetown is detrimental to the economic welfare of the citizens of the commonwealth and, in particular, the city of Fall River and the town of Freetown.

The Fall River Redevelopment Authority and the town of Freetown are hereby authorized to enter into an inter-governmental agreement with respect to the development of the portion of 300 acres of land which is located within the town of Freetown and shall be subject to a mutually agreeable inter-governmental between the Fall River Redevelopment Authority and the town of Freetown with respect to said Freetown land as described in section 1 and conveyed by section 2 of this act, which both the authority and the town mutually agree said authority shall be subject to with respect to said land.

SECTION 3. The consideration to the commonwealth for the conveyance as authorized by section 2 by the Fall River Redevelopment Authority shall be (1) the conveyance of a conservation restriction on approximately 4,300 acres of land in the city of Fall River to the commonwealth, (2) mitigation impacts on the Freetown-Fall River State Forest from the Fall River Redevelopment Authority's proposed development of the 300 acres, the so-called Fall River Business Park, and (3) the requirement that the Fall River Redevelopment Authority create an appropriate buffer zone of approximately 43 acres between its proposed development and the remaining land of the Freetown-Fall River State Forest, as described in the "Memorandum Of Understanding To Create The Southeastern Massachusetts Bioreserve" dated June 29, 2000, said buffer zone to fall within the 300 acres to be conveyed by this act. In addition, the Fall River Redevelopment Authority shall contribute up to \$2,450,000 dollars to the Trustees of Reservations for purchase of open space at the direction of the director of the department of environmental affairs, the open space acquired will be partial mitigation for said 300 acres conveyed, and shall be held by the commonwealth under the care, custody, and control of the department of environmental management and/or division of fisheries and wildlife.

The city of Fall River, by and through its Watuppa Water Board and its municipal subdivisions and boards, may convey to the commonwealth a conservation restriction, as defined in sections 31 and 32 of chapter 184 of the General Laws, on approximately 4,300 acres of land now held by said city or said board for water supply purposes, as described on the PLAN of the Southeastern Massachusetts Bioreserve attached to the Memorandum Of Understand To Create The Southeastern Bioreserve dated June 29, 2000, and to be more fully described on a survey to be prepared by the department of environmental management, the department of fisheries, wildlife and law enforcement and the division of fisheries and wildlife, if required. Said 4,300 acres of land shall be owned in fee by the city of Fall River, by and through its Watuppa Water Board, subject to rights created by the conservation restriction to be held by the department of environmental management, the department of fisheries, wildlife and environmental law and the division of fisheries and wildlife. Said conservation restriction shall provide for habitat and forestry management, public access and passive recreation consistent with water supply protection. The land subject to the conservation restriction will be managed by the city of Fall River, acting through the Watuppa Water Board, pursuant to the Bioreserve Management Plan as may be subsequently amended by the parties, as described in the "Memorandum Of Understanding To Create The Southeastern Massachusetts Bioreserve" dated June 29, 2000.

SECTION 4. The Fall River Redevelopment Authority shall pay the costs of all appraisals, surveys, title reports, environmental assessments, environmental impact reports and similar filings, if necessary, associated with the acquisition and development of the land to be acquired by said Fall River Redevelopment Authority as authorized by sections 2 and 3.

SECTION 5. The commissioner of capital asset management and maintenance shall prior to the execution of the conveyances authorized by this act submit the "Memorandum

Of Understanding To Create The Southeastern Massachusetts Bioreserve" dated June 29, 2000, and a report thereon to the inspector general for his review and comment. Said inspector general shall review and comment on said memorandum of understanding, and said review shall include an examination of the methodology utilized for said memorandum of understanding. The inspector general shall prepare a report of his review and file said report with the commissioner for submission by said commissioner to the house and senate committees on ways and means and the chairmen of the joint committee on state administration. Said commissioner shall submit copies of said memorandum of understanding, his report, and the inspector general review and comment to the said commissioner to the house and senate committees on ways and means and the chairmen of the joint committee on state administration prior to the execution of the conveyances authorized by sections 2 and 3 of this act.

SECTION 6. The department of fisheries, wildlife and environmental law enforcement and its division of fisheries and wildlife may convey, in consultation with the division of capital asset management and maintenance, to the department of environmental management, an undivided $\frac{1}{2}$ interest in approximately 2,414 acres of land shown as parcels 3 to 7, inclusive, on a plan of land entitled "Plan of Land In Dartmouth, Fall River and Freetown Massachusetts surveyed for Ascushnet Saw Mills Co." dated September 29, 1981, prepared by Arthur C. Thompson, Inc. of 52 Mill Street Marion, Massachusetts as revised July 22, 1998, sheets 3 and 4, recorded with the Bristol County Fall River District Registry of Deeds in Plan Book 115, Pages 7-11, that was acquired from Peter J. Hawes, et al., on June 30, 2000 by said department of fisheries, wildlife and environmental law enforcement in conjunction with partial funding and other assistance provided by said department of environmental management.

SECTION 7. In the event that the parcels comprising 300 acres conveyed by section 1 cease to be used by the Fall River Redevelopment Authority and the developers selected and any other subsequent owners for the purposes described in said section 3 at any time then, upon notice by the commissioner of the division of capital asset management and maintenance, said parcels shall revert to the commonwealth upon such terms and conditions as said commissioner may determine, and shall be assigned to the care, custody and control of the department of environmental management, in addition the conservation restriction conveyed to the commonwealth shall, by its terms, revert back to the city of Fall River in the event that both (1) the Fall River Redevelopment Authority sends written notice to said commissioner of termination of this land conveyance prior to January 1, 2007 and (2) the Fall River Redevelopment Authority, in consideration for repayment of up to the \$2,450,000 described in section 3, reconveys to the commonwealth the 300 acres of land in the same condition, except for changes caused by nature, as of the date of the original conveyance from the commonwealth to said authority in which event the land described in section 1 is to be returned to the commonwealth under the care and control of the department of environmental management as part of the Freetown-Fall River State Forest. Should said parcels comprising the 300 acres revert to the commonwealth, any further disposition thereof

shall be subject to the provisions of 40E to 40J, inclusive, of chapter 7 of the General Laws and to the prior approval of the general court.

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

Approved August 10, 2002.

Chapter 267. AN ACT AUTHORIZING THE COMMISSIONER OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO CONVEY CERTAIN LAND TO THE TOWN OF WELLESLEY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to convey forthwith certain land in the town of Wellesley, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The commissioner of capital asset management and maintenance, in consultation with the metropolitan district commission and the Massachusetts Water Resources Authority, may convey, notwithstanding sections 40E to 40J, inclusive, of chapter 7 of the General Laws, by deed approved as to form by the attorney general, a certain parcel of land comprising approximately 5.59 acres, presently a portion of the former Lake Cochituate Aqueduct located in the town of Wellesley no longer needed for the purpose of supplying clean water to the residents of said town, to the town of Wellesley for general municipal purposes, including, but not limited to, the same, for municipal light plan utilities, drainage, highway, recreation or storm drain purposes.

The parcel to be conveyed to the town of Wellesley, now held by the commonwealth under the care and control of said metropolitan district commission as successor to the metropolitan water board, is a portion of land shown on sheet 2 of a plan entitled "Commonwealth of Massachusetts Metropolitan Water Works, Lake Cochituate, Land Plans" prepared by Desmond Fitzgerald, Engineer, dated December 31, 1897, and recorded with the Norfolk registry of deeds in Plan Book 20 Plan 923G, and comprises all right, title and interest held by the commonwealth in and to that portion of the Lake Cochituate Aqueduct and lands through which it runs beginning at the Wellesley-Natick corporate boundary, being also the Norfolk-Middlesex county line, and running generally southeasterly crossing Worcester turnpike, United States highway Route 9, and ending at station 157+75, approximately 25 feet south of Dedham's Brook Waste Weir, all within the town of Wellesley. The exact boundaries of the land conveyed shall be established by the commissioner, in consultation with the metropolitan district commission and the Massachusetts Water Resources Authority, based upon a survey to be performed before such conveyance. Said town shall maintain the Dedham Waste Weir to provide for the discharge of water from said Lake Cochituate through said Cochituate Aqueduct into the Charles river

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at such times as the department of public health may specify in order to maintain a steady flow in said Charles river to comply with discharges as required under the provisions of section 1 of chapter 603 of the acts of 1950.

The title in the land of the commonwealth derives from an instrument of taking by the Metropolitan water board, dated January 1, 1898, and recorded with the Norfolk county registry of deeds in Book 805, Page 121. The conveyance of land authorized by this act shall not include that portion of land conveyed to Donna W. and Laurence B. Francis under the authority of chapter 11 7 of the acts of 1994 by deed recorded in said Norfolk registry in Book 11243, page 57.

SECTION 2. There shall be an independent appraisal of the parcel to be conveyed by this act as described in section 1 to determine the fair market value of said parcel. The consideration for said parcel shall be the full and fair market value thereof based upon 1 or more professional appraisals commissioned by said division.

The commissioner of capital asset management and maintenance shall, before the execution of the conveyance authorized by this act, submit said appraisal and a report thereon to said inspector general for his review and comment. Said inspector general shall review and approve said appraisal, and said review shall include an examination of the methodology utilized for said appraisal. The inspector general shall prepare a report of his review and file said report with the commissioner for submission by said commissioner to the house and senate committees on ways and means and the chairmen of the joint committee on state administration. Said commissioner shall submit copies of said appraisal, his report and the inspector general's review and approval, and comments, if any, to the house and senate committees on ways and means and the chairmen of the joint committee on state administration prior to the execution of said conveyance.

All money paid to the commonwealth by the Town of Wellesley as a result of the conveyance authorized by this act shall be deposited in the general fund of said commonwealth.

SECTION 3. The town of Wellesley shall assume all costs associated with any engineering, surveys, appraisal, deed preparation and other expenses deemed necessary by the commissioner to execute the conveyance authorized by this act.

SECTION 4. In the event that the parcel conveyed by this act ceases to be used by the town of Wellesley for the purposes described in section 1 at any time, then upon notice by the commissioner said parcel shall revert to the commonwealth upon such terms and conditions as said commissioner may determine. Should the parcel revert to the commonwealth any further disposition of said parcel shall be subject to the provisions of sections 40E through 40J, inclusive, of chapter 7 of the General Laws, and the prior approval of the general court.

Approved August 10, 2002.

Chapter 268. AN ACT AUTHORIZING THE TOWN OF PLYMOUTH TO CONVEY CERTAIN EASEMENTS IN CONSERVATION LAND.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith certain easements and conservation restrictions in the town of Plymouth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The division of fisheries and wildlife and the department of environmental management, in consultation with the division of capital asset management and maintenance, may take under chapter 79 of the General Laws certain easements and lesser interests in certain parcels of conservation and town forest land located in the town of Plymouth and described in section 3. Said taking shall not be made without the prior written approval of the town of Plymouth.

SECTION 2. The town of Plymouth may grant certain easements and conservation restrictions to the division of fisheries and wildlife and the department of environmental management in certain parcels of conservation and town forest land described in section 3.

SECTION 3. Said parcels are described as follows:

All of the lands, including lands under water, in the town of Plymouth, as described in assessors Map 70, lot 5, Map #70, lot 5B, Map #70, lot 7, Map #70, lot 8, Map #70, lot 8A, Map #70, lot 14, Map #72, lot 1, Map #72, lot 1B, Map #73, lot 1, Map #73, lot 1C, Map #74, lot 1, Map #74, lot 1-25A, Map #74, lot 2C, Map #74, Lot 2A, Map #74, Lot 2B, Map #87, lot 1, Map #88, lot 7-6, Map #88, lot 43, Map #89A, lot 1, Map #91, lot 2B, Map #91, 2C, Map #91, lot 3 and Map #91, lot 7.

SECTION 4. The conservation restrictions authorized herein shall allow for the continuation of conservation and town forest purposes on all or a portion of the parcels, however said conservation restrictions may restrict or regulate, but not unreasonably limit, the acts or uses associated with conducting conservation and town forest purposes. Said conservation restrictions, if taken and not otherwise acquired, shall be subject to any easement or lesser interest in land held by any person or governmental agency, except for said town of Plymouth, that lawfully exists and that is recorded in the appropriate registry of deeds, unless the division of fisheries and wildlife or the department of environmental management expressly takes said easement or lesser interest through eminent domain in accordance with the provisions of said chapter 79.

Approved August 10, 2002.

Chapter 269. AN ACT AUTHORIZING THE COMMONWEALTH TO TAKE OR ACQUIRE CONSERVATION RESTRICTIONS IN AND TO LANDS OF THE AUBURN WATER DISTRICT.

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Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith certain conservation restrictions in the Auburn Water District, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The division of fisheries and wildlife and the department of environmental management, in consultation with the division of capital assets management and maintenance, may take under chapter 79 of the General Laws certain easements and lesser interests in certain parcels of land acquired for watershed and water supply purposes located in the town of Auburn. The taking shall not be made without the prior written approval of the commissioners of Auburn Water District. The parcels are described in section 3.

SECTION 2. The Auburn Water District may grant certain easements and conservation restrictions in certain parcels of watershed and water supply land to the division of fisheries and wildlife and the department of environmental management. The parcels are described in section 3.

SECTION 3. The parcels are identified as follows and contain both recorded and registered lands: all of the lands, including lands under water, in the town of Auburn as described in a deed recorded in the Worcester county registry of deeds in Book 24726, Page 136, as corrected and confirmed in a deed recorded in Book 25575, Page 187, and by a deed registered as document number 75472 and noted on Certificate of Title number 14530; and parcels 39-8 and 39-9 as shown on the Assessor's maps in the town of Auburn.

SECTION 4. The easements and conservation restrictions authorized herein shall ensure the prevention and protection of water supply and watershed lands, the preservation and protection of associated wildlife and habitat and passive recreation and consistent purposes in and to all or a portion of the parcels described in section 3. The conservation restrictions authorized herein shall allow for the continuation of the purposes on all or a portion of the parcels, however said conservation restrictions may restrict or regulate, but not unreasonably limit, the acts or uses associated with conducting said purposes. The conservation restrictions, if taken and not otherwise acquired, shall be subject to any easement or lesser interest in land or encumbrance held by any person or governmental agency, except for the Auburn Water District, that lawfully exists and that is recorded in the appropriate registry of deeds, unless the commonwealth expressly takes the easement or lesser interest or encumbrance through eminent domain in accordance with chapter 79 of the General Laws. The consideration and full satisfaction of any damages for the conservation restrictions shall be in the form of the award, acceptance and reimbursement of certain costs through a grant agreement under the aquifer land acquisition program, so-called, between the Auburn Water District and the department of environmental protection.

Approved August 10, 2002.

Chapter 270. AN ACT DESIGNATING A WALKING PATH AT SQUANTUM POINT PARK IN THE CITY OF QUINCY AS THE JANET NILES MURPHY HARBOR VIEW WALKING PATH.

Be it enacted, etc., as follows:

SECTION 1. The walking path at the metropolitan district commission's Squantum Point park, shall be designated and known as the Janet Niles Murphy Harbor View Walking Path, in memory of Janet Niles Murphy, a resident of the city of Quincy. Said commission shall erect and maintain suitable markers at said walking path bearing said designation, in compliance with the standards of said commission.

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

Approved August 10, 2002.

Chapter 271. AN ACT AUTHORIZING THE DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO CONVEY PERMANENT EASEMENTS ON STATE PROPERTY IN THE TOWN OF NORTH ANDOVER.

Be it enacted, etc., as follows:

SECTION 1. The commissioner of the division of capital asset management and maintenance may, notwithstanding sections 40E to 40J, inclusive, of chapter 7 of the General Laws, convey to Lucent Technologies Inc., the permanent and temporary easements to property owned by the commonwealth, acquired and currently used for sewer purposes as more particularly described in this act. Said easements shall be used for the purposes of sewer force mains, and shall be subject to such additional terms and consistent with this act as the commissioner may prescribe.

The purchase price to be paid by Lucent Technologies Inc., shall be the full and fair market value of the easements based upon 1 or more professional appraisals commissioned by said division. The inspector general shall review and approve said appraisal or appraisals, and said review and appraisal shall include an examination of the methodology utilized for said appraisal or appraisals. Said commissioner shall, 30 days prior to the conveyance authorized by this act or any subsequent amendment thereof, submit a report to said inspector general. Said inspector general shall prepare a report of his review and approval of said appraisal or appraisals, and file said report with said commissioner, and copies of the same shall be filed with the house and senate committees on ways and means and with the chairmen of the joint committee on state administration at least 15 days prior to said execution. The purchase price paid by Lucent Technologies Inc., shall be deposited in the General Fund of the commonwealth.

The property upon which the commissioner is authorized to convey such permanent and temporary easements is referred to and recorded in the Essex north registry of deeds in

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Book 2018, Pages 176 to 186, and more fully described in sections 3 and 4.

SECTION 2. Lucent Technologies Inc., shall be responsible for all costs associated with any appraisal, survey, or other expense incurred by the commonwealth relating to the easements authorized by section 1 of this act, and for any costs, liabilities, or expenses of any kind for the development, improvement, maintenance or operation of said parcels as may be determined by said commissioner.

SECTION 3. Certain 20' wide sewer easements located in the Town of North Andover, County of Essex, Massachusetts situated Westerly at the end of Holt Road and being shown as 20' Wide Sewer Easements "A-1", "A-2", and "A-3" on a plan entitled "SEWER EASEMENT PLAN, LUCENT TECHNOLOGIES INC., MERRIMACK VALLEY WORKS, NORTH ANDOVER, MASSACHUSETTS, PREPARED FOR CAMP, DRESSER, & MCKEE, INC.," prepared by Chas. H. Sells, Inc., dated June 2, 2000, revised 8/01/00. Said plan to be recorded in the Essex north registry of deeds.

The 20' wide sewer easement "A-1" being located on the land now or formerly of the City of Lawrence Airport Commission Assessor Map 77, Lots 5 and 7 as shown on said plan and containing 24,106 square feet or 0.553 acres, more or less.

The 20' wide sewer easement "A-2" being located on the land now or formerly of the City of Lawrence Airport Commission Assessor Map 75, Lot 1 as shown on said plan and containing 7,718 square feet or 0.177 acres, more or less.

The 20' wide sewer easement "A-3" being located on the land now or formerly of the City of Lawrence Airport Commission Assessor Map 75, Lot 1 as shown on said plan and containing 2,447 square feet or 0.056 acres, more or less.

SECTION 4. Certain 20' wide sewer easements located in the Town of North Andover, County of Essex, Massachusetts situated Westerly at the end of Holt Road and being shown as Sewer Easements "B" on a plan entitled "SEWER EASEMENT PLAN, LUCENT TECHNOLOGIES INC., MERRIMACK VALLEY WORKS, NORTH ANDOVER, MASSACHUSETTS, PREPARED FOR CAMP, DRESSER, & MCKEE, INC.," prepared by Chas. H. Sells, Inc., dated June 2, 2000, revised 8/01/00. Said plan to be recorded in the Essex north registry of deeds.

The 20' wide sewer easement "B" being located on the land now or formerly of the Town of North Andover Assessor Map 77, Lot 9 as shown on said plan and containing 21,880 square feet or 0.502 acres, more or less.

Approved August 10, 2002.

Chapter 272. AN ACT AUTHORIZING THE DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO CONVEY CERTAIN CONSERVATION LAND TO THE TOWN OF SANDWICH.

Be it enacted, etc., as follows:

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SECTION 1. Notwithstanding sections 40E to 40L, inclusive, of chapter 7 of the General Laws, the commissioner of capital asset management and maintenance, in consultation with the commissioner of fisheries and wildlife, may convey a certain parcel of conservation land located in the town of Sandwich for the purpose of access to existing town owned property subject to the terms and conditions of section 3. Said parcel is shown as Parcel A on a plan of land entitled "Plan of Land in Sandwich, Massachusetts, Quaker Meetinghouse Road" drawn by David C. Thuliln, PE, PLS dated December 14, 2001.

SECTION 2. In consideration of the conveyance authorized in section 1, the town of Sandwich shall convey to the commonwealth a certain parcel of land located in the town of Sandwich. Said parcel is shown as Lots 1, 2 and 3 on a plan recorded in the Barnstable registry of deeds in Plan Book 273, page 77. The appraisal values of the parcels conveyed in sections 1 and 2 shall be determined by an independent appraisal. The appraisal value of the parcel conveyed in section 2 shall be not less than the value of the parcel conveyed in section 1 as determined by the independent appraisals. The town of Sandwich shall assume all costs for appraisals, surveys and title examinations as may be required by the division of capital asset management and maintenance. The inspector general shall review and approve any such appraisal and such review shall include a review of the methodology utilized for such appraisal. The inspector general shall prepare a report of his review and file such report with the director for submission to the house and senate committees on ways and means and the chairmen of the joint committee on state administration in accordance with this section.

SECTION 3. No building or structures shall be placed on the parcel conveyed by section 1, provided, however, a driveway or roadway shall not be considered a structure.

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

Approved August 10, 2002.

Chapter 273. AN ACT EXEMPTING THE POSITION OF DEPUTY CHIEF OF POLICE IN THE TOWN OF WEBSTER FROM THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The town of Webster may establish the position of deputy chief of police, which shall be exempt from chapter 31 of the General Laws.

SECTION 1A. Section 1 of this act shall not impair the civil service status of any incumbent holding the position of deputy chief of police in the town of Webster on the effective date of this act.

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

Approved August 13, 2002.

Chapter 274. AN ACT AUTHORIZING THE TOWN OF TRURO TO ESTABLISH AN AFFORDABLE HOUSING TRUST FUND.

Be it enacted, etc., as follows:

SECTION 1. The town of Truro may establish and maintain a special account to be known as the Affordable Housing Trust Fund, and may raise and appropriate money for this account.

SECTION 2. The Affordable Housing Trust Fund shall be maintained by the town treasurer as a separate account. The treasurer may invest the funds in such separate account in the manner authorized in sections 55 and 55B of chapter 44 of the General Laws. Any interest earned on the account shall be credited to and become part of the separate account.

SECTION 3. The town may appropriate by a majority vote at any special or annual town meeting such sums as may be available in the Affordable Housing Trust Fund for specific capital purchases of land or buildings, and any acquisition or disposition of real property, for purposes related to affordable housing. The board of selectmen by a majority vote may authorize other expenditures from the Affordable Housing Trust Fund for purposes related to affordable housing.

SECTION 4. The town may deposit proceeds from the sale of town owned property or the sale of tax title foreclosure property directly into its Affordable Housing Trust Fund established by this act. This section shall not apply to proceeds from the sale of park land.

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

Approved August 13, 2002.

Chapter 275. AN ACT EXEMPTING THE POSITIONS OF SCHOOL CUSTODIAN AND SCHOOL FOOD SERVICE WORKER IN THE TOWN OF NORTH ANDOVER FROM THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The positions of custodian and food service worker in the school department of the town of North Andover shall be exempt from chapter 31 of the General Laws.

SECTION 2 Section 1 shall not impair the civil service status of any person holding the position of custodian or the position of food service worker in the school department of the town of North Andover on the effective date of this act.

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

Approved August 13, 2002.

Chapter 276. AN ACT AUTHORIZING THE REPAYING OF CERTAIN SEWER FEES PAID IN ERROR BY THE TOWN OF DEDHAM.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the town of Dedham may pay James J. Egan the sum of \$1,962.00 for sewer use fees erroneously paid for the years 1991 to 1998.

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

Approved August 13, 2002.

Chapter 277. AN ACT AUTHORIZING THE TOWN OF DEDHAM TO REIMBURSE CERTAIN REAL ESTATE TAXES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the town treasurer of the town of Dedham may pay, from available funds, to Albert Tays the sum of \$2,047.76, for reimbursement for real estate taxes paid in error for fiscal years 1996 and 1997.

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

Approved August 13, 2002.

Chapter 278. AN ACT RELATIVE TO PAYMENT OF CERTAIN MEDICAL EXPENSES OF BOSTON FIREFIGHTERS JOSEPH CADY AND ALONZO P. BROOKS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 100B of chapter 41 of the General Laws or any other general or special law to the contrary, the city of Boston may pay the following medical expenses on behalf of retired Boston firefighters Joseph Cady and Alonzo P. Brooks:

(a) to Caritas Norwood Hospital, as medical provider to Joseph Cady, a sum not to exceed \$5,586.39 for services provided for Joseph Cady from June 25, 1997 to June 26, 1997; and

(b) to Massachusetts General Hospital, as medical provider to Alonzo P. Brooks, a sum not to exceed \$49,068.15 for services provided for Alonzo P. Brooks from July 12, 1997 to July 20, 1997.

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

Approved August 14, 2002.

Chapter 279. AN ACT RELATIVE TO INSURANCE ASSESSMENTS.

Be it enacted, etc., as follows:

SECTION 1. The fifth paragraph of section 8E of chapter 26 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following 2 sentences:- The commissioner may make an assessment against any corporation, unincorporated association, partnership, or individual licensed as a rating organization pursuant to section 52C of chapter 152 and against any company authorized to write workers' compensation insurance that is not a member of any rating organization licensed pursuant to said section 52C to pay for the rating bureau's expenses as they relate to workers' compensation. The assessment shall be apportioned on the basis of the direct written premium of each insurance company in the most recent calendar year.

SECTION 2. Said fifth paragraph of said section 8E of said chapter 26, as so appearing, is hereby further amended by striking out the tenth sentence and inserting in place thereof the following 2 sentences:-

Any rating organization licensed pursuant to section 52C of chapter 152 and any company authorized to write workers' compensation insurance that is not a member of any rating organization licensed pursuant to said section 52C shall pay the amount assessed within 30 days after the date of the notice of assessment from the commissioner. The assessment shall be apportioned on the basis of the direct written premium of each insurance company in the most recent calendar year.

SECTION 3. Section 63 of chapter 152 of the General Laws, as so appearing, is hereby amended by adding the following sentence:- The organization may charge companies for the reasonable cost of gathering, processing and maintaining the data.

SECTION 4. Section 3 of chapter 399 of the acts of 1991, as amended by section 210 of chapter 38 of the acts of 1995, is hereby further amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Section 3. The commissioner of insurance shall make an annual assessment in the amount of \$285,882 to be paid each year by the members of the Automobile Insurers Bureau, or its successor rating organization licensed under section 8 of chapter 175A of the General Laws and the companies authorized to write private or commercial automobile insurance that are not members of the licensed rating organization apportioned on the basis of the direct written premium of each insurance company in the most recent calendar year and also to make an annual assessment in the amount of \$285,882 to be paid each year by the members of the Workers' Compensation Rating and Inspection Bureau or its successor rating organization licensed under section 52C of chapter 152 of the General Laws, and the companies authorized to write workers' compensation insurance that are not members of the licensed rating organization, apportioned on the basis of the direct written premium of each insurance company in the most recent calendar year.

SECTION 5. Section 13 of chapter 427 of the acts of 1996 is hereby amended by striking out paragraph (c) and inserting in place thereof the following paragraph:-

(c) The executive director shall appoint other employees of the insurance fraud bureau as necessary. The executive director may expend for legal, investigative, clerical and any other expenses in sums as are necessary. The executive director shall also disseminate the provisions of this act by publishing informational brochures and other materials which encourage the public to report workers' compensation fraud and shall maintain a toll free number to receive the reports. All costs of administration and operation of the insurance fraud bureau shall be paid as follows: one-half by the members of the Automobile Insurers Bureau, or its successor rating organization licensed under section 8 of chapter 175A of the General Laws and the companies authorized to write private or commercial automobile insurance that are not members of the licensed rating organization, apportioned on the basis of the direct written premium of each company in the most recent calendar year; and one-half by the members of the Workers' Compensation Rating and Inspection Bureau, or its successor organization licensed under section 52C of chapter 152 of the General Laws, and the companies authorized to write workers' compensation insurance that are not members of the licensed rating organization, apportioned on the basis of the direct written premium of each company in the most recent calendar year. The executive director shall determine the estimated costs for the operation of the insurance fraud bureau and upon approval by the bureau shall assess the licensed rating organizations and the other nonmember companies in accordance with this section. The estimated costs shall be paid to the executive director and he shall subsequently make adjustments to future assessments for any variation between estimated and actual costs on a fair and reasonable basis.

Approved August 14, 2002.

Chapter 280. AN ACT AUTHORIZING THE TOWN OF SUDBURY TO ESTABLISH A SPECIAL FUND FOR DEPOSIT OF CERTAIN FUNDS TO BE USED FOR AFFORDABLE HOUSING.

Be it enacted, etc., as follows: .

SECTION 1. Notwithstanding any general or special law to the contrary, the town of Sudbury may establish a fund for the deposit of all funds from the rent, sale and any other income received from the Frost Farm Village Condominiums located on town owned land under a long term lease, and maintained as a separate account for the purpose of providing funds for additional affordable housing in said town.

SECTION 2. The establishment of the fund shall be retroactive to July 30, 2001, the date of the execution of the ground lease between the town of Sudbury and the developer of the Frost Farm Village Condominiums.

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SECTION 3. The funds shall be placed in an interest bearing account. Interest accruing thereon shall be added to the fund and expended for the purpose of the fund.

SECTION 4. All expenditures from the fund shall be authorized by a vote of town meeting in the town of Sudbury.

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

Approved August 14, 2002.

Chapter 281. AN ACT RELATIVE TO THE SALE OF CERTAIN LAND BY THE CITY OF CHICOPEE.

Be it enacted, etc., as follows:

Section 2 of chapter 210 of the acts of 2000 is hereby amended by inserting after the first sentence the following sentence:- All monies received as the purchase price shall be deposited in the General Fund of the city subject to appropriation for municipal purposes.

Approved August 14, 2002.

Chapter 282. AN ACT REDUCING MEDICATION WASTE IN CERTAIN LICENSED FACILITIES.

Be it enacted, etc., as follows:

SECTION 1. (a) The department of public health, in conjunction with the board of registration in pharmacy and the division of medical assistance, shall convene a task force to review and make recommendations on methods to reduce medication waste in facilities licensed by the departments of public health, mental health and corrections. The task force shall recommend such methods, based on its review, that are determined to be effective in reducing waste without imposing unreasonable costs on the health care delivery system. The task force's review shall address, but not be limited to, the following areas: (1) current technology, standards and reimbursement mechanisms for dispensing and distributing medications to facilities; (2) other states' requirements for limiting prescription drug waste and any cost savings realized; (3) the commonwealth's standards for the return and re-dispensing of patient-specific schedule VI prescription drugs; and (4) possible incentive mechanisms to prevent the creation of prescription drug waste.

(b) The task force shall consist of up to 2 representatives from each of the following offices: the department of public health, the board of registration in pharmacy and the division of medical assistance. The task force shall consult with representatives from the board of registration in nursing, the board of registration in medicine, the department of men-

tal health, the department of corrections, and may consult with representatives from the following entities, as the task force deems necessary: the Massachusetts Society of Consultant Pharmacists, Massachusetts Extended Care Federation, Massachusetts Society of Health System Pharmacists, Massachusetts Medical Society, Massachusetts Nurses Association, Massachusetts Hospital Association, the Long-Term Care Pharmacy Alliance, the Home and Health Care Association of Massachusetts and other industry representatives and consultants.

SECTION 2. The task force shall submit a report to the joint committee on health care and the house and senate committees on ways and means on or before September 30, 2002.

Approved August 14, 2002.

Chapter 283. AN ACT RELATIVE TO LICENSING HOSPICE PROGRAMS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 111 of the General Laws is hereby amended by striking out section 57D, as appearing in the 2000 Official Edition, and inserting in place thereof the following section:-

Section 57D. The department shall, after a public hearing, promulgate rules and regulations for the licensing and conduct of hospice programs. A hospice program means palliative and supportive care and other services provided by an interdisciplinary team under the direction of an identifiable hospice administration to terminally ill patients with a limited life-expectancy and their families. Services shall be provided to meet the physical, emotional and spiritual needs experienced during the course of their illness, death and bereavement at home, in the community and in facilities.

These services shall include, but not be limited to, physician's services, nursing care provided by or under the supervision of a registered nurse, social services, volunteer services and counseling services provided by professional or volunteer staff under professional supervision. Hospice is a centrally coordinated program ensuring continuity and consistency of home and inpatient care provided directly through an inpatient facility operating under its hospice license or through an agreement.

The department shall issue for a term of 2 years and renew for a like term a license to maintain a hospice program to any organization it considers responsible and suitable to maintain such a program. The department shall issue not more than 6 licenses under this section to maintain an inpatient hospice program and shall promulgate regulations to govern the issuance of licenses to such programs. Hospice program licensees shall be subject to suspension, revocation or refusal to renew for cause. The department shall determine the fee and renewal of the license.

A hospice program may not operate in the state or use the word "hospice" or "Hospice Program" without a hospice license issued by the commissioner.

A person not licensed to provide hospice services under this chapter shall not use the word "hospice" in a title or description of a facility, organization, program, service provider or services or use any words, letters, abbreviations or insignia indicating or implying that the person holds a license to provide hospice services.

SECTION 2. Two years after the effective date of this act, the department of public health shall conduct an interim review of the number of licenses allowed for inpatient hospice programs. After 4 years of the effective date of this act, the department of public health shall conduct a final review, and shall expand or contract the number of licenses allowed for inpatient hospice programs through regulation if appropriate to meet patient demand.

Approved August 14, 2002.

Chapter 284. AN ACT RELATIVE TO COMMERCIAL AREA REVITALIZATION DISTRICTS.

Be it enacted, etc., as follows:

SECTION 1. The third paragraph of subsection (a) of section 8 of chapter 23 G of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by adding the following sentence:- Notwithstanding any provision of this paragraph to the contrary, the agency may finance projects for institutions without meeting any of the requirements other than those contained in the first 2 sentences of this paragraph.

SECTION 2. Clause (l) of section 1 of chapter 40D of the General Laws, as so appearing, is hereby amended by inserting after the fourth sentence the following 2 sentences:- A project undertaken by a nonprofit corporation authorized by law to provide facilities for educational, cultural or social services, including provision of working capital, or a project undertaken by a governmental entity for governmental purposes shall be deemed to constitute an industrial enterprise but shall not be deemed to constitute a commercial enterprise. Projects located within the boundaries of an empowerment zone as it may have been established in a city or town, pursuant to regulations of the United States Department of Housing and Urban Development, 24 CFR subsections 597 and 598, shall be deemed to constitute an industrial enterprise but shall not be deemed to constitute a commercial enterprise.

SECTION 3. Said section 1 of said chapter 40D, as so appearing, is hereby further amended by striking out, in lines 75 to 77, inclusive, the words "Facilities for the use of governmental and nonprofit entities shall be considered facilities to be used in a commercial enterprise, and bonds" and inserting in place thereof the following word:- Bonds.

Approved August 14, 2002.

Chapter 285. AN ACT AUTHORIZING AN INCREASE IN PARKING FINES IN THE CITY OF SOMERVILLE.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of clause (a) of section 3 of chapter 397 of the acts of 1978, as amended by chapter 38 of the acts of 1988, is hereby further amended by striking out, in line 2, the words "not inconsistent with general law" and inserting in place thereof the following words:- in a manner consistent with the General Laws.

SECTION 2. Said first paragraph of said clause (a) of said section 3 of said chapter 397, is hereby further amended by striking out the third and fourth sentences and inserting in place thereof the following 3 sentences:- The traffic commission may, with the approval of the mayor and board of aldermen, prescribe fines for violations of rules or regulations adopted under this chapter excluding snow emergency parking violations as described in this paragraph; provided, however, that no penalty in excess of \$30 shall be imposed except by ordinance. The traffic commission may, with the approval of the mayor and the board of aldermen, prescribe a schedule of fines for the following snow emergency parking violations: parking within 20 feet of an intersection, parking within the area of a fire hydrant and parking within designated fire lanes; provided, however, that no penalty in excess of \$50 shall be imposed except by ordinance. A penalty imposed under this section may, if provided in the regulations imposing penalties, be increased by up to 17 per cent if paid later than 21 days after the issuance of a notice of a parking violation but before the parking clerk reports to the registrar in accordance with section 20A½ of chapter 90 of the General Laws and 67 per cent if paid thereafter.

SECTION 3. Clause (f) of said section 3 of said chapter 397 is hereby amended by striking out, in line 16, the words "section twenty C of chapter ninety" and inserting in place thereof the following words:- section 20A½ of chapter 90.

Approved August 21, 2002.

Chapter 286. AN ACT RELATIVE TO THE BROCKTON 21ST CENTURY CORPORATION.

Be it enacted, etc., as follows:

SECTION 1. Section 11 of chapter 137 of the acts of 1993 is hereby amended by striking out, in line 2, the word "fifteen" and inserting in place thereof the following figure:- 25.

SECTION 2. Section 14 of said chapter 137 is hereby amended by striking out the third paragraph.

SECTION 3. The second paragraph of section 17 of said chapter 137 is hereby amended by striking out, in line 1, the words "Within thirty days after" and inserting in place

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thereof the following word:- After.

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

Approved August 21, 2002.

Chapter 287. AN ACT TRANSFERRING CERTAIN ADMINISTRATIVE RESPONSIBILITIES TO THE CHIEF OF THE POLICE DEPARTMENT OF THE TOWN OF SANDWICH.

Be it enacted, etc., as follows:

Notwithstanding section 157 of chapter 140 of the General Laws, the powers and duties of the board of selectmen in the town of Sandwich with respect to the regulation of dogs under said section 157, are hereby assigned to the chief of police of the town or his designee.

Approved August 21, 2002.

Chapter 288. AN ACT ESTABLISHING A 4 YEAR TERM FOR THE OFFICE OF MAYOR IN THE CITY OF EVERETT.

Be it enacted, etc., as follows:

SECTION 1. The mayor of the city of Everett shall be elected by and from the qualified voters of the city and shall be the executive officer of the city. The mayor shall hold office for the term of 4 years from the first Monday in January following the election and until a successor is qualified.

SECTION 2. The state secretary shall cause the following question to be placed on the official ballot to be used in the city of Everett at the biennial state election to be held in the year 2002:

"Shall an act passed by the general court in the year 2002 entitled, 'An Act establishing a 4 year term for the office of mayor in the city of Everett', be accepted?"

If a majority of the votes cast in answer to the question is in the affirmative, then section 1 shall take effect, but not otherwise.

SECTION 3. The city solicitor shall prepare a fair, concise summary and purpose of the law to appear with the question no later than 60 days before the election in accordance with section 58A of chapter 54 of the General Laws.

SECTION 4. Section 1 shall apply to the biennial city election to be held in 2003 and to subsequent biennial city elections.

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

Approved August 21, 2002.

Chapter 289. AN ACT AUTHORIZING THE DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO CONVEY AN EASEMENT TO THE TOWN OF MILFORD.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the conveyance of an interest in certain land, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

The commissioner of the division of capital asset management and maintenance shall, notwithstanding sections 40E to 40I, inclusive, of chapter 7 of the General Laws, convey, by deed approved as to form by the attorney general, to the town of Milford a permanent easement over certain land of the commonwealth under the care and control of the state quartermaster to be used by the fire department of the town to provide access to the rear parking lot of its fire station. Said easement is bounded and described as follows:

Beginning at the Northeast corner of Parcel "A" as shown on a plan entitled "Taking Plan of Land In Milford Mass. Property of: Gioachino F. & Agnes C. Deluca", dated November 8, 1993 and last revised November 4, 1996 by Guerriere & Halnon, Inc. Engineering & Land Surveying, recorded at the Worcester County Registry of Deeds Plan Book 711, Page 1, being N26°-05'-14"W fifty-one and twenty-six hundredths (51.26) feet from a railroad spike at the Southeasterly corner of said parcel "A";

Thence turning and running S66°-36'-48"W by the Northerly boundary of said Parcel "A" eighty-eight and ninety-three hundredths (88.93) feet to a point;

Thence turning and running N19°-15'-23"W by land now or formerly of Johnson Realty Trust seventeen and four hundredths (17.04) feet to a point;

Thence turning and running N66°-36'-48"E on land now or formerly of the Commonwealth of Massachusetts eighty and sixty-four hundredths (80.64) feet to a point;

Thence turning and running N60°-33'-47"E on land now or formerly of the Commonwealth of Massachusetts one hundred thirty and fifty-two hundredths (130.52) feet to the Westerly line of Pearl Street;

Thence turning and running S30°-32'-12"E by the Westerly line of Pearl Street thirty-one and no hundredths (31.00) feet to a point;

Thence turning and running S66°-36'-48"W by land now or formerly of Gioachino F. & Agnes C. Deluca one hundred twenty-six and fifty-nine hundredths (126.59) feet to the point of beginning.

Approved August 21, 2002.

Chapter 290. AN ACT AUTHORIZING THE COMMISSIONER OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO CONVEY CERTAIN PROPERTY IN THE CITY OF NORTH ADAMS.

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

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of sections 40F, 40F½, 40H and 40I, of chapter 7 of the General Laws, the commissioner of capital asset management and maintenance, in consultation with the armory commission, may convey to the city of North Adams, by deed approved as to form by the attorney general, a certain parcel of land and the building thereon located in the city of North Adams, and commonly known as the North Adams armory property. The parcel is to be used by the city of North Adams as a community center. The parcel is bounded and described as follows:-

Beginning at a point on the easterly side of Ashland Street at the southwest corner of land now or formerly owned by William Martin, thence running easterly along the southerly line of land of said Martin and land now or formerly of the Hawkes' Estate, one hundred and eighty (180) feet, more or less, to a point in the westerly line of land now or formerly of James Loomis;

Thence southerly by land of said Loomis, ten (10) feet to a point;

Thence easterly along the southerly line of land of said Loomis, one hundred twelve and 7/10 (112.7) feet, more or less to a point;

Thence southerly by land of said Loomis, thirty-one and 4/10 (31.4) feet, more or less, to a stake;

Thence easterly by land of said Loomis, fifty-five and 71/100 (55.71) feet, more or less, to Royal Avenue;

Thence southeasterly by Royal Avenue, one hundred forty-three (143) feet, more or less, to Porter Street;

Thence westerly by said Porter Street, three hundred and seven (307) feet, more or less, to Ashland Street;

Thence northwesterly by Ashland Street, one hundred eighty-two and 6/10 (182.6) feet, more or less, to the first mentioned bound and point of beginning.

SECTION 2. The consideration to be paid by the city of North Adams for the conveyance of the North Adams armory property as described in section 1 shall be the full and fair market value of the land and the building thereon based upon 1 or more professional appraisals commissioned by the division. The inspector general shall review and approve the appraisal or appraisals, and the review and appraisal shall include an examination of the methodology utilized for said appraisal or appraisals. The commissioner shall, 30 days prior to the conveyance authorized by this act, submit a report to the inspector general. The inspector general shall prepare a report of his review and approval of the appraisal or appraisals

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and file the report with the commissioner, and copies of the same shall be filed with the house and senate committees on ways and means and with the chairmen of the joint committee on state administration at least 15 days prior to the execution. All money paid to the commonwealth by the city of North Adams relating to the conveyance of the North Adams armory property to the city shall be deposited in the General Fund of the commonwealth.

SECTION 3. The city of North Adams shall be responsible for all costs associated with any appraisal, survey, or other expense incurred by the commonwealth relating to the conveyance of the North Adams armory property as authorized by section 1 of this act, and for any costs, liabilities, or expenses associated with the disposition of said parcel as may be determined by said commissioner.

SECTION 4. In the event that the North Adams armory property, as described in section 1, ceases to be used for the purpose described at any time, the property shall revert to the commonwealth, and any further disposition of the property shall be subject to the provisions of sections 40E to 40J, inclusive, of chapter 7 of the General Laws and the prior approval of the general court.

Approved August 21, 2002.

Chapter 291. AN ACT AUTHORIZING THE TOWN OF HULL TO LEASE CERTAIN PROPERTY.

Be it enacted, etc., as follows:

SECTION 1. Chapter 358 of the acts of 1986 is hereby repealed.

SECTION 2. The town of Hull, acting by and through its board of selectmen, may lease certain town property known as the Nantasket pier and abutting shore land for a term not to exceed 25 years.

SECTION 3. The town of Hull, acting by and through its board of selectmen, may lease certain town property known as the Nantasket pier and abutting shore land for a term of not less than 26 years nor more than 99 years; but, any development of the property shall be subject to the approval of the town meeting.

Approved August 21, 2002.

Chapter 292. AN ACT RELATIVE TO POWERS OF STATE CHARTERED BANKS.

Be it enacted, etc., as follows:

Paragraph 31 of section 2 of chapter 167F of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following 2 sentences:- To exercise any power and engage in any activity that is permissible for a federal bank or out-of-state bank, as defined in section 1 of chapter 167, in accordance with regulations promulgated by the commissioner; provided, however, that the activity is not otherwise prohibited under the laws of the commonwealth; provided, further, that the activity shall be subject to the same limitations and restrictions that are applicable to the federal or out-of-state bank; and provided, further, that the activity authorized for the out-of-state bank has been approved by the Federal Deposit Insurance Corporation under section 24 of the Federal Deposit Insurance Act and Part 362 of the regulations thereunder. In the event that federal or out-of-state banks lose the authority to exercise any power or engage in any activity based upon which comparable authority was granted to state chartered banks pursuant to this section, then unless such authority is authorized by another law of the commonwealth, or a rule, regulation or policy adopted pursuant to such other law of the commonwealth, or by a judicial decision, the commissioner shall revoke the authority or power for state chartered banks pursuant to this section.

Approved August 21, 2002.

Chapter 293. AN ACT AUTHORIZING THE DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO CONVEY A CERTAIN EASEMENT.

Be it enacted, etc., as follows:

SECTION 1. The commissioner of capital asset management and maintenance may, notwithstanding sections 40E to 40I, inclusive, of chapter 7 of the General Laws, convey a permanent easement in land of the commonwealth acquired for educational purposes located in the city of Fitchburg to Francis and Carleta Driscoll. Said easements are shown on a plan of land entitled "Plan of Land in Fitchburg, MA prepared for Murray Brothers Construction, Inc.", dated January 5, 2001 prepared by Whitman & Bingham Associates, Inc.

SECTION 2. The consideration paid by Francis and Carleta Driscoll for the easements shall be the full and fair market value of the property determined by the commissioner of capital asset management and maintenance based upon the independent appraisal, for the use as described herein. The inspector general shall review and approve the appraisal and the review shall include a review of methodology utilized for the appraisal. Said inspector general shall prepare a report of his review and file the report with said commissioner for submission to the house and senate committees on ways and means and chairmen of the joint committee on state administration in accordance with section 5.

SECTION 3. Francis and Carleta Driscoll shall be responsible for any costs for appraisals, surveys and other expenses relating to the transfer of the easements, or for any costs

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and liabilities and expenses of any nature and kind for their maintenance and operation.

SECTION 4. The sale price paid as consideration pursuant to section 2 shall be deposited in the General Fund.

SECTION 5. The commissioner of capital asset management and maintenance shall, 30 days before the execution of any agreement authorized by this act, or any subsequent amendment thereof, submit the agreement or amendment and a report thereon to the inspector general for his review and comment. Said inspector general shall issue his review and comment within 15 days of receipt of any agreement or amendment. Said commissioner shall submit the agreement and any subsequent amendments thereof, the reports, and the comments of said inspector general, if any, to the house and senate committees on ways and means and the chairmen of the joint committee on state administration at least 15 days before execution.

Approved August 21, 2002.

Chapter 294. AN ACT RELATIVE TO DENTAL AND VISION CARE SERVICES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to regulate forthwith health care carriers in the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The definition of "carrier" in section 1 of chapter 176 O of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by adding the following sentence:- "Carrier" shall not include any entity to the extent it offers a policy, certificate or contract that provides coverage solely for dental care services or vision care services.

SECTION 2. Section 1 shall be effective until December 31, 2005.

SECTION 3. (a) There shall be an advisory committee for the purpose of evaluating and making recommendations regarding the continuation of the exclusion of health benefit plans offering dental care services and vision care services from chapter 176O of the General Laws past December 31, 2005. The advisory committee may offer any other recommendations it deems appropriate to effectuate the intent of said chapter 176O with regard to dental and vision plans.

(b) The advisory committee shall be composed of the following individuals or organizations: the director of the bureau of managed care in the division of insurance; the director of the office of patient protection in the department of public health; a representative from the Massachusetts Association of Health Plans; a representative from the Life Insurance

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Association of Massachusetts; a representative from Health Care for All; a representative from Blue Cross and Blue Shield of Massachusetts; a dental service corporation organized under chapter 176E of the General Laws; and an optometric service corporation organized under chapter 176F of the General Laws.

(c) The advisory committee shall report to the chairs of the joint committee on health care, the chairs of the joint committee on insurance and the chairs of the house and senate committees on ways and means not later than October 1, 2004.

Approved August 24, 2002.

**Chapter 295. AN ACT AUTHORIZING THE ATTORNEY GENERAL TO
SUSPEND CERTAIN LABOR LAWS IN AN EMERGENCY.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith the suspension of certain labor laws in an emergency, 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 attorney general may, pursuant to Article XX of Part the First of the Constitution, suspend the application or operation of chapter 149 of the General Laws or any rule or regulation made thereunder which regulates, limits or prohibits the employment of minors over the age of 16, during the following periods: (a) May 25, 2003 to June 21, 2003, inclusive, on Friday and Saturday evenings only; (b) August 1, 2002, to September 4, 2002, inclusive; (c) June 21, 2003 to September 3, 2003, inclusive; (d) September 5, 2002 to October 31, 2002, inclusive, on Friday and Saturday evenings only; and (e) September 4, 2003 to October 31, 2003, inclusive, on Friday and Saturday evenings only. The attorney general may exercise such authority upon finding, after opportunity to be heard has been given to interested parties, that an emergency exists or that conditions of hardship in an industry, branch of an industry or individual establishment require or justify the suspension of any such law, rule or regulation. Any such suspension by the attorney general shall prescribe, and may be granted or limited to, the particular departments, operations or occupations within an industry, branch of an industry or individual establishment.

Approved August 24, 2002.

**Chapter 296. AN ACT RELATIVE TO THE USE OF RETIRED POLICE
OFFICERS BY THE CITY OF LEOMINSTER.**

Be it enacted, etc., as follows:

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SECTION 1. Notwithstanding any general or special law to the contrary, the city of Leominster may appoint and use retired city of Leominster police officers to perform paid police details. The police officers so appointed or used shall be under the mandatory retirement age for police officers in chapter 32 of the General Laws.

SECTION 2. Appointments made under section 1 shall be exempt from chapter 31 of the General Laws.

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

Approved August 28, 2002.

Chapter 297. AN ACT AUTHORIZING THE TOWN OF BREWSTER TO ESTABLISH A ROAD BETTERMENT FUND.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 53 of chapter 44 of the General Laws or any other general or special law to the contrary, the town of Brewster may establish a fund, which shall be kept separate and apart from all other monies of the town by the town treasurer and into which shall be deposited all road betterment payments received by the town. The town treasurer may invest the funds in the manner prescribed in sections 54 and 55 of said chapter 44. Interest earned on the fund shall be credited to the general fund of the town. The principal shall be available for expenditure by the board of selectmen, with the approval of a special or annual town meeting, for the acceptance and improvement of private ways performed in accordance with the code of the town of Brewster and chapter 80 of the General Laws.

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

Approved August 28, 2002.

Chapter 298. AN ACT RELATIVE TO VOTING PRECINCTS IN THE CITY OF REVERE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, Ward 5, Precinct 2, of the city of Revere shall be 1 precinct for the purpose of forming congressional, representative, senatorial or councilor districts, but shall have 2 polling places for the purpose of voting at any state or municipal elections. One of these polling places shall be located at 420 Revere Beach boulevard to serve voters residing north of Jackson street and shall be known as Precinct 2. The other polling place shall be located at the Freeman street fire sta-

tion to serve voters residing south of Jackson street and shall be known as Precinct 2A.

SECTION 2. Notwithstanding any general or special law to the contrary, Ward 5, Precinct 1 of the city of Revere shall be 1 precinct for the purpose of forming congressional, representative, senatorial or councilor districts, but shall have 2 polling places for the purpose of voting at any state or municipal elections. One of these polling places shall be located at the Point of Pines fire station located at 140 Lynnway to serve the voters residing on the north side of Archer avenue and this polling place shall be known as Ward 5, Precinct 1. The other polling place shall be located at the Jack Satter House located at 420 Revere Beach boulevard to serve the voters residing on the south side of Archer avenue and shall be known as Ward 5, Precinct 1A.

SECTION 3. Notwithstanding any general or special law to the contrary, Ward 2, Precinct 3 of the city of Revere shall be 1 precinct for the purpose of forming congressional, representative, senatorial or councilor districts, but shall have 2 polling places for the purpose of voting at any state or municipal elections. One of these polling places shall be located at 50 Walnut avenue to serve voters residing on the north side of Franklin avenue and shall be known as Precinct 3. The other polling place shall be located at the Garfield School to serve the voters residing on the south side of Franklin avenue and this polling place shall be known as Ward 2, Precinct 3A.

SECTION 4. The election commission of the city of Revere may take all necessary actions to assure compliance with this act including, but not limited to, such actions as assuring the accuracy of the voting lists as located at each polling place as set forth in this act. The election commission and the city clerk shall divide each of the precincts set forth in sections 1, 2 and 3 into 2 subprecincts, in each of which is located 1 of the polling places set forth in those sections, and only the names of voters who reside in each such subprecinct shall appear on the voting list for said subprecinct.

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

Approved August 28, 2002.

Chapter 299. AN ACT AUTHORIZING THE STATE RETIREMENT BOARD TO GRANT A CERTAIN PENSION TO MICHAEL G. SWEENEY.

Be it enacted, etc., as follows:

Notwithstanding any general or special law or rule to the contrary and in order to promote the public good, the state board of retirement shall retire Michael G. Sweeney, an environmental police officer of the division of environmental law enforcement due to his total and permanent incapacitation from further service. The annual retirement allowance payable to Michael G. Sweeney under this act shall be fixed in an amount equal to 72 per cent of his average regular compensation for the 12 month period in which he received his

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highest compensation as an environmental police officer. The benefits shall be effective upon the date of his retirement. Michael G. Sweeney shall be entitled to and shall receive all annual cost of living adjustments to his annual pension granted under section 102 of chapter 32 of the General Laws.

Upon the death of Michael Sweeney, the state retirement board shall pay to the surviving children of Michael Sweeney until the age of 18, a pension of equal proportion to each child which shall total $\frac{2}{3}$ of the amount of the pension payable to said Michael Sweeney at the time of his death; but for any such child who reaches the age of 18 and is then attending or attends thereafter, but before the age of 23, either a secondary school or an accredited post secondary school in an approved degree granting program, but excluding a program beyond an undergraduate degree, the payments shall continue or resume while such child is attending that program, as the case may be, until the age of 23. When such a child reaches age 23 or no longer meets the qualifications for receipt of the pension allocation provided in this section, that child's pension allocation shall cease and any remaining qualified children shall continue to receive the same amount each received before any child's allocation ceased. When the last child reaches age 23 or no longer meets the qualifications for receipt of the pension allocation as provided for herein, the pension allocation shall cease.

Approved August 28, 2002.

Chapter 300. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR 2002 TO PROVIDE FOR SUPPLEMENTING CERTAIN EXISTING APPROPRIATIONS AND FOR CERTAIN OTHER ACTIVITIES AND PROJECTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to make forthwith supplemental appropriations and related changes in certain laws, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. To provide for supplementing certain items in the general appropriation act and other appropriation acts for fiscal year 2002, the sums set forth in section 2 are hereby appropriated from the General Fund unless specifically designated otherwise herein or in said appropriation acts, for the several purposes and subject to the conditions specified herein or in said appropriation acts, and subject to the provisions of law regulating the disbursement of public funds for the fiscal year ending June 30, 2002, provided that said sums shall be in addition to any amounts previously appropriated and made available for the purposes of said items.

SECTION 2.

JUDICIARY.
Trial Court.

0330-0300	\$100,000
0330-0317	\$232,756
0332-1200	\$100,000
0332-1600	\$100,000
0332-1900	\$40,000
0332-2700	\$125,000
0332-2800	\$30,000
0332-5700	\$200,000
0332-6500	\$100,000
0332-6600	\$100,000
0332-6700	\$201,500
0332-7300	\$114,588
0332-7400	\$100,000
0332-7800	\$180,605
0333-0700	\$222,232
0333-0900	\$203,397
0333-1300	\$52,668
0336-0400	\$50,000
0337-0100	\$270,000

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.

Office of Child Care Services.

4130-1000	\$2,000,000
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Department of Youth Services.

4200-0100	\$1,071,439
4200-0101	\$1,212,262
4200-0102	\$4,232,679

Department of Public Health.

4590-0906	\$1,500,000
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DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT.

Joint Labor Management Committee

7002-0700	\$305,429
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DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT.

7004-3036 \$141,000

Alcoholic Beverages Control Commission.

7006-0100 \$162,000

EXECUTIVE OFFICE OF PUBLIC SAFETY.

Department of Correction.

8900-0001 \$9,500,000

SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to provide for an alteration of purpose for current appropriations, and to meet certain requirements of law, the sums set forth herein are hereby appropriated from the General Fund unless specifically designated otherwise herein, for the several purposes and subject to the conditions specified herein, and subject to the provisions of law regulating the disbursement of public funds for the fiscal year ending June 30, 2002, provided that said sums shall be in addition to any amounts previously appropriated and made available for the purposes of said items.

SECRETARY OF THE COMMONWEALTH.

0511-0108 The state secretary acting on behalf of the commonwealth may sell, transfer or license the corporations division software and related documents pertaining to its web based searching and filing applications, including uniform commercial code software, developed by the department of the secretary and copyrighted by it to other states, multi-state or regional associations or other sovereign governments on such terms or conditions as in his sole discretion reasonably compensates the commonwealth for its interests; provided further, that from the proceeds of such sales or license or use agreements the secretary is hereby authorized to retain and expend revenues not to exceed 10 per cent of the proceeds or \$800,000, whichever is greater, for technical activities of the corporations division, the remainder to be deposited in the General Fund; provided further, that said secretary may also provide web hosting, and on-going support and maintenance to other states, provinces or territories of Canada relative to their UCC and corporate applications; and provided further, that the state secretary may accept credit and debit cards from

individuals and corporations filing documents with the
department \$800,000

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Reserves.

1599-4040 For a reserve for the payment of certain court judgments, settlements and legal fees, in accordance with regulations promulgated by the comptroller, which were to be paid in fiscal year 2002 or a prior fiscal year; provided, that the comptroller shall report quarterly to the house and senate committees on ways and means on the amounts expended from this item; provided further, that not more than \$15,676 shall be provided to Timothy M. Burke; provided further, that not more than \$25,000 shall be provided to Rahilly pursuant to *Rahilly v. Comm* (C.A. No. 96-4732); provided further, that not more than \$2,090 shall be provided to Rooney pursuant to *Rooney v. Comm* (C.A. No. 001-11367-REK); provided further, that not more than \$1,750 shall be provided to Dr. Spencer A. Moore pursuant to (C.A. 86E0018-GI); provided further, that not more than \$863 shall be provided to George N. Asack Sr. pursuant to (C.A. 86E0018-GI); provided further, that not more than \$11,028 shall be provided to Hemenway & Barnes pursuant to (C.A. 86E0018-GI); provided further, that not more than \$825 shall be provided to Lawrence T. Perera pursuant to (C.A. 86E0018-GI); provided further, that not more than \$11,558 shall be provided to McLean Hospital pursuant to (C.A. 86E0018-GI); provided further, that not more than \$2,500 shall be provided to Moniz pursuant to *Moniz v. Comm* (C.A. No. 00-606); provided further, that not more than \$7,478 shall be provided to PPA Doody Johnson pursuant to *Johnson, PPA Doody v. Grinbert M.D.* (C.A. No. USDC-98-1006); provided further, that not more than \$29,504 shall be provided to the chief justice for administration and management pursuant to *Chief Justice for Administration & Management v. SEIU, Local 254* (C.A. No. 99-5147-F); provided further, that not more than \$3,000 shall be provided to Nason pursuant to *Nason v. MSP* (C.A. No. 99-BEM-30); provided further, that not more than \$14,024 shall be provided to the Disability Law Center pursuant to

Disability Law Center v. Emma Reil (C.A. No. 00-10789-PBS); provided further, that not more than \$29,834 shall be provided to M.C.S.C.O.A pursuant to Arbitration between M.C.S.C.O.A. & TRC; provided further, that not more than \$25,956 shall be provided to Hemenway & Barnes pursuant to Hemenway & Barnes (C.A. 86E0018-GI); provided further, that not more than \$10,683 shall be provided to McLean Hospital pursuant to (C.A. 86E0018-GI); provided further, that not more than \$20,000 shall be provided to Jackson pursuant to Jackson v. Dept. Correction (C.A. 93-00892); provided further, that not more than \$2,157 shall be provided to Johnson, Hassett & Hanley P.C. pursuant to (Defense Indemnification); provided further, that not more than \$220,000 shall be provided to Federation of State Medical Boards pursuant to Federation of State Medical Boards v. BRM (C.A. No. 01-5328B; provided further, that not more than \$262,139 shall be provided to the Massachusetts Ambulance Association (C.A. No.00-1262-B); provided further, that not more than \$55,689 shall be provided to Bruce Buckley pursuant to Lindsay v. Foley (WOCV 1997-02472); provided further, that not more than \$26,114 shall be provided to Michael Shimkus pursuant to Lindsay v. Foley (WOCV1997-02472); provided further, that not more than \$65,873 shall be provided to Philip Lindsay pursuant to Lindsay v. Foley (WOCV1997-02472); provided further, that not more than \$330 shall be provided to Ivette Vazquez pursuant to Vazquez v. WEL (C.A. No. 01-1197B); provided further, that not more than \$13,912 shall be provided to Jessica K. and South Hadley Public schools pursuant to (BSEA#00-0041); provided further, that not more than \$52,388 shall be provided to Richard J. Eckler pursuant to Eckler v. DPS (C.A. No. 98-1515); provided further, that not more than \$70,000 shall be provided to Lussier pursuant to Lussier v. NAC (C.A. No. 00-0119); provided further, that not more than \$43,307 shall be provided to Elias Ganim pursuant to (EEOC v. Commonwealth), (C.A. No. 99cv11233RGS); provided further, that not more than \$20,350 shall be provided to Michael O'Connor pursuant to (EEOC v. Commonwealth), (C.A. No.99cv11233RGS); provided further, that not more than \$10,882 shall be provided to Rojas Associates, Inc. pursuant to Rojas Associ-

ates Inc. v. MDC (C.A. No. 278643); provided further, that not more than \$12,000 shall be provided to William Chirstopher pursuant to Christopher v. DMH (C.A. No. 99-00653); provided further, that not more than \$18,914 shall be provided to the chief justice for administration and management pursuant to Chief Justice for Administration & Management v. SEIU, Local 254 (C.A. No. 99-5147-F); provided further, that not more than \$76,229 shall be provided to Reginald Messac pursuant to Messac v. DMR (C.A. No. 00-10666-JLT); provided further, that not more than \$6,000 shall be provided to Holly Lougee pursuant to Lougee v. Tauton State Hospital; provided further that not more than \$28,000 to Vezina pursuant to Vezina v. Commonwealth (C.A. No. 00-10666-JLT); provided further, that not more than \$375 shall be provided to Brody, Hardoon, Perkins & Keston pursuant to (Defense Indemnification); provided further, that not more than \$3,403 shall be provided to Brody, Hardoon, Perkins, & Keston pursuant to (Defense Indemnification); and provided further, that not more than \$24,000 shall be provided to Roberts & Hargrove pursuant to Roberts & Hargrove v MSP (C.A. No. 01-01877); and provided further, that \$40,546 shall be expended for the towns of Hadley and South Hadley for reimbursement for costs incurred on state property

	For costs incurred on state property	\$1,268,175
1599-4042	For a reserve for the department of mental retardation to comply with the provisions of the Ricci settlement	\$7,000,000
1599-8084	For a reserve for public safety costs, including but not limited to, increased security costs for salary and employee related costs for additional state police troopers at Logan airport	\$2,500,000
1599-8085	For a reserve for public safety costs, including but not limited to, increased security and protection for the commonwealth from potential terrorist threats related to the aftermath of September 11, 2001	\$7,000,000
1599-8086	For a reserve for the costs of personnel necessary to maintain minimally safe staffing levels in the trial court; provided further, that no funds shall be disbursed from this item prior to the approval by the house and senate committees on ways and means of a schedule of transfers submitted by the chief justice for administration and management of the trial court; and provided further, that said chief justice shall submit to the house and senate committees on ways and means a quarterly	

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report on the collection of probation fees established pursuant to section 87A of chapter 276 of the General Laws \$2,000,000

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Department of Environmental Protection.

2260-8872 For the costs associated with performing targeted audits of real property sites upon which activity and use limitations have been placed pursuant to chapter 21E of the General Laws, as directed by section 43 of chapter 206 of the acts of 1998; provided, that the amount appropriated herein may also be expended on increased site visits by the department, increased oversight and training of licensed site professionals, increased training of department inspectors, and increased enforcement activity and use limitations; and provided further, that the amount appropriated herein shall not exceed the interest earned on the Brownfield Revitalization Fund since its inception \$2,482,779
Brownfields Revitalization Fund 100%

Division of Standards.

7006-0068 The division of standards is hereby authorized to expend an amount not to exceed \$250,000 from revenue received from license fees assessed to owners of motor vehicle repair shops \$250,000

EXECUTIVE OFFICE OF PUBLIC SAFETY.

Department of State Police.

8100-0515 For the training and related costs of a new state police class of not more than 150 recruits \$3,500,000

Registry of Motor Vehicles.

8400-0222 Notwithstanding any general or special law to the contrary, the registry of motor vehicles shall retain up to \$2,500,000 of the renewal fees for the purposes of maintaining registry services. The registry shall deposit these funds into a retained revenue account for the purposes of expending these funds; provided, that retention of these funds shall not expire before June 30, 2003 \$2,500,000

Franklin Sheriff's Department.

8910-0188 The Franklin sheriff's department may expend for the operation of the department an amount not to exceed \$366,500 from revenues received from federal inmate reimbursements; provided, that \$500,000 from the reimbursements shall not be available for expenditure and shall be deposited in the General Fund before the retention by the department of any said 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 therefore as reported in the state accounting system, prior appropriation continued \$366,500

NO SECTION 2B.

SECTION 2C.I. For the purpose of making available in fiscal year 2003 balances of appropriations which otherwise would revert on June 30, 2002, the unexpended balances of the maintenance appropriations listed below, not to exceed the amount specified below for each item, are hereby re-appropriated for the purposes of and subject to the conditions stated for the corresponding item in section 2 of the general appropriation act for fiscal year 2003; provided, however, that for items which do not appear in said section 2 of said general appropriation act, the amounts in this section are re-appropriated for the purposes of and subject to the conditions stated for the corresponding item in section 2 or 2A of this act or in prior appropriation acts. Amounts in this section are re-appropriated from the fund or funds designated for the corresponding item in said section 2 of said general appropriation act; provided, however, that for items which do not appear in said section 2 of said general appropriation act, the amounts in this section are re-appropriated from the fund or funds designated for the corresponding item in section 2 or 2A of this act or in prior appropriation acts. The sums re-appropriated herein shall be in addition to any amounts available for said purposes.

JUDICIARY.

Trial Court.

0330-0300	\$100,000
0330-0317	\$232,756
0330-0400	\$255,888
0330-4303	\$120,000
0332-1200	\$100,000

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0332-1600	\$100,000
0332-1900	\$40,000
0332-2700	\$125,000
0332-2800	\$30,000
0332-5700	\$200,000
0332-6500	\$100,000
0332-6600	\$100,000
0332-6700	\$201,500
0332-7300	\$114,588
0332-7400	\$100,000
0332-7800	\$180,605
0333-0700	\$222,232
0333-0900	\$203,397
0333-1300	\$52,668
0336-0400	\$50,000
0337-0100	\$270,000

SECRETARY OF STATE.

0511-0108	\$800,000
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EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.*Fiscal Affairs Division.*

1101-2100	\$100,000
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Division of Capital Asset Management.

1102-3204	\$800,000
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Reserves.

1599-0033	\$1,739,599
1599-0051	\$426,032
1599-2029	\$932,000
1599-2033	\$778,000
1599-4040	\$1,268,175
1599-4042	\$7,000,000
1599-7102	\$5,000,000
1599-8084	\$2,500,000
1599-8085	\$7,000,000
1599-8086	\$2,000,000

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EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Department of Environmental Protection.

2260-8872 \$2,482,779

Department of Fisheries, Wildlife and Environmental Law Enforcement.

2320-0200 \$580,000

Metropolitan District Commission.

2410-1800 \$500,000

2440-0010 \$1,543,028

2440-0501 \$591,000

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.

4000-0112 \$110,000

4000-0125 \$5,897,560

4000-1012 \$2,000,000

Health Care Finance and Policy.

4100-0068 \$3,000,000

Office of Child Care Services.

4130-1000 \$2,000,000

Department of Youth Service.

4200-0100 \$1,071,439

4200-0101 \$1,212,262

4200-0102 \$4,232,679

Department of Public Health

4510-0710 \$100,000

4513-1118 \$150,000

4590-0906 \$1,500,000

EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.

Department of Highways.

6010-0010 \$25,000

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DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT.

Joint Labor Management Committee

7002-0700 \$305,429

DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT.

7003-0604 \$5,800,000

7003-0701 \$23,000,000

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT.

7004-0089 \$714,000

7004-3036 \$141,000

OFFICE OF CONSUMER AFFAIRS.

Division of Standards.

7006-0068 \$250,000

Alcoholic Beverages Control Commission.

7006-0100 \$162,000

DEPARTMENT OF ECONOMIC DEVELOPMENT.

7007-0950 \$1,551,637

EXECUTIVE OFFICE OF PUBLIC SAFETY.

Office of the Secretary of Public Safety.

8000-0000 \$1,300,000

Department of State Police.

8100-0515 \$3,500,000

Criminal Justice Training Council.

8200-0222 \$81,250

Registry of Motor Vehicles.

8400-0222 \$2,500,000

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Massachusetts Emergency Management Agency.

8800-2000	\$719,000
8800-2095	\$173,000

Department of Correction.

8900-0001	\$9,500,000
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Hampshire Sheriff's Department.

8910-0110	\$30,000
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Middlesex Sheriff's Department.

8910-0160	\$850,000
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Franklin Sheriff's Department.

8910-0188	\$366,500
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SECTION 3. Chapter 3 of the General Laws is hereby amended by inserting after Section 38B the following section:-

Section 38C. (a) For the purposes of this section, a mandated health benefit proposal is one that mandates health insurance coverage for specific health services, specific diseases or certain providers of health care services as part of a policy or policies of group life and accidental death and dismemberment insurance covering persons in the service of the commonwealth, and group general or blanket insurance providing hospital, surgical, medical, dental, and other health insurance benefits covering persons in the service of the commonwealth, and their dependents organized under chapter 32A, individual or group health insurance policies offered by an insurer licensed or otherwise authorized to transact accident or health insurance organized under chapter 175, a nonprofit hospital service corporation organized under chapter 176A, a nonprofit medical service corporation organized under chapter 176B, a health maintenance organization organized under chapter 176G, or an organization entering into a preferred provider arrangement under chapter 176I, any health plan issued, renewed, or delivered within or without the commonwealth to a natural person who is a resident of the commonwealth, including a certificate issued to an eligible natural person which evidences coverage under a policy or contract issued to a trust or association for said natural person and his dependent, including said person's spouse organized under chapter 176M..

(b) Joint committees of the general court and the house and senate committees on ways and means when reporting favorably on mandated health benefits bills referred to them shall include a review and evaluation conducted by the division of health care finance and policy pursuant to this section.

(c) Upon request of a joint standing committee of the general court having jurisdiction or the committee on ways and means of either branch, the division of health care

finance and policy shall conduct a review and evaluation of the mandated health benefit proposal, in consultation with other relevant state agencies, and shall report to the committee within 90 days of the request. If the division of health care finance and policy fails to report to the appropriate committee within 45 days, said committee may report favorably on the mandated health benefit bill without including a review and evaluation from the division.

(d) The party or organization on whose behalf the bill was filed shall provide the division of health care finance and policy with any cost or utilization data that they have. All interested parties supporting or opposing the bill shall provide the division of health care finance and policy with any information relevant to the division's review. The division shall enter into interagency agreements as necessary with the division of medical assistance, the group insurance commission, the department of public health, the division of insurance, and other state agencies holding utilization and cost data relevant to the division's review under this section. Such interagency agreements shall ensure that the data shared under the agreements is used solely in connection with the division's review under this section, and that the confidentiality of any personal data is protected. The division of health care finance and policy may also request data from insurers licensed or otherwise authorized to transact accident or health insurance under chapter 175, nonprofit hospital service corporations organized under chapter 176A, nonprofit medical service corporations organized under chapter 176B, health maintenance organizations organized under chapter 176G, and their industry organizations to complete its analyses. The division of health care finance and policy may contract with an actuary, or economist as necessary to complete its analysis. The report shall include, at a minimum and to the extent that information is available, the following:

(1) the financial impact of mandating the benefit, including the extent to which the proposed insurance coverage would increase or decrease the cost of the treatment or service over the next 5 years, the extent to which the proposed coverage might increase the appropriate or inappropriate use of the treatment or service over the next 5 years, the extent to which the mandated treatment or service might serve as an alternative for more expensive or less expensive treatment or service, the extent to which the insurance coverage may affect the number and types of providers of the mandated treatment or service over the next 5 years, the effects of mandating the benefit on the cost of health care, particularly the premium, administrative expenses and indirect costs of large employers, small employers, employees and nongroup purchasers, the potential benefits and savings to large employers, small employers, employees and nongroup purchasers, the effect of the proposed mandate on cost shifting between private and public payors of health care coverage, the cost to health care consumers of not mandating the benefit in terms of out of pocket costs for treatment or delayed treatment and the effect on the overall cost of the health care delivery system in the commonwealth;

(2) the medical efficacy of mandating the benefit, including the impact of the benefit to the quality of patient care and the health status of the population and the results of any research demonstrating the medical efficacy of the treatment or service compared to alternative

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treatments or services or not providing the treatment or service; and

(3) if the legislation seeks to mandate coverage of an additional class of practitioners, the results of any professionally acceptable research demonstrating the medical results achieved by the additional class of practitioners relative to those already covered and the methods of the appropriate professional organization that assures clinical proficiency.

SECTION 4. Chapter 9 of the General Laws is hereby amended by inserting after section 20A, as appearing in the 2000 Official Edition, the following section:-

Section 20B. In order to assist in the education of citizens relating to government activities including but not limited to voter registration the department may accept gifts, contributions and bequests and in-kind contributions from individuals, corporations, foundations and from federal or state government bodies for purposes of furthering the department's programs.

SECTION 5. Chapter 10 of the General Laws is hereby amended by striking out section 35M, as appearing in the 2000 Official Edition, and inserting in place thereof the following section:-

Section 35M. There shall be established upon the books of the commonwealth a separate fund to be known as the Board of Registration in Medicine Trust Fund to be used, without prior appropriation, by the board of registration in medicine established in section 10 of chapter 13 . Forty per cent of the revenues collected by said board shall be deposited into said trust fund; provided however, that 100 per cent of revenues collected by the board that are generated by any increase in the licensing fee occurring after January 1, 2002 shall be deposited into said trust fund. All monies deposited into said fund shall be expended exclusively by the board for its operations and administration; but, any unexpended balance at the end of the fiscal year shall revert to the General Fund. The board may incur expenses, and the comptroller may certify for payment, amounts in anticipation of expected receipts; but no expenditure shall be made from said fund which shall cause said fund to be in deficit at the close of a fiscal year.

SECTION 6. Chapter 10 of the General Laws is hereby amended by striking out section 35S, as so appearing, and inserting in place thereof the following section:-

Section 35S. There shall be established and set up on the books of the commonwealth a separate fund, to be administered by the commissioner of education, which shall be known as the Teacher, Principal and Superintendent Quality Endowment Fund. The fund shall consist of all revenues from public and private sources as appropriations, gifts, grants and donations and from the federal government as reimbursements, grants-in-aid or other receipts to further the purposes of the fund in accordance with sections 19B, 19C and 19E of chapter 15A. All revenues credited to the fund under this section shall remain in the fund and shall be expended without further appropriation for applications pursuant to said sections 19B, 19C and 19E of said chapter 15A. The state treasurer shall deposit and invest monies in said fund in accordance with sections 34, 34A and 38 of chapter 29 in such a manner as to secure the highest rate of return available consistent with the safety of the fund. The fund shall be expended only for the purposes stated in said sections 19B, 19C and 19E

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of said chapter 15A at the direction of the commissioner. On February 1 of each year, the state treasurer shall notify the commissioner of the projected investment earnings of the fund for the upcoming fiscal year. The treasurer shall authorize the expenditure of an amount not to exceed the interest earnings of the fund, or \$3,600,000, whichever is greater. Not more than 42 per cent of expenditures from the fund shall be for the purposes stated in said section 19C of said chapter 15A in each fiscal year, and not more than 15 per cent shall be for the purposes stated in said section 19E of said chapter 15A.

SECTION 7. The third paragraph of paragraph (c) of section 3 of chapter 29 D of the General Laws, as appearing in section 16B of chapter 177 of the acts of 2001, is hereby amended by striking out the last sentence.

SECTION 7A. The fourth paragraph of said paragraph (c) of said section 3 of said chapter 29D, as so appearing, is hereby amended by striking out the last sentence.

SECTION 8. (A) Chapter 62C of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out section 5 and inserting in place thereof the following section:-

Section 5. Any return, document or tax payment required or permitted to be filed under this chapter shall be filed with or transmitted to the commissioner in such manner, format and medium as the commissioner shall from time to time prescribe; shall contain such information as the commissioner deems pertinent; and shall contain or be accompanied by a declaration, in such form as prescribed by the commissioner, that such return or document is made under the penalties of perjury. Any return, document or payment submitted in a manner or medium other than that prescribed by the commissioner shall not be deemed to have been filed.

(B) Subsection (A) shall be effective for tax years beginning on or after January 1, 2003.

SECTION 9. Paragraph 4 of section 30 of chapter 63 of the General Laws, as so appearing, is hereby amended by adding the following clause:-

(iv) the deduction allowed by section 168(k) of said Code.

SECTION 10. Subparagraph (c) of paragraph 5 of said section 30 of said chapter 63, as so appearing, is hereby amended by striking out clause (iv).

SECTION 11. Section 8 of chapter 70 B of the General Laws, as so appearing, is hereby amended by inserting after the first paragraph the following paragraph:-

The board shall create a separate priority list for projects that have completed a project application after August 30, 2001. The board shall assign each project to a priority category and place each project on the list in order of priority category, pursuant to subsections 1 to 8, inclusive. Projects placed on the priority list shall not be re-ranked. The board shall provide funding for projects in the order of placement on the list first, by the year the board received the application, then by the application's priority category.

SECTION 12. Subsection (h) of section 5 of chapter 128A of the General Laws, as appearing in section 9 of chapter 139 of the acts of 2001, is hereby amended by inserting

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after clause (2) the following clause:-

(A) To pay, subject to appropriation, the state racing commission's expenses in excess of its appropriation for the costs to conduct each racing performance held by a racing meeting licensee, including racing meeting licensees conducting racing in conjunction with an agricultural fair; but said expenditures shall not exceed \$600,000 per fiscal year. Said payments shall include, but not be limited to, the cost of stewards, associate stewards, judges, associate judges, paddock judges, track judges, testing assistants, veterinarians, accountants, drug testing, and state police as well as any travel associated with those performances. The state racing commission shall file a report with the house and senate committees on ways and means on January 15 of each year detailing the amount of costs in excess of its appropriation and the amount of payments raised to cover said excess costs delineated by type.

SECTION 13. The third paragraph of section 87A of chapter 276 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the first and second sentences and inserting in place thereof the following 2 sentences:- The court may not waive payment of said probation fee unless it determines after a hearing and upon written finding that such payment would constitute an undue hardship on said person or his family due to limited income, employment status or any other factor. Following the hearing and upon such written finding that such payment would cause such undue hardship then in lieu of payment of said probation fee the court shall require said person to perform unpaid community work service at a public or nonprofit agency or facility, as approved and monitored by the probation department, for not less than 1 day per month.

SECTION 14. Paragraph (i) of subsection (a) of subdivision (1) of section 4A of chapter 1078 of the acts of 1973, as appearing in section 1 of chapter 589 of the acts of 1987, is hereby amended by striking out the second and third sentence and inserting in place thereof the following 2 sentences:- The committee shall be composed of 15 members including a chairman and a vice-chairman and such alternate members as the committee shall approve. Twelve committee members shall be appointed by the governor as follows: 3 firefighters from nominations submitted by the Professional Firefighters of Massachusetts, International Association of Firefighters, AFL-CIO; 3 police officers from nominations submitted by the International Brotherhood of Police Officers, NAGE, SEIU, AFL-CIO, the Boston Patrolmen's Association IUPA, AFL-CIO, the Massachusetts Coalition of Police, IUPA, AFL-CIO; and the Massachusetts Police Association and 6 from nominations submitted by the Advisory Committee on Local Government established under section 62 of chapter 3 of the General Laws.

SECTION 15. Item 1102-7967 of section 2 of chapter 12 of the acts of 1996 is hereby amended by striking out, in lines 21 and 22, the words "the Essex county jail and house of correction" and inserting in place thereof the following words:- a regional holding facility located in the county formerly known as Essex and any mitigation costs associated with locating the facility in the host community.

SECTION 16. Section 1 of chapter 297 of the acts of 1998, as amended by section 9 of chapter 88 of the acts of 2001, is hereby further amended by striking out, in line 7, the

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words "June 30, 2002" and inserting in place thereof the following words:- June 30, 2003.

SECTION 17. Section 32 of chapter 141 of the acts of 2000 is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph:-

The advisory committee shall file its final recommendations based on the final report of the independent consultant with the clerks of the house of representatives and the senate on or before September 13, 2002.

SECTION 18. Section 355 of chapter 159 of the acts of 2000 is hereby amended by striking out the fifth sentence.

SECTION 19. Section 2 of chapter 177 of the acts of 2001 is hereby amended by striking out item 1599-7102 and inserting in place thereof the following item:-

1599-7102 For the design and construction of an integrated science facility at the University of Massachusetts, Amherst and on behalf of a University affiliate Baystate Medical Center, in the city of Springfield, a life science research facility, as part of the pioneer valley life sciences initiative; provided, that funds appropriated herein may be transferred to the University of Massachusetts Building Authority reserved in equal amounts for each facility; provided further, that of the funds appropriated herein, those applied to the life science research facility in Springfield may be paid in the form of lease payments for a term of up to 20 years; provided further that no funds shall be transferred from this item for a phase of construction until the secretary of administration and finance certifies in writing to the house and senate committees on ways and means that all sources of funding for that phase of the facility have been committed and are available as necessary for commencement of design and construction; provided further, that said written certification shall include copies of all business plans, letters of financial commitment and other documentation as said secretary deems necessary to certify that all other sources of funding have been secured; provided further, that the University of Massachusetts Building Authority shall submit to the clerks of the house and senate a report which includes the following: (1) a copy of the memorandum of understanding between the University of Massachusetts and Bay State Medical center which shall provide for provisions addressing the respective intellectual and other property rights and interests of the parties, the disbursement and assignment of profits royalties and other benefits, and ethical rules and disclosure requirements of the public and private employees, (2) a detailed list of all private

donors and amounts donated for each facility, (3) a plan for design, construction, operation and maintenance and all associated costs and revenues of each facility, including the projected timeline for the completion of all phases of said project, and (4) a description of proposed title to any and all assets associated with each facility; provided further, that said secretary shall not expend any funds until such report is filed with the house and senate committees on ways and means; provided further, that in the construction and financing of said integrated science facility, notwithstanding any general or special law to the contrary, said authority may use an alternative mode of procurement of design and construction, including but not limited to, sequential construction management, turnkey, design/build procurement and the phasing of such procurement, including, but not limited to, approval of design and construction stages as separate for combined phases; provided further, that the ability to ensure labor harmony during all phases of these projects shall be determined so as to most efficiently, economically and best serve the interests of said authority, provided further, that the authority may assess liquidated damages and terminate any contract for failure to maintain said labor harmony, provided further that the payment of prevailing wages shall be required for all phases of these projects as follows: the rate per hour of the wages paid to mechanics and apprentices, teamsters, chauffeurs and laborers in the construction of public works shall not be less than the rate or rates of wages to be determined by the commissioner pursuant to chapter 149 of the General Laws; provided, that the wages paid to laborers employed on said works shall not be less than those paid to laborers in the municipal service of the town or towns where said works are being constructed; provided, further, that where the same public work is to be constructed in two or more towns, the wages paid to laborers shall not be less than those paid to laborers in the municipal service of the town paying the highest rate; provided, further, that if, in any of the towns where the works are to be constructed, a wage rate or wage rates have been established in certain trades and occupations by collective agreements or understandings in the private construction industry between organized labor and employers, the rate or rates to be paid on said works shall not

be less than the rates so established; provided further, that in towns where no such rate or rates have been so established, the wages paid to mechanics, teamsters, chauffeurs and laborers on public works, shall not be less than the wages paid to the employees in the same trades and occupations by private employers engaged in the construction industry. This section shall also apply to regular employees of the commonwealth or of a county, town, authority or district, when such employees are employed in the construction, addition to or alteration of public buildings for which special appropriations of more than \$1,000 are provided. Payments by employers to health and welfare plans, pension plans and supplementary unemployment benefit plans under collective bargaining agreements or understandings between organized labor and employers shall be included for the purpose of establishing minimum wage rates as herein provided, and in accordance with sections 27, 27A, 27B, 27C, 27D, and 27F of chapter 149 of the General Laws; provided further the university of Massachusetts and Bay State Medical Center shall enter into an agreement to form a not-for-profit corporation as defined in the United States Code \$5,000,000

SECTION 20. Item 2410-1500 of said section 2 of said chapter 177 is hereby amended by striking out the figure "\$2,639,494" and inserting in place thereof the following figure:- \$2,489,494.

SECTION 21. Item 2410-1800 of said section 2 of said chapter 177 is hereby amended by striking out the figure "\$1,412,258" and inserting in place thereof the following figure:- \$1,562,258.

SECTION 22. Item 4000-0112 of said section 2 of said chapter 177 is hereby amended by striking out, in lines 50 to 52, inclusive, the words "provided further, that \$250,000 shall be expended for Kamp for Kids, so called, operated by Abilities Unlimited in the city of Westfield" and inserting in place thereof the following words:- provided further, that \$250,000 shall be expended for site preparation and construction of a new building for Kamp for Kids, so called, operated by Abilities Unlimited in the city of Westfield.

SECTION 22A. Item 4000-0300 of said section 2 of said chapter 177 is hereby amended by striking out the figure "\$140,400,000" and inserting in place thereof the following figure:- \$186,400,000.

SECTION 23. Item 4403-2120 of said section 2 of said chapter 177 is hereby amended by adding the following words:-

General Fund 85%
Transitional Aid to Needy Families Fund 15%

SECTION 24. Item 7003-0604 of said section 2 of said chapter 177 is hereby amended by adding the following words:- ; and provided further, that the funds shall be available as a grant to the Commonwealth Corporation to enable a multiyear program to provide grants and produce, disseminate and implement best practices in Massachusetts long-term care industry; provided further, that the corporation shall submit quarterly reports to the house and senate committees on ways and means detailing expenditures, obligations and program performance; provided further, that these funds shall remain available for this purpose until June 30, 2005.

SECTION 25. Said section 2 of said chapter 177 of the acts of 2001 is hereby amended by striking out item 8910-0160 and inserting in place thereof the following item:- 8910-0160 For a retained revenue account for the Middlesex sheriff's department for reimbursements from the federal government for costs associated with the incarceration of illegal aliens at the Billerica house of correction; provided, that the department may expend an amount not to exceed \$1,700,000 from revenues collected from the incarceration of illegal aliens for operations of the department, renovation of a new training facility and one-time capital maintenance issues at the Billerica house of correction; and provided further, that all expenditures from this item shall be subject to chapter 29 of the General Laws and recorded on the Massachusetts management accounting and reporting system, so-called \$1,700,000

SECTION 26. Section 74 of said chapter 177 of the acts of 2001 is hereby amended by striking out, in the last line, the words "August 31, 2002" and inserting in place there of the following words:- December 16, 2002.

SECTION 27. Item 1599-4113 of chapter 197 of the acts of 2001 is hereby amended by adding the following words:- ; and provided further, that \$84,100 shall be made available to meet the commonwealth's obligations pursuant to articles 21A, 23A, 29 and 30B of said agreement and shall not expire until June 30, 2004.

SECTION 28. Item 1599-4115 of chapter 199 of the acts of 2001 is hereby amended by adding the following words:- ; and provided further, that \$2,645,000 shall be made available to meet the commonwealth's obligations pursuant to articles 11, 19, 23A, 24A, 25 and 31 of said agreement and shall not expire until June 30, 2004.

SECTION 29. Item 1790-2012, of section 2 of chapter 142 of the acts of 2002 is hereby amended by inserting after the word "project," the following words:- ; provided, however, no such central messaging system shall be used for the hosting or transmission of agency e-mail communications if the agency transmits information that is personal data, as defined by chapter 66A of the General Laws.

SECTION 30. Item 0330-0300 of section 2 of chapter 184 of the acts of 2002 is hereby amended by inserting after the words, "as such service is defined in chapter 32", the

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following words:- provided further, that not less than \$100,000 shall be expended from this item for a contract with Massachusetts General Hospital for a research program on abused children.

SECTION 31. Item 1201-0100 of section 2 of chapter 184 of the acts of 2002 is hereby amended by adding the following words:- ; provided further, that notwithstanding section 1 of chapter 31 of the General Laws, seasonal positions funded by this account are 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 however, that seasonal positions funded by this account may not be filled by incumbent for more than 10 months within a 12 month period;

SECTION 32. Said section 2 of said chapter 184 is hereby amended in item 4000-0500 by adding at the end thereof the following:- and provided further, that the department shall reimburse acute care hospitals in the department of mental health's designated "Northeast" area so-called, for short-term inpatient psychiatric services at the same per diem rate as is paid to hospitals located in the department of mental health's currently designated "Metro Suburban" area, so-called.

SECTION 33. Item 4401-1000 of section 2 of chapter 184 of the acts of 2002 is hereby amended by adding the following words:- ; and provided further, that not less than \$250,000 shall be expended for job training and job placement services for homeless individuals statewide through the MASS CAN program.

SECTION 34. Item 4513-1000 of said section 2 of said chapter 184 is hereby amended by striking out the words "provided further, that less than \$99,000 shall be expended for the self-esteem Boston education program;" and inserting in place the following words:- provided further, that not less than \$99,000 shall be expended for the self-esteem Boston education program.

SECTION 35. Item 4800-0038 of said section 2 of said chapter 184 is hereby amended by inserting after the words "Greater Lowell Family Resource Center", the following words:- ; provided further, that not more than \$150,000 shall be expended for a contract with Circles for Change.

SECTION 36. Said section 2 of said chapter 184 is hereby amended in item 5047-0001 by adding at the end thereof the following:- and provided further, that the department shall reimburse acute care hospitals providing acute inpatient psychiatric service, whether directly or through its managed care intermediary, at per diem rates which are at least equal to the rate paid for said services under the Massachusetts medical assistance payment schedules.

SECTION 37. Item 7003-0702 of said section 2 of said chapter 184 is hereby amended by striking out the words "provided, that not more than \$400,000 shall be expended for the operation and maintenance of the Massachusetts biotechnology research institute for the purpose of promoting the commercialization of new, academic based research and development, and raising the scientific awareness of the communities of the Commonwealth"

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and inserting in place thereof the following words:- provided, that not less than \$400,000 shall be expended for the operation and maintenance of the Massachusetts biotechnology research institute for the purpose of promoting the commercialization of new, academic based research and development, and raising the scientific awareness of the communities of the commonwealth.

SECTION 38. Said section 2 of said chapter 184 is hereby amended by striking out item 7004-3036, and inserting in place thereof the following item:-

7004-3036 For housing services and counseling; provided, that not more than \$1,000,000 shall be expended as grants for the operation of nine regional housing consumer education centers operated by the regional nonprofit housing agencies; provided further, that the grants shall be through a competitive application process pursuant to criteria created by the department; provided further, that the department shall report to the house and senate committees on ways and means not later than February 1, 2003 on possible savings and efficiencies through consolidation of said services and counseling; and provided further, that no funds shall be expended from this item in the AA subsidiary, so-called, for the compensation of state employees; provided further, that funds may be expended West Broadway task force to provide certain tenant services; provided further, that \$80,925 shall be expended for the Central Mass Housing Alliance; and provided further, that not less than \$141,000 shall be expended for the JUST-A-START CORPORATION to administer a housing stabilization and conflict management services program to prevent homelessness \$1,080,925

SECTION 39. Said section 2 of said chapter 184 is hereby further amended by striking out item 7007-0515 and inserting in place thereof the following item:-

7007-0515 For grants to be allocated by the department in support of regional redevelopment projects; provided, that not less than \$200,000 shall be expended for a grant to the South Shore Tritown Development Corporation established in chapter 301 of the acts of 1998; provided further that not less than \$200,000 shall be expended for the Massachusetts Fisheries Recovery Commission \$400,000

SECTION 40. Item 7030-1000 of said section 2 of said chapter 184 is hereby amended by inserting after the words "pursuant to said section 54 of said chapter 15" the following words:-

provided further, that the amount by which the funds appropriated in this item exceed the amount appropriated in item 7030-1000 of chapter 60 of the acts of 1994 shall be used

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to provide services to the children of working parents; provided further, that notwithstanding said section 54 of said chapter 15 of the general laws, school districts and head start agencies that served as lead agencies in fiscal year 2002 shall receive funds in fiscal year 2003 in proportion to the amount each received in fiscal year 2002;

SECTION 41. Item 7061-0012 of said section 2 of said chapter 184 is hereby amended by adding the following words:- ; and provided further, that not more than \$525,000 shall be expended for the costs of borrowing audiotaped textbooks by special needs students whose disabilities include, but shall not be limited to: blindness, visual impairments, learning disabilities such as dyslexia, or physical disabilities such as cerebral palsy that limit the use of standard print, and for the cost of an outreach program geared toward special education teachers, students and parents regarding the services of such program.

SECTION 42. Item 8000-0010 of said section 2 of said chapter 184 is hereby amended in section 2, item 8000-0010 by inserting after the word "Fitchburg" the following words:- , provided further, that \$85,500 shall be provided for community policing in the town of Framingham.

SECTION 43. Said chapter 184 is hereby amended by striking out section 180 and inserting in place thereof the following section:-

Section 180. (a) Notwithstanding any general or special law to the contrary, in fiscal year 2003, monies in the Health Care Quality Improvement Trust Fund, established pursuant to section 2EEE of chapter 29 of the General Laws, shall be expended in the following manner:

(1) Not more than \$70,000,000 to fund the use of 2000 base year cost information for rate determination purposes, effective July 1, 2002;

(2) an amount that will annualize to no more than \$128,350,000 for enhanced payment rates to nursing homes;

(3) an amount that will annualize to no more than \$50,000,000 to fund a rate add-on for wages, hours and benefits and related employee costs of direct care staff of nursing homes. As a condition for such rate add-on, the division of health care finance and policy shall require that each nursing home document to said division that such funds are spent only on direct care staff by increasing the wages, hours and benefits of direct care staff, increasing the facility's staff-to-patient ratio, or by demonstrably improving the facility's recruitment and retention of nursing staff to provide quality care, which shall include expenditure of funds for nursing facilities which document actual nursing spending that is higher than the median nursing cost per management minute in the base year used to calculate Medicaid nursing facility rates. The division shall credit wage increases that are over and above any previously collectively bargained for wage increases. The expenditure of these funds shall be subject to audit by said division in consultation with the department of public health and the division of medical assistance. In implementing this section, the division shall consult with the Nursing Home Advisory Council;

(4) an amount that will annualize to no more than \$12,000,000 to fund rate adjustments for reasonable capital expenditures by nursing homes, giving priority to nursing

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homes located or constructed in under-bedded areas as determined by the division of medical assistance, in consultation with the division of health care finance and policy, that meet quality standards established by the division of medical assistance in conjunction with the department of public health and the division of health care finance and policy for the purposes of encouraging the upgrading and maintenance of quality of care in nursing homes, and to fund rate adjustments to eligible nursing homes that meet utilization standards established by the division of medical assistance in consultation with the division of health care finance and policy for the purpose of reducing unnecessary nursing home admissions and facilitating the return of nursing home residents to non-institutional settings;

(5) \$300,000 for the purposes of an audit of funds distributed pursuant to clause (3) of this paragraph. The division of health care finance and policy, in consultation with the department of public health and with the assistance of the division of medical assistance, shall establish penalties sufficient to deter noncompliance to be imposed against any facility that expends any or all monies in violation of clause (c) of section 2EEE of chapter 29 of the General Laws, including but not limited to recoupment, assessment of fines or interest. The division shall report to the house and senate committees on ways and means not later than October 1, 2003 a preliminary analysis of funds expended pursuant to said clause in fiscal year 2003 and a description and timeline for auditing of these funds;

(6) \$3,000,000 to fund expenses at the division of health care quality within the department of public health to enforce and improve nursing home quality standards partially funded in item 4510-0710 of section 2; provided that \$1,000,000 shall be expended to support boards of registration being transferred to or serving in the department of public health;

(7) \$250,000 to fund expenses at the division of health care finance and policy related to the implementation and administration of sections 25 and 26 of chapter 118G of the General Laws;

(8) \$4,100,000 for the career ladder grant program in long-term care established pursuant to section 410 of chapter 159 of the acts of 2000; provided that the grants shall be available for certified nurses' aides, home health aides, homemakers and other entry level workers in long term care; provided further, that the length of such grants shall not exceed a period of 3 years; provided further, that the funds shall be available as a grant to the Commonwealth Corporation to enable a multiyear program to provide grants and produce, disseminate and implement best practices in Massachusetts long-term care industry; provided further, that the corporation shall submit quarterly reports to the house and senate committees on ways and means on said grant program including, but not limited to, the number of grants awarded, the amount of each grant, a description of the career ladder programs, changes in care-giving and workplace practices that have occurred and their impact on quality of care and worker retention and the certificates, degrees or professional status attained by each participating employee; provided further, that the administrative and program management costs for the implementation of said grant program shall not exceed 6 per cent of the amount appropriated in this item; provided further, that the corporation shall report to the house and

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senate committees on ways and means quarterly detailing their administrative expenses and their efforts to obtain grants or other funding to support its administrative costs or program costs; provided further that each grant may include funding for technical assistance and evaluation; provided further, that the corporation shall submit quarterly reports to the house and senate committees on ways and means detailing expenditures, obligations and program performance; provided further, that these funds shall remain available for this purpose until June 30, 2007;

(9) \$6,500,000 for grants to community health centers for one-time grants to be administered on the basis of demonstrated need as a result of changes to section 9A of chapter 118E of the General Laws;

(10) \$750,000 for health care facilities licensed by the department of public health as non-acute chronic hospitals with not fewer than 700 licensed beds, and not fewer than 200,000 Medicaid patient days in state fiscal year 2001, with an established geriatric teaching program for medical students, residents and fellows, students of nursing and other allied health professions and with an established institute conducting multi-disciplinary research into biomedical, psychological, cognitive behavioral and organizational factors associated with aging;

(11) an amount sufficient to implement the provisions of section 622 of chapter 151 of the acts of 1996; and

(12) payment for services provided to MassHealth members by pharmacies participating in MassHealth.

(b) The comptroller shall transfer from the Health Care Security Trust Fund to the Health Care Quality Improvement Trust Fund on the first business day of each quarter, the amount indicated by the divisions of health care finance and policy and medical assistance to provide the appropriate rate increases to nursing homes.

SECTION 44. Chapter 184 of the acts of 2002 is hereby amended by striking out section 183 and inserting in place thereof the following section:-

Section 183. Notwithstanding any general or special law to the contrary, regulations adopted by the commissioner of revenue shall implement and be consistent with the following:

a.) The Department of Revenue shall include a provision on the state personal income tax forms allowing taxpayers to voluntarily pay tax at a rate of 5.85 per cent on taxable income which would otherwise be taxed at a rate of 5.3 per cent.

b.) Said Department shall report annually on the number of taxpayers who elect to pay the rate of 5.85 per cent and the amount of revenues generated from said election.

SECTION 45. Said chapter 184 is hereby amended in section 198 by striking the figure "\$425,000,000" and inserting in place thereof the following:- \$499,000,000.

SECTION 46. Section 2D of Chapter 184 of the acts of 2002 is hereby amended by inserting after item 7002-6644 the following item:-

7002-6645 For the purposes of a federally funded grant entitled, Reed Act-State Unemployment Trust Fund Distribution, to support

the costs of initiatives which will enhance and improve the operations and offerings of the Massachusetts One-Stop Career Center System and provide increased direct benefits to Massachusetts workers and employers; provided, that not more than \$925,000 shall be expended for the operation of the New Perspectives Program, so-called, an effort to provide intensive assessment and counseling services to Massachusetts workers who need assistance in adjusting to career change; provided further, that not more than \$800,000 shall be expended for enhancements to the Massachusetts One-Stop Employment System (MOSES) including, but not limited to, the construction of a relational database, the creation of a capacity for job seekers to conduct intelligent searches of multiple commercial internet-based job banks, and improvements in the services offered to employers in the Massachusetts job bank; provided further, that not less than \$300,000 shall be expended for a comprehensive job vacancy survey; provided further, that not less than \$400,000 shall be expended for the costs associated with integrating existing stand-alone workforce development performance management systems into the MOSES system; and provided further, that all funds appropriated under this line item must be expended within 2 years of the enactment of this act \$2,425,000

SECTION 47. Chapter 236 of the acts of 2002 is hereby amended, in section 34, by striking the following item:- 2120-8882.

SECTION 48. Item 7100-0000 of section 2A of chapter 245 of the acts of 2002 is hereby amended by adding at the end thereof the following words:- ; and provided further, that not less than \$5,000,000 shall be expended for the design and construction of an integrated science facility at the University of Massachusetts, Amherst or on behalf of a University affiliate in the city of Springfield, a life science research facility, as part of the pioneer valley life sciences initiative.

SECTION 49. Item 8000-2011 of section 2A of Chapter 245 of the acts of 2002 is hereby amended by adding at the end thereof the following words:- ; and provided further, that not less than \$150,000 shall be provided to the registry of motor vehicle to replace the h-vac system, so-called at the commercial registry building in the city of Marlborough.

SECTION 50. Item 2440-0010 of section 2 of chapter 127 of the acts of 1999 by striking in said item the phrase "Nike Site, so-called" and inserting in place thereof the following:- "North Randolph Little League."

SECTION 51. Notwithstanding the provisions of any general or special law to the contrary, not later than 10 days after the effective date of this act, the comptroller shall transfer \$24,000,000 from the MBTA Infrastructure Renovation Fund, established in section

35U of chapter 10 of the General Laws, to the General Fund.

SECTION 52. There is hereby established a special commission to consist of 19 members to review how technology can best utilized to improve teaching and learning in public education. The special commission shall consist of the following members; three members of the Senate, to be appointed by the Senate President; the Minority Leader of the Senate, or his designee; three members of the House of Representatives, to be appointed by the Speaker; the minority leader of the House, or his designee; the chairman of the board of education, or his designee; the commissioner of the department of education, or his designee; the state's chief information technology officer, or his designee; and 8 persons to be appointed by the governor, one of whom shall be a representatives from the Massachusetts teachers associations, one of whom shall be a representative of the Massachusetts Superintendents Association, one of whom shall be a representative of the Massachusetts Software and Internet Council, one of whom shall be a representative of the group known as Business and Education for Schools and Technology, one of whom shall be from the business community, and two of whom shall be education/technology coordinators for local school districts. The special commission shall be chaired by the House and Senate chairman of the Joint committee on education, arts and humanities.

In undertaking its review, the special commission shall examine among such areas it deems necessary, the following: the need for additional educational technology in schools throughout the state and the types of technology needed; ways to enhance professional development and teacher training in the effective use of technology in support of curriculum; statutory of regulatory changes needed to enhance educational technology, including, but not limited to, integrating technology into school building design; funding major education/technology initiatives in the Commonwealth and throughout the country and the impact that such initiatives in the Commonwealth and throughout the country and the impact that such initiatives have had on teaching, learning, and student achievement, including standardized testing; the need for a pilot program for 7th and 8th grade students and teachers in up to 9 schools districts to provide one to one, wireless, portable full featured computing devices including, but not limited to, potential funding sources for such a program and a structured for the implementation of such a program; and effective methods of measuring student achievement and learning using technology.

The special commission shall submit a report to the house and senate committees on ways and means on or before June 30, 2003.

SECTION 53. Notwithstanding any general or special law to the contrary, the comptroller is hereby authorized and directed to revise the percentages established in the Watershed Management Fund fund split, so called, contained in appropriation items 2410-0900, 2410-1000, 2410-1200, 2410-1300, 2410-1400, 2410-1500, 2410-1600, 2410-1700, and 2410-1800 in state fiscal year 2002. Said revisions shall be based upon a written certification to the comptroller by the commissioner of the metropolitan district commission that the proposed changes accurately reflect the distribution of actual expenditures

incurred by the Watershed Management Division. Said written certification shall be supported and accompanied by a detailed schedule of Watershed Management Division expenditures. As a prerequisite, said revisions shall be subject to the prior approval of the secretary of administration and finance. The comptroller shall then report by October 1, 2002 to the house and senate committees on ways and means and the secretary of administration and finance any revisions made to the fund splits in regard to this section.

SECTION 54. No funds from the Health Care Quality Improvement Trust Fund established in section 2EEE of chapter 29 of the General Laws or appropriated in items 4000-0600 and 4000-1008 of the general appropriation act for fiscal year 2003 shall be used directly or indirectly by a recipient nursing home or health care facility for political contributions, lobbying activities, entertainment expenses or efforts to assist, promote, deter or discourage union organizing. As a condition of receiving monies from the fund or items 4000-0600 and 4000-1008, a nursing home or health care facility shall provide a certification to the division of medical assistance that no funds shall be used for such activities. If the division determines that a recipient of monies from the fund or items 4000-0600 and 4000-1008 has spent such monies in violation of this section, the recipient nursing home or health care facility shall be required to document the cost of such activity. The division of medical assistance shall conduct an investigation or audit if a complaint is filed by any person alleging a violation of this section. The division shall consider that there is a rebuttable presumption that such activities were funded in part from such monies and shall require the recipient nursing home or health care facility to provide all appropriate information and documentation showing that no such monies were used for activities in violation of this section. An expense, including legal and consulting fees and salaries of supervisors and employees, incurred for research for, preparation, planning or coordination of, or carrying out an activity to assist, promote or deter union organizing shall be treated as paid or incurred for that activity. An expense incurred in connection with: (1) addressing a grievance or negotiation or administering a collective bargaining agreement; (2) performing an activity required by federal or state law or by a collective bargaining agreement; or (3) obtaining legal advice about rights and responsibilities under federal or state law shall not be treated as paid or incurred for activities to assist, promote, deter or discourage union organizing. Monies spent in violation of this section shall be reimbursed to the fund or the division of medical assistance as appropriate.

SECTION 55. Notwithstanding the provisions of any general or special law to the contrary, the division of medical assistance may expend an amount not to exceed \$16 million from the medical assistance intergovernmental transfer account within the Uncompensated Care Trust Fund for Title XIX payments to certain publicly owned or publicly operated providers. Such payments shall be established in accordance with Title XIX of the federal Social Security Act, or any successor federal statute, any regulations promulgated thereunder, the Massachusetts Title XIX state plan and the terms and conditions of agreements reached with the division for such payments. No funds shall be expended unless a public entity is legally obligated to make an intergovernmental funds transfer in an amount specified in an

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agreement with such entity, which amount shall not be less than fifty per cent of such Title XIX payment. All revenues generated pursuant to the provisions of this section shall be credited to the medical assistance intergovernmental transfer account and administered in accordance with the provisions of subsection (o) of section 18 of chapter 118G of the General Laws.

SECTION 56. Notwithstanding any general or special law to the contrary, the division of medical assistance shall expend \$73,000,000 from the medical assistance inter-governmental transfer account within the Uncompensated Care Trust Fund for a one-time supplemental rate payment to the University of Massachusetts memorial hospital for hospital services provided pursuant to the terms and conditions of the contract between the division and said hospital. Said medical assistance inter-governmental transfer account shall be reimbursed \$36,500,000 by the University of Massachusetts medical school pursuant to this section.

SECTION 57. Notwithstanding any general or special law to the contrary, any member in service, who is currently an employee of the Massachusetts Bay Transportation Authority and a member of Local 105 MBTA, and who was an employee of the Authority and a member of said local at any time from 1967 to 1996, inclusive, and who has not previously purchased creditable service for any employment time during the aforementioned period for which regular deductions were not made pursuant to chapter 32 of the General Laws shall be entitled to one year of creditable service for any one year of employment during said period; provided however, that no such creditable service shall be granted until such member in service has paid into the annuity savings fund of the system, in one sum or installments, upon such terms and conditions as the board prescribes, an amount equal to the regular deductions, together with interest thereon, that would have been contributed by said member during the year of employment for which the member is now seeking creditable service pursuant to this act. For the purpose of construing this act, the following words shall have the same meanings as are conferred to those words by section 1 of chapter 32 of the General Laws: 'annuity savings fund', 'board', 'creditable service', 'member', 'regular deductions', 'service' and 'system'.

SECTION 58. (a) The International Emergency Management Assistance Compact, hereinafter referred to as the "compact", is made and entered into by and among such of the jurisdictions as shall enact or adopt this compact, hereinafter referred to as "party jurisdictions." For the purposes of this agreement, the term "jurisdiction" may include any or all of the states of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island and Connecticut and the provinces of Quebec, New Brunswick, Prince Edward Island, Nova Scotia and Newfoundland and such other states and provinces as may hereafter become a party to this compact.

The purpose of this compact is to provide for the possibility of mutual assistance among the jurisdictions entering into this compact in managing any emergency or disaster when the governor or premier of an affected jurisdiction asks for assistance, whether arising from natural disaster, technological hazard, manmade disaster or civil emergency aspects of

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resources shortages.

This compact also provides for the process of planning mechanisms among the agencies responsible and for mutual cooperation including, if necessary, emergency-related exercises, testing or other training activities using equipment and personnel simulating performance of any aspect of the giving and receiving of aid by party jurisdictions or subdivisions of party jurisdictions during emergencies, with such actions occurring outside actual declared emergency periods. Mutual assistance in this compact may include the use of emergency forces by mutual agreement among party jurisdictions.

(b) Each party jurisdiction entering into this compact recognizes that many emergencies may exceed the capabilities of a party jurisdiction and that intergovernmental cooperation is essential in such circumstances. Each jurisdiction further recognizes that there will be emergencies that may require immediate access and present procedures to apply outside resources to make a prompt and effective response to such an emergency because few individual jurisdictions have all the resources they need in all types of emergencies or the capability of delivering resources to areas where emergencies exist.

The prompt, full and effective utilization of resources of the participating jurisdictions, including any resources on hand or available from any other source that are essential to the safety, care and welfare of the people in the event of any emergency or disaster declared by a party jurisdiction, shall be the underlying principle on which all articles of this compact are understood.

On behalf of the governor of each state or premier of each province participating in the compact, the legally designated official who is assigned responsibility for emergency management shall be responsible for formulation of the appropriate interjurisdictional mutual aid plans and procedures necessary to implement this compact for recommendations to the jurisdiction concerned with respect to the amendment of any statutes, regulations or ordinances required for that purpose.

(c) (1.) It shall be the responsibility of each party jurisdiction to formulate procedural plans and programs for interjurisdictional cooperation in the performance of the responsibilities listed in this section. In formulating and implementing such plans and programs the party jurisdictions, to the extent practical, shall:

(A) review individual jurisdiction hazards analyses that are available and, to the extent reasonably possible, determine all those potential emergencies the party jurisdictions might jointly suffer, whether due to natural disaster, technological hazard, manmade disaster or emergency aspects of resource shortages;

(B) initiate a process to review party jurisdictions' individual emergency plans and develop a plan to determine the mechanism for the interjurisdictional cooperation;

(C) develop interjurisdictional procedures to fill any identified gaps and to resolve any identified inconsistencies or overlaps in existing or developed plans;

(D) assist in warning communities adjacent to or crossing jurisdictional boundaries;

(E) protect and ensure uninterrupted delivery of services, medicines, water, food, energy and fuel, search and rescue and critical lifeline equipment, services and resources,

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both human and material to the extent authorized by law;

(F) inventory and agree upon procedures for the interjurisdictional loan and delivery of human and material resources, together with procedures for reimbursement or forgiveness; and

(G) provide, to the extent authorized by law, for temporary suspension of any statutes or ordinances over which the province or state has jurisdiction that impede the implementation of the responsibilities described in this subsection.

(2.) The authorized representative of a party jurisdiction may request assistance of another party jurisdiction by contacting the authorized representative of that jurisdiction. These provisions only apply to requests for assistance made by and to authorized representatives. Requests may be verbal or in writing. If verbal, the request shall be confirmed in writing within 30 days of the verbal request. Requests shall provide the following information:

(A) a description of the emergency service function for which assistance is needed and of the mission including, but not limited to, fire services, emergency medical, transportation, communications, public works and engineering, building inspection, planning and information assistance, mass care, resource support, health and medical services and search and rescue;

(B) the amount and type of personnel, equipment, materials and supplies necessary and a reasonable estimate of the length of time they will be needed; and

(C) the specific place and time for staging of the assisting party's response and a point of contact at the location.

(3.) There shall be frequent consultation among the party jurisdiction officials who have assigned emergency management responsibilities, such officials collectively known hereinafter as the International Emergency Management Group, and other appropriate representatives of the party jurisdictions with free exchange of information, plans and resource records relating to emergency capabilities to the extent authorized by law.

(d) A party jurisdiction requested to render mutual aid or conduct exercises and training for mutual aid shall undertake to respond as soon as possible, except that it is understood that the jurisdiction rendering aid may withhold or recall resources to the extent necessary to provide reasonable protection for that jurisdiction. Each party jurisdiction shall afford to the personnel of the emergency forces of any party jurisdiction, while operating within its jurisdictional limits under the terms and conditions of this compact and under the operational control of an officer of the requesting party, the same powers, duties, rights, privileges and immunities as are afforded similar or like forces of the jurisdiction in which they are performing emergency services. Emergency forces continue under the command and control of their regular leaders, but the organizational units come under the operational control of the emergency services authorities of the jurisdiction receiving assistance. These conditions may be activated, as needed, by the jurisdiction that is to receive assistance or upon commencement of exercises or training for mutual aid and continue as long as the exercises or training for mutual aid are in progress, the emergency or disaster remains in effect

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or loaned resources remain in the receiving jurisdiction or jurisdictions, whichever is longer. The receiving jurisdiction shall be responsible for informing the assisting jurisdictions of the specific moment when services will no longer be required.

(e) Whenever a person holds a license, certificate or other permit issued by any jurisdiction party to the compact evidencing the meeting of qualifications for professional, mechanical or other skills, and when such assistance is requested by the receiving party jurisdiction, such person shall be deemed to be licensed, certified or permitted by the jurisdiction requesting assistance to render aid involving such skill to meet an emergency or disaster, subject to such limitations and conditions as the requesting jurisdiction prescribes by executive order or otherwise.

(f) A person or entity of a party jurisdiction rendering aid in another jurisdiction pursuant to this compact shall be agents of the requesting jurisdiction for tort liability and immunity purposes. A person or entity rendering aid in another jurisdiction pursuant to this compact shall not be liable on account of any act or omission in good faith on the part of such forces while so engaged or on account of the maintenance or use of any equipment or supplies in connection therewith.

For the purposes of this subsection, good faith shall not include willful misconduct, gross negligence or recklessness.

(g) Because it is probable that the pattern and detail of the machinery for mutual aid among 2 or more jurisdictions may differ from that among the jurisdictions that are party to this compact, this compact contains elements of a broad base common to all jurisdictions, and nothing in this compact shall preclude any jurisdiction from entering into supplementary agreements with another jurisdiction or affect any other agreements already in force among jurisdictions. Supplementary agreements may include, but shall not be limited to, provisions for evacuation and reception of injured and other persons and the exchange of medical, fire, public utility, reconnaissance, welfare, transportation and communications personnel, equipment and supplies.

(h) Each party jurisdiction shall provide, in accordance with its own laws, for the payment of workers' compensation and death benefits to injured members of the emergency forces of that jurisdiction and to representatives of deceased members of those forces if the members sustain injuries or are killed while rendering aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within their own jurisdiction.

(i) A party jurisdiction rendering aid in another jurisdiction pursuant to this compact shall, if requested, be reimbursed by the party jurisdiction receiving such aid for any loss or damage to or expense incurred in the operation of any equipment and the provision of any service in answering a request for aid and for the costs incurred in connection with those requests. An aiding party jurisdiction may assume in whole or in part any such loss, damage, expense or other cost or may loan such equipment or donate such services to the receiving party jurisdiction without charge or cost. Any 2 or more party jurisdictions may enter into

supplementary agreements establishing a different allocation of costs among those jurisdictions. Expenses under subsection (h) shall not be reimbursable under this section.

(j) Each party jurisdiction shall initiate a process to prepare and maintain plans to facilitate the movement of and reception of evacuees into its territory or across its territory, according to its capabilities and powers. The party jurisdiction from which the evacuees came shall assume the ultimate responsibility for the support of the evacuees and, after the termination of the emergency or disaster, for the repatriation of such evacuees.

(k) (1) This compact is effective upon its execution or adoption by any 2 state or province jurisdictions and is effective as to any other jurisdiction upon its execution or adoption thereby, subject to approval or authorization by the United States Congress, if required, and subject to enactment of provincial or state legislation that may be required for the effectiveness of the compact.

(2) A party jurisdiction may withdraw from this compact but the withdrawal shall not take effect until 30 days after the governor or premier of the withdrawing party jurisdiction has given notice in writing of such withdrawal to the governors or premiers of all other party jurisdictions.

The action does not relieve the withdrawing jurisdiction from obligations assumed under this compact prior to the effective date of withdrawal.

(3.) Duly authenticated copies of this compact in the French and English languages and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party jurisdictions.

(l) This compact shall be construed to effectuate the purposes stated in subsection (a). If any provision of this compact is declared unconstitutional or the applicability of the compact to any person or circumstances is held invalid, the validity of the remainder of this compact and the applicability of the compact to other persons and circumstances shall not be not affected.

(m) The validity of the arrangements and agreements consented to in this compact shall not be affected by any insubstantial difference in form or language as may be adopted by the various states and provinces.

(n) This compact may be amended by agreement of the party jurisdictions.

SECTION 59. Notwithstanding the provisions of any general or special law to the contrary, the commissioner of revenue shall accept applications for abatement of tax on behalf Old Colony Stationary Inc. of Whitinsville for the tax years 1994, 1995, 1996 and 1997. Such applications shall be considered timely if filed with the commissioner within 90 days from the effective date of this act. Any abatement paid pursuant to these applications shall not include payment of interest or of any costs related to the filing of the applications.

SECTION 60. Notwithstanding any general or special law to the contrary, in order to achieve a balanced budget as defined in section 1 of chapter 29 of the General Laws, the comptroller shall transfer from the Stabilization Fund, established pursuant to section 2H of said chapter 29, to the General Fund an amount necessary for the consolidated net surplus,

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as defined in said section 1 of said chapter 29, to equal one half of one percent of state revenues of such fiscal year; provided, that said transfer amount shall not exceed \$180,000,000.

SECTION 61. Section 3 of this act is hereby repealed.

SECTION 62. Section 61 is effective January 1, 2005.

SECTION 63. Sections 9 and 10 shall be effective for taxable years ending after September 10, 2001.

This bill was returned on August 30, 2002, by the Lieutenant-Governor, Acting Governor to the House of Representatives, the branch in which said bill was originated, with Her objections in writing to the following items therein:

SECTION 2: 0330-0300, 4130-1000

SECTION 2A: 0511-0108

SECTION 2C.1: 0330-0300, 0330-4303, 0511-0108, 1102-3204, 2440-0501, 4130-1000, 4510-0710, 4613-1118, 6010-0010, 7007-0950, 8910-0160

SECTIONS: 25, 29, 30, 33, 24, 35, 36, 40, 42, 49, 54, 59

SECTION 2 *Items reduced in amount*

Item	Reduce by	Reduce to
0332-7400	70,000	30,000

SECTION 2C.1 *Items reduced in amount*

Item	Reduce by	Reduce to
0332-7400	70,000	30,000
1599-8086	430,000	1,570,000
4000-1012	250,000	1,750,000
4100-0068	1,000,000	2,000,000

SECTION 2A *Items reduced in amount and by striking the wording*

Item	Reduce by	Reduce to	Wording Stricken
1599-8086	430,000	1,570,000	; provided further, that no funds shall be disbursed from this item prior to the approval by the house and senate committees on ways and means of a schedule of transfers submitted by the chief justice for administration and management of the trial court

Pursuant to Article 63, Section 5 of the Amendments to the Constitution, the Lieutenant-Governor, Acting Governor sent a separate letter to the Senate and the House of Representatives setting forth recommended amendments.

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The remainder of the bill was approved by the Governor on August 30, 2002 at three o'clock and forty-five minutes, P.M.

Chapter 301. AN ACT AUTHORIZING AFFORDABLE HOUSING COVENANTS IN THE TOWN OF NANTUCKET.

Be it enacted, etc., as follows:

SECTION 1. The general court finds that there is a housing crisis on Nantucket Island arising from the housing demand created by seasonal visitors purchasing or renting housing in competition with the demand created by seasonal employees, which competition then adversely affects the ability of current or prospective residents to obtain housing.

SECTION 2. Notwithstanding the provisions of any general or special law to the contrary, the town of Nantucket may adopt by-laws to designate the Nantucket Housing Authority as the agency authorized to create, administer and enforce Nantucket housing needs covenants. These covenants shall run with the land for a specified number of years or if no termination date is specified then in perpetuity, and shall be executed by or on behalf of the owner of the land appropriate to (a) limiting the use of all or part of the land to occupancy by persons or families of middle income in either rental or other housing, (b) restricting the resale price of all or part of the property in order to ensure its affordability by future middle income purchasers, or (c) in any way limiting or restricting the use or enjoyment of all or any portion of the land for the purpose of encouraging or ensuring the creation or retention of rental and other housing for occupancy by middle income persons and families.

SECTION 3. For purposes of this act, "middle income persons and households" shall mean persons and households earning less than 150 per cent of Nantucket county median household income as reported from time to time by the United States Department of Housing and Urban Development.

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

Approved August 30, 2002.

Chapter 302. AN ACT RELATIVE TO REPEAT OFFENDERS OF THE CRIME OF OPERATING A MOTOR VEHICLE UNDER THE INFLUENCE OF ALCOHOL.

Be it enacted, etc., as follows:

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SECTION 1. Section 24 of chapter 90 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in lines 30, 60, 94, 128, 203 and in lines 210 and 211, the words "within ten years".

SECTION 2. Said section 24 of said chapter 90, as so appearing, is hereby further amended by striking out, in lines 193 and 194, the words "within a period of ten years immediately".

SECTION 3. Said section 24 of said chapter 90, as so appearing, is hereby further amended by striking out, in line 277, in lines 297 and 298, lines 323 and 324, lines 352 and 353, lines 381 and 382 and in lines 408 and 885, the words "within a period of ten years".

SECTION 4. Said section 24 of said chapter 90, as so appearing, is hereby further amended by striking out, in lines 518 and 519, the words "within ten years of the date of the charge in question".

SECTION 5. Section 24D of said chapter 90, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following 2 paragraphs:-

This section shall apply to any person who has never been convicted of operating a motor vehicle while under the influence of intoxicating liquor or assigned to an alcohol or controlled substance education, treatment or rehabilitation program because of a like offense by a court of the commonwealth or any other jurisdiction. This section shall also apply to any person convicted of or charged with operating a motor vehicle while under the influence of intoxicating liquor who has been convicted of such offense or assigned to an alcohol or controlled substance education, treatment or rehabilitation program because of a single like offense by a court of the commonwealth or any other jurisdiction 10 years or more before the date of the commission of the offense for which he is to be sentenced, once in his lifetime. If, after receiving a sentence for a second disposition pursuant to this paragraph, a person is convicted of an additional operating under the influence of intoxicating liquor all prior convictions or assignments to an alcohol or controlled substances program by a court of the commonwealth or any other jurisdiction shall be counted for purposes of sentencing under subdivision (1) of section 24.

This section shall not apply to any person who caused serious personal injury to or the death of another person during the events that gave rise to the complaint or indictment for operating under the influence of alcohol.

Approved August 30, 2002.

**Chapter 303. AN ACT RELATIVE TO THE POSITION OF DEPUTY FIRE CHIEF
IN THE TOWN OF ATHOL.**

Be it enacted, etc., as follows:

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Notwithstanding any general or special law to the contrary, the position of deputy fire chief in the town of Athol shall be exempt from chapter 31. of the General Laws.

Approved September 3, 2002.

Chapter 304. AN ACT RELATIVE TO THE PAYMENT OF CERTAIN HEALTH INSURANCE PREMIUMS BY THE TOWN OF WINTHROP.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, upon acceptance by the town of Winthrop of section 9D of chapter 32B of the General Laws, section 9D½ of said chapter 32B of the General Laws or a combination thereof, the town shall contribute to the premium costs payable by Nancy Lever and Lorraine Shapiro as surviving spouses insured under the town's group insurance program as if said section 9D, said section 9D½ or a combination thereof had been accepted by the town of Winthrop before the date on which Nancy Lever and Lorraine Shapiro became insured as surviving spouses under the provisions of the town's group insurance program.

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

Approved September 3, 2002.

Chapter 305. AN ACT RELATIVE TO THE TAXATION OF REAL PROPERTY IN THE CITY OF ATTLEBORO.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding subsection (f) of section 2D of chapter 59 of the General Laws, the state secretary shall cause the following question to be placed on the ballot to be used in the city of Attleboro at the biennial state election to be held in the year 2002:- "Shall the city of Attleboro accept section 2D of chapter 59 of the General Laws which provides for taxing certain improved real property based on its value at the time an occupancy permit is issued?" If a majority of votes cast on said question is in the affirmative, the city of Attleboro shall be deemed to have accepted said section 2D of said chapter 59 of the General Laws, but not otherwise.

SECTION 2. This act shall take effect on September 6, 2002.

Approved September 3, 2002.

Chapter 306. AN ACT RELATIVE TO THE CHARTER OF THE CITY OF ATTLEBORO.

Be it enacted, etc., as follows:

SECTION 1. The second paragraph of section 9-1 of Article 9 of the charter of the city of Attleboro, which is on file in the office of the archivist of the commonwealth, as provided in section 12 of chapter 43B of the General Laws, is hereby amended by striking out, in line 1, the words "fourth Tuesday" and inserting in place thereof the following words:- third Tuesday of September.

SECTION 2. Section 9-3 of said Article 9 of said charter is hereby amended by adding the following paragraph:-

(f) *Candidates Nominated for Multiple Offices.* A candidate who has filed nomination papers for multiple offices must withdraw his name from nomination for all but 1 office on or before the last day provided by law for withdrawal of candidates. Any candidate for office who does not comply with said withdrawal procedure shall not have his or her name printed upon the ballot for any office.

SECTION 3. The state secretary shall cause the following 2 questions to be placed on the official ballot to be used in the city of Attleboro at the biennial state election to be held in the year 2002:

(1) "Shall section 1 of an act passed by the general court in the year 2002 entitled 'An Act relative to the charter of the city of Attleboro which provides that preliminary elections be held on the third Tuesday of September preceding the regular city election' be accepted?";

(2) "Shall section 2 of An Act passed by the general court in the year 2002 entitled 'An Act relative to the charter of the city of Attleboro which provides that candidates nominated for multiple office withdraw for all but 1' be accepted?";

If a majority of the votes cast in answer to either of the questions is in the affirmative then the section shall take effect, but not otherwise.

SECTION 4. The city solicitor shall prepare a fair, concise summary and purpose of the law to appear with the question no later than 60 days prior to the election in accordance with section 58A of chapter 54 of the General Laws.

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

Approved September 4, 2002.

Chapter 307. AN ACT VALIDATING ACTION TAKEN AT THE SPECIAL TOWN MEETING HELD BY THE TOWN OF LANCASTER.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law or by-law to the contrary, the acts and proceedings taken by the town of Lancaster at the special town meeting held on

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March 4, 2002, and all actions taken pursuant thereto, are hereby ratified, validated and confirmed to the same extent as if the warrants for the town meeting had been posted and published in full compliance with law.

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

Approved September 4, 2002.

**Chapter 308. AN ACT RELATIVE TO ACCEPTANCE OF THE MUNICIPAL
EARLY RETIREMENT INCENTIVE BY THE TOWN OF
WESTPORT.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the action taken by the May 15, 2002 session of the town of Westport annual town meeting, the board of selectmen of the town of Westport may as of the effective date of this act accept section 1 of chapter 116 of the acts of 2002 on behalf of the town without the approval of the legislative authority. This section provides for local government workforce reductions through an early retirement incentive program for certain employees. This acceptance shall be by majority vote of the board of selectmen on or before November 1, 2002. Except as otherwise provided in this section, all provisions of said section 1 of chapter 116 of the acts of 2002 shall be effective in the town upon such acceptance.

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

Approved September 5, 2002.

**Chapter 309. AN ACT RELATIVE TO THE ISSUANCE OF CERTAIN BONDS BY
THE CITY OF EVERETT.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding chapter 44 of the General Laws or any other general or special law to the contrary, the city of Everett may borrow \$9,500,000 for the cost of additional work required by construction problems relating to the city's new Lafayette school, the cost of transporting students to an alternative site because of the delay in the opening of the school, the cost of utilities required with respect to the school during the period that the additional work is carried out, costs with respect to the retrofitting of school facilities to accommodate students displaced by the additional work and other costs associated with the additional work, such costs currently subject to litigation among the city and certain other entities involved in the construction of the school. The maturities of any bonds issued under

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this act shall be arranged so that for each issue the annual combined payments of principal and interest payable in each year, commencing with the first year in which a principal payment is required, shall be as nearly equal as practicable in the opinion of the city treasurer, or shall be arranged in accordance with a schedule providing for a more rapid amortization of principal. The first payment of principal of each issue of bonds shall be not later than 1 year from the date of the bonds or 1 year from the date of final resolution of any litigation relating to the construction of the school, as determined by the mayor and city treasurer, whichever is later, and the last payment of principal shall be not later than 20 years from the date of the bonds, without regard to the term of any temporary borrowing incurred in anticipation of the bonds. The city may issue notes in anticipation of the bonds, which notes shall be payable not later than 1 year from the date of final resolution of any litigation relating to the construction of the school, as determined by the mayor and city treasurer, and which notes shall not be required to be paid in part from revenue funds of the city, notwithstanding section 17 of chapter 44 of the General Laws. Project costs to be financed by the issue of the bonds may include interest incurred on the bonds or any bond anticipation notes for a period up to 1 year after the date of final resolution of any litigation relating to the construction of the school, as determined by the mayor and city treasurer. Indebtedness incurred under this act shall not be included in determining the limit of indebtedness of the city under section 10 of chapter 44 of the General Laws, but except as otherwise provided in this act shall be subject to applicable provisions of that chapter.

SECTION 2. The vote of the city council approved by the mayor on June 19, 2002 authorizing bonds for the costs described in section 1 of this act is hereby ratified, validated and confirmed in all respects.

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

Approved September 5, 2002.

Chapter 310. AN ACT RELATIVE TO AFFORDABLE HOUSING IN THE TOWN OF TRURO.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 5 of chapter 293 of the acts of 1998, the town of Truro may expend funds received under said chapter 293 for affordable housing purposes; but funds expended for affordable housing purposes shall not exceed 10 per cent of the total funds received under said chapter 293.

SECTION 2. This act shall be submitted to the voters of the town of Truro at the next annual or special town election in the form of the following question which shall be placed on the official ballot to be used at the election in the following manner:-

"Shall an act passed by the general court in the year 2002, entitled 'An Act relative to affordable housing in the town of Truro', be accepted?"

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

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

Approved September 5, 2002.

Chapter 311. AN ACT RELATIVE TO CREDITABLE SERVICE OF CERTAIN EMPLOYEES OF THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, and in order to promote the public good, any employee of the city of Boston whose employment was terminated in 1981 or 1982 due to a reduction in force and who subsequently was reinstated to his former position on or before July 1, 1984, shall be credited with active service for this period. This credited service shall be included as part of his length of service and shall be applied to his seniority, promotional examinations and retirement; but the employee shall be required to pay into the Annuity Savings Fund of the retirement system in 1 sum, or installments upon conditions as the retirement board shall prescribe, an amount equal to the accumulated regular deductions otherwise payable if he had remained an active member in service during this period of unemployment at the rate of compensation he was receiving at the time of that termination of employment together with the regular interest thereon; and the employee shall be required to pay into the Annuity Savings Fund of the retirement system in 1 sum, or installments upon conditions as the retirement board shall prescribe, an amount equal to the accumulated regular deductions withdrawn, if any, with the regular interest.

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

Approved September 5, 2002.

Chapter 312. AN ACT DIRECTING THE SECRETARY OF THE COMMONWEALTH TO PLACE A CERTAIN NONBINDING QUESTION ON THE BIENNIAL STATE ELECTION BALLOT IN THE CITY OF HOLYOKE.

Be it enacted, etc., as follows:

SECTION 1 The secretary of the commonwealth shall cause the following nonbinding question in English and Spanish to be placed on the official ballot to be used in

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the city of Holyoke at the biennial state election to be held in the year 2002: "Shall casino gambling be permitted in the city of Holyoke?"

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

Approved September 5, 2002.

Chapter 313. AN ACT PROVIDING PROTECTIONS AGAINST TERRORISM.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to provide protections against terrorism, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety and convenience.

Be it enacted, etc., as follows:

SECTION 1. Clause Twenty-sixth of section 7 of chapter 4 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by adding the following paragraph:-

(n) records, including, but not limited to, blueprints, plans, policies, procedures and schematic drawings, which relate to internal layout and structural elements, security measures, emergency preparedness, threat or vulnerability assessments, or any other records relating to the security or safety of persons or buildings, structures, facilities, utilities, transportation or other infrastructure located within the commonwealth, the disclosure of which, in the reasonable judgment of the record custodian, subject to review by the supervisor of public records under subsection (b) of section 10 of chapter 66 , is likely to jeopardize public safety.

SECTION 2. The first paragraph of section 8 of chapter 90 of the General Laws, as so appearing, is hereby amended by inserting after the third sentence the following sentence:- If the registrar has reasonable cause to suspect that any document presented by an applicant as proof of identity or age is altered, false or otherwise invalid, the registrar shall refuse to grant the license until the registrar is satisfied as to the applicant's true identity or age.

SECTION 3. The first paragraph of section 8B of said chapter 90, as so appearing, is hereby amended by inserting after the second sentence the following sentence:- If the registrar has reasonable cause to suspect that any document presented by an applicant as proof of identity or age is altered, false or otherwise invalid, the registrar shall refuse to grant the permit until the registrar is satisfied as to the applicant's true age identity or age.

SECTION 4. Chapter 129 of the General Laws is hereby amended by striking out section 37, as so appearing, and inserting in place thereof the following section:-

Section 37. As used in this section, the word "commissioner" shall mean the commissioner of agriculture or his designee, and any rules, regulations, orders, licenses or

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permits issued under this chapter. The commissioner may assess administrative fines, not to exceed \$500 per offense, for violations of this chapter. Each animal involved in a violation may constitute a separate offense, and each day that a violation continues after receipt of written notice of such violation from the department may constitute a separate offense. Total fines assessed in any given action under this section shall not exceed \$10,000. The commissioner may deny any application for, suspend or revoke any license or permit issued under this chapter upon a finding of consistent or continual failure to keep or produce records required by this chapter. Denial, suspension or revocations shall be effective pending resolution of any appeal, unless otherwise ordered by a court of competent jurisdiction. Without alleging or proving the lack of other adequate remedies at law, the commissioner may apply for an injunction to restrain any violation of this chapter in order to protect human or animal health. The remedies provided in this section are available in addition to, and without limiting, any other penalties provided by law or equity, in this chapter or elsewhere. The district and superior courts shall have concurrent jurisdiction to enforce this chapter and to restrain violations thereof. Enforcement actions brought under this section and appeals thereof shall conform to the applicable provisions of chapter 30A and hearing regulations promulgated thereunder. The commissioner may promulgate regulations to implement this section. The commissioner may issue orders necessary to enforce this chapter and to restrain violations thereof. Such orders shall be effective pending resolution of any appeal, unless otherwise ordered by a court of competent jurisdiction.

SECTION 5. Said chapter 129 is hereby further amended by inserting after section 39D the following section:-

Section 39E. As used in the section, the word "livestock" shall include all bovine, ovine, caprine, porcine, equine animals and poultry. The word "poultry" shall include all domesticated birds including, but not limited to, chickens, turkeys, guineas, exotic and game birds. Every person engaged in the business of auctioning livestock shall obtain a license therefore from the director, the fee for which shall be determined by the secretary of administration and finance, and such license shall expire on November thirtieth following the date of issuance, unless sooner revoked. The department of food and agriculture may make rules and regulations governing the issuance and revocation of such licenses, and relative to matters relating to this section including, but not limited to, record-keeping, facility maintenance, animal identification, animal health and methods and times for inspecting and checking animals.

SECTION 6. Chapter 148 of the General Laws is hereby amended by striking out section 12, as appearing in the 2000 Official Edition, and inserting in place thereof the following section:-

Section 12. No building shall be used for the manufacturing of fireworks or fire-crackers without a license from the local licensing authority. No building or structure shall be used for the manufacturing or storage of explosive materials without a permit issued by the marshal. Any person who has applied for or has been issued such a permit by the marshal, shall be deemed to have consented to periodic administrative inspections by the marshal

or his designees of any building, structure, magazine or facility used to store such explosive materials or any records relating thereto. No person shall sell, transfer or exchange explosive materials within the commonwealth to any other person unless: (1) said transferee possesses the proper permit or certificate to possess, receive or store explosive materials; and (2) said transferee maintains, at the place of delivery, an approved, permitted, explosive storage magazine or bunker. Any information, data or record maintained by the marshal or his agents or designees, in any form, relative to the amount, location or nature of explosive material within the commonwealth, shall not be considered a public record, as defined in clause Twenty-sixth of section 7 of chapter 4. Such exception from the definition of "Public records" shall not preclude the release of such information to law enforcement personnel.

As used in this section, the words "explosive materials", "fireworks" and "firecrackers" shall be defined by the board pursuant to its authority as provided by section 9. The board shall promulgate regulations to carry out this section, including strict record keeping requirements. Any person who violates this section shall be punished by imprisonment in a house of correction for not more than 2½ years or by a fine of not more than \$5,000, or by both such fine and imprisonment.

SECTION 7. Said section 102A½ of said chapter 266, as so appearing, is hereby further amended by inserting after the word "device", in line 3, the following words:- or hoax substance.

SECTION 8. Paragraph (b) of said section 102A½ of said chapter 266, as so appearing, is hereby further amended by adding the following sentence:- For the purposes of this section, the words "hoax substance" shall mean any substance that would cause a person reasonably to believe that such substance is a harmful chemical or biological agent, a poison, a harmful radioactive substance or any other substance for causing serious bodily injury, endangering life or doing unusual damage to property, or both.

SECTION 9. Said section 102A½ of said chapter 266, as so appearing, is hereby further amended by adding the following paragraph:-

(d) The court shall, after a conviction, 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 caused as a result of the violation of this section. A person found guilty of violating this section shall, in all cases, upon conviction, 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 the offense. Restitution shall be imposed in addition to incarceration or fine; however, 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.

SECTION 10. Said chapter 266 is hereby further amended by inserting after section 102B the following section:-

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Section 102C. Whoever, without lawful authority, knowingly develops, produces, stockpiles, acquires, transports, possesses or uses any biological, chemical or nuclear weapon or delivery system, with the intent to cause death, bodily injury or property damage, or whoever has in his possession or under his control such an article, contrivance, device or substance, with said intent, shall be punished by imprisonment in the house of correction for not more than 2½ years or by imprisonment in the state prison for not more than 20 years or by a fine of not more than \$20,000, or by both such fine and imprisonment.

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

"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 where intended for a purpose not prohibited under this section, 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.

"Chemical weapon", a toxic chemical or its precursors, except where intended for a purpose not prohibited under this section as long as the type and quantity is consistent with such a purpose, a munition or device, specifically designed to cause death or other harm through toxic properties of those toxic chemicals which would be released as a result of the employment of such munition or device.

"Nuclear weapon", a device designed to release radiation or radioactivity at a level, which can cause bodily harm, or a dangerous radioactive substance.

"Delivery system", any equipment specifically designed for use directly in connection with the employment of chemical, biological or nuclear weapons.

SECTION 11. Chapter 269 of the General Laws is hereby amended by inserting after section 12E the following section:-

Section 12F. (a) For the purposes of this section, the following words shall have the following meanings:-

"Airplane", an aircraft operated by an air carrier holding a certificate issued under 49 U.S.C. 41101 or any aircraft ordinarily used to transport passengers or cargo for hire.

"Cutting device", any knife, cutlery, straight razor, box cutter or other device containing a fixed, folding or retractable blade, which is not included in the list of weapons set forth in paragraph (b) of section 10.

"Prohibited weapon", any infernal machine as defined in section 102A of chapter 266, any stun gun as defined in section 131J of chapter 140, any rifle, shotgun or firearm as defined in section 121 of chapter 140 or any weapon included in the list of weapons set forth in paragraph (b) of section 10.

"Secure area", any area of an airport to which access is restricted through security measures by the airport authority or a public agency and the area beyond a passenger or property screening checkpoint at an airport.

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"Airplane cabin", any passenger or flight crew area within an airplane while the airplane is on the ground in the commonwealth or over the commonwealth.

(b) Whoever occupies, or attempts to enter or occupy, a secure area of an airport or the cabin of an airplane, knowingly having in his possession or in his control and knowingly concealing, a cutting device or a prohibited weapon, notwithstanding any license to possess such a weapon or device, shall be punished by imprisonment in the house of correction for not more than 2½ years or by imprisonment in the state prison for not more than 5 years or by a fine of not more than \$5,000, or by both such fine and imprisonment.

(c) Whoever, with intent to commit a felony, occupies, or attempts to enter or occupy, a secure area of an airport or the cabin of an airplane knowingly having in his possession or in his control a cutting device or a prohibited weapon shall be punished by imprisonment in the house of correction for not more than 2 years or by imprisonment in the state prison for not more than 10 years or by a fine of not more than \$10,000, or by both such fine and imprisonment.

(d) Whoever, with intent to commit a felony, places, attempts to place or attempts to have placed within a secure area of an airport or the cabin of an airplane, a prohibited weapon or cutting device, notwithstanding any license to possess such a weapon or device, shall be punished by imprisonment in the house of correction for not more than 2½ years or by imprisonment in the state prison for not more than 10 years or by a fine of not more than \$10,000, or by both such fine and imprisonment.

(e) Whoever willfully and without regard for the safety of human life, or with reckless disregard for the safety of human life, violates subsection (b), (c) or (d) shall be punished by imprisonment in the state prison for not more than 20 years or by a fine of not more than \$20,000, or by both such fine and imprisonment.

(f) This section shall not apply to:-

(1) any law enforcement officer of a state or political subdivision of a state, an officer or employee of the United States government or United States military personnel authorized to carry prohibited weapons or cutting devices in an official capacity;

(2) a duly licensed individual transporting an unloaded, lawful weapon or cutting device in baggage not accessible to a passenger in flight and, in the case of a lawful weapon, if the air carrier was informed of the presence of the weapon;

(3) a cutting device, which is otherwise lawfully possessed, ordinarily used in the course of the holder's employment, trade or occupation, while the holder is authorized to conduct such employment, trade or occupation within a secure area of an airport or airplane cabin.

SECTION 12. Said chapter 269 is hereby further amended by striking out section 14, as appearing in the 2000 Official Edition, and inserting in place thereof the following section:-

Section 14. (a) For the purposes of this section, the following words shall have the following meanings:-

"Hijack", to commandeer or to take control without authority.

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"School", any public or private preschool, headstart facility, elementary, vocational or secondary school, college or university.

"Serious bodily injury", bodily injury which results in a permanent disfigurement, protracted loss or impairment of a bodily function, limb or organ, or substantial risk of death.

(b) Whoever willfully communicates or causes to be communicated, either directly or indirectly, orally, in writing, by mail, by use of a telephone or telecommunication device including, but not limited to, electronic mail, Internet communications and facsimile communications, through an electronic communication device or by any other means, a threat:-

(1) that a firearm, rifle, shotgun, machine gun or assault weapon, as defined in section 121 of chapter 140, an explosive or incendiary device, a dangerous chemical or biological agent, a poison, a harmful radioactive substance or any other device, substance or item capable of causing death, serious bodily injury or substantial property damage, will be used at a place or location, or is present or will be present at a place or location, whether or not the same is in fact used or present; or

(2) to hijack an aircraft, ship, or common carrier thereby causing anxiety, unrest, fear, or personal discomfort to any person or group of persons shall be punished by imprisonment in the state prison for not more than 20 years or imprisonment in the house of correction for not more than 2½ years, or by fine of not more than \$10,000, or by both such fine and imprisonment.

(c) Whoever willfully communicates or causes to be communicated such a threat thereby causing either the evacuation or serious disruption of a school, school related event, school transportation, or a dwelling, building, place of assembly, facility or public transport, or an aircraft, ship or common carrier, or willfully communicates or causes serious public inconvenience or alarm, shall be punished by imprisonment in the state prison for not less than 3 years nor more than 20 years or imprisonment in the house of correction for not less than 6 months nor more than 2½ years, or by fine of not less than \$1,000 nor more than \$50,000, or by both such fine and imprisonment.

(d) The court shall, after conviction, conduct a hearing to ascertain the extent of costs incurred, damages and financial loss suffered by an individual, public or private entity and the amount of property damage caused as a result of the defendant's crime. A person found guilty of violating this section shall, in all cases, in addition to any other punishment, be ordered to make restitution to the individual, public or private entity for any costs incurred, damages and financial loss sustained as a result of the commission of the crime. Restitution shall be imposed in addition to incarceration or fine, and not in lieu thereof, however, 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.

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(e) Nothing in this section shall authorize the criminal prosecution of picketing, public demonstrations or other similar forms of expressing views.

Approved September 5, 2002.

Chapter 314. AN ACT FURTHER REGULATING THE LICENSING OF PUBLIC INSURANCE ADJUSTERS.

Be it enacted, etc., as follows:

SECTION 1. Section 47A of chapter 175, as appearing in the 2000 Official Edition, is hereby amended by striking out, in lines 23 and 24, the words "adjuster of fire losses" and inserting in place thereof the following words:- public insurance adjuster.

SECTION 2. Section 162 of said chapter 175, as amended by section 3 of chapter 106 of the acts of 2002, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:

Whoever, for compensation, not being an attorney at law acting in the usual course of his profession, directly or indirectly solicits from an insured or the representative of the insured, or performs services pursuant to an agreement, engagement or undertaking to represent the insured in connection with the assessment of damages, negotiation, settlement, appraisal or reference of a loss under a fire insurance policy, homeowners insurance policy, commercial multi-peril insurance policy, business interruption insurance policy, fidelity bond or crime insurance policy, inland or ocean marine insurance policy, or other property damage insurance coverage of any sort, shall be a public insurance adjuster.

SECTION 3. Said chapter 175 is hereby amended by striking out section 172, as amended by section 22 of chapter 106 of the acts of 2002, and inserting in place thereof the following section:-

Section 172. The commissioner may, upon the payment of the fee prescribed by section 14 and after successful completion of a written examination, issue to any suitable person of 21 years of age or more a license to act as a public insurance adjuster in the commonwealth, if such person files with the commissioner a written application for such license executed on oath by the applicant. Included with the application shall be 2 passport sized photographs taken within 60 days of the date of the application together with a certified copy of a criminal background check. A licensee shall be a resident of the commonwealth or a bona fide resident of a state or country which permits residents of this commonwealth to act as adjusters in such other state or country.

The applications shall be kept on file by the commissioner. No application shall be filed unless and until the applicant shall demonstrate that he has 2 years experience performing services in connection with adjusting of property losses.

If the commissioner is satisfied that the applicant is trustworthy and competent, he

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shall issue the license which shall expire in 3 years from its date, unless sooner revoked or suspended as provided herein.

Upon the payment of the fee prescribed by section 14, the license may be renewed for any succeeding 3 year period without requiring an additional written examination.

A person renewing a public insurance adjuster's license shall be certified by the division of insurance as having completed before the renewal of said license a total of 15 hours of continuing education instruction as approved by the commissioner or by any other state or country which requires continuing education instruction as a condition for obtaining a public insurance adjuster's license. The commissioner may at any time, for cause shown and after a hearing, revoke the license or suspend it for a period not exceeding the unexpired term thereof, and may, for cause shown and after a hearing, revoke the license while so suspended, and shall notify the licensee in writing of such revocation or suspension.

Contracts for a public insurance adjuster to represent an insured in connection with the assessment of damages, negotiation, settlement, appraisal, or reference of a loss occurring in the commonwealth and arising under a fire insurance policy, home owners insurance policy, commercial multi-peril policy, business interruption insurance policy, fidelity bond or crime insurance policy, inland or ocean marine insurance policy, or other property damage insurance coverage of any sort shall be in writing in a form approved by the commissioner. No such contract shall be made by a public insurance adjuster until a copy of the form of such contract has been on file for 30 days with the commissioner, unless before the expiration of that period the commissioner shall have approved the form in writing; nor if the commissioner notifies the public insurance adjuster in writing within the 30 day period that the form of such contract has been disapproved by the commissioner, specifying the reasons therefor; but the action of the commissioner shall be subject to review by the superior court.

To be enforceable by a public insurance adjuster, such contract shall be signed by a named insured specified in each policy covering the loss to which the public insurance adjuster's services relate, or by an authorized designee of such named insured, and a copy thereof shall be delivered by the public insurance adjuster to such named insured or his designee. If said policy contains a mortgagee clause or names a mortgagee, any mortgagee making claim for payment under the policy shall be a beneficiary of the public insurance adjuster's contract with the named insureds; but nothing herein shall prohibit a mortgagee from engaging a public insurance adjuster to represent its interests directly.

A contract by which a public insurance adjuster agrees, engages and undertakes, to represent an insured shall provide clearly and conspicuously in writing that such contract may be canceled without recourse within 3 calendar days after the date of receipt of a copy of the written contract by such named insured or his designee. The contract shall also provide that it may be revoked by the insured who signed it or their designee at any time after said 3 calendar days, subject to the public insurance adjuster's assertion of a lien for his agreed percentage fee upon insurance proceeds offered or secured through his efforts as the

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insured's representative. A contract shall contain the following written notice in at least 10 point bold type:

YOU MAY CANCEL THIS CONTRACT WITHOUT ANY PENALTY OR FURTHER OBLIGATION BY CAUSING A WRITTEN NOTICE OF YOUR CANCELLATION TO BE DELIVERED IN PERSON, BY TELEGRAM OR FACSIMILE TRANSMISSIONS BY OVERNIGHT EXPRESS DELIVERY OR CERTIFIED OR REGISTERED UNITED STATES MAIL, TO THE ADDRESS OF THE PUBLIC INSURANCE ADJUSTER SPECIFIED IN THIS CONTRACT, WITHIN 3 CALENDAR DAYS OF THE DATE THAT YOU RECEIVE THIS CONTRACT. THIS CONTRACT THEREAFTER MAY BE REVOKED BY THE INSURED WHO SIGNED IT, OR THEIR DESIGNEE, AT ANY TIME, SUBJECT TO THE PUBLIC INSURANCE ADJUSTER'S ASSERTION OF A FEE LIEN UPON INSURANCE PROCEEDS OFFERED OR SECURED THROUGH HIS EFFORTS AS THE INSURED'S REPRESENTATIVE. IF YOU CANCEL THIS AGREEMENT YOU WILL REMAIN LIABLE FOR REASONABLE AND NECESSARY EMERGENCY OUT-OF-POCKET EXPENSES OR SERVICES WHICH WERE PAID FOR OR INCURRED BY THE PUBLIC INSURANCE ADJUSTER DURING SAID 3 DAY PERIOD TO PROTECT THE INTERESTS OF THE INSURED.

Whoever acts in the commonwealth as a public insurance adjuster, as defined in section 162 without a license or during a suspension of his license, or in violation of this section, shall be punished by a fine of not more than \$10,000 or by imprisonment for not more than 6 months.

The commissioner shall require that an applicant for a license as a public insurance adjuster take a written examination prepared and administered by the commissioner or an independent testing service designated by the commissioner under the direction of the commissioner, who shall fix a passing grade which in his judgment indicates the applicant's ability to perform in a satisfactory manner the duties of a public insurance adjuster. The test shall examine an applicant's knowledge of building construction techniques and materials, as well as knowledge of relevant insurance principles and coverage. The commissioner shall determine or approve the charges to be paid by applicants for the services of any independent testing service designated by the commissioner. A written examination shall not be required in order to renew said license.

A license to act as a public insurance adjuster may, upon the payment of the fees prescribed by section 14, be issued to any voluntary organization, as defined in section 1 of chapter 182, which is organized exclusively for the purpose of acting as a public insurance adjuster, subject to the conditions specified in section 172A.

The commissioner may, upon the payment of the fees prescribed by section 14, issue to a partnership a license to act as a public insurance adjuster subject to the conditions specified in section 173. The partnership may include nonresident insurance producers if a majority of the partners are residents of the commonwealth, and if the partnership agreement contains a statement which in substance states that the partnership agreement is a Massachusetts contract and shall be governed by, and construed and enforced in accordance

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with, the laws of the commonwealth, and that with respect to any legal action arising out of the transactions or activities of the partnership affairs, service of process made on any 1 of the partners shall be deemed valid and binding service upon all partners who are not residents of the commonwealth.

A license to act as a public insurance adjuster may, upon the payment of the fees prescribed by section 14, be issued to any corporation which is incorporated exclusively for the purpose of acting as a public insurance adjuster, subject to the conditions specified in section 174. The majority of officers and directors to be named in the license shall have been so licensed as individuals for 3 years, except that no foreign corporation shall be licensed as an insurance agent of a foreign company under section 163 or as a special insurance broker under said section 168. Each license shall specify the officers and directors who may act thereunder in the name and on behalf of the corporation, the number of such officers and directors to be determined in the discretion of the commissioner in each case.

SECTION 4. Section 172A of said chapter 175, is hereby amended by striking out, in line 7, the words "adjuster of fire losses" and inserting in place thereof the following words:- public insurance adjuster.

SECTION 5. Section 174 of said chapter 175, as amended by section 30 of chapter 106 of the acts of 2002, is hereby amended by striking out, in line 6, the words "adjuster of fire losses" and inserting in place thereof the following words:- public insurance adjuster.

SECTION 6. This act shall not restrict the right of any person or entity whose license under section 172 of chapter 175 of the General Laws is in effect as of the effective date of this act to perform the full scope of services set forth in section 2 subject to the provisions of this act which regulate the renewal of said license and the activities of a licensed public insurance adjuster.

Approved September 6, 2002.

Chapter 315. AN ACT ESTABLISHING A DEPARTMENT OF FINANCE AND BUDGET IN THE TOWN OF LANCASTER.

Be it enacted, etc., as follows: .

SECTION 1. There is hereby established in the town of Lancaster a department of finance and budget. The department shall be managed by a director of finance and budget who shall be appointed by the board of selectmen for a term of 3 years.

SECTION 2. The director of the department of finance and budget shall have all the powers and duties presently vested in the office of town accountant. The office of collector-treasurer shall become part of the department and the collector-treasurer shall be under the supervision of the director.

SECTION 3. The director of the department of finance and budget shall be responsible for coordinating the fiscal management practices of the accountant's department, collector-treasurer's department, assessing department, and administering budgeting including financial reporting, accountability and control, financial and programmatic implications on current and future policies to all town departments and board of selectmen. The powers and duties of the finance director shall include, but not be limited to, the following:

(1) to coordinate with all town departments and manage the collection of all budget and financial information, including the forecasting of revenues for the forthcoming fiscal year in order to prepare an annual budget for the annual town meeting;

(2) to set policies and procedures for the collection of all revenues due and owing to the town of Lancaster as a result of tax levies, and the issuance of licenses and permits;

(3) to review and oversee, on a yearly basis, the various town trust funds, and to insure that funds are prudently invested, and when any such trust fund fails due to the extinction of the purpose for which said fund was created, the department of budget and finance shall, with the advice and consent of the board of selectmen, seek appropriate relief in a court of competent jurisdiction from the duties of investment and distribution imposed by the trust fund instrument;

(4) the finance director shall be the chief procurement officer for the town of Lancaster;

(5) to report to the board of selectmen and finance committee concerning all financial matters affecting town government;

(6) to coordinate with the department of revenue pertaining to all matters on their municipal calendar; and

(7) to coordinate and manage all financial information received from the board of assessors to forecast future financial growth and anticipated revenues, and advise the board of selectmen, finance committee and town meeting accordingly.

SECTION 4. The board of selectmen shall appoint members of the board of assessors for 3-year terms; such terms so arranged that the term of office of 1 member shall expire each year. Members shall be subject to removal for cause by the board of selectmen. The board of assessors shall maintain the powers and duties of the board directed by statute, provided however, that the director of finance and budget shall supervise all employees assisting in the performance of assessing functions. Any incumbent assessor, upon the acceptance of this act by the voters of the town of Lancaster, shall continue to hold said office and perform the duties thereof until the expiration of his term or an earlier vacating of office.

SECTION 5. Pursuant to all state, federal and municipal statutes, laws, regulations and by laws, the department of finance and budget shall make detailed estimates of all money necessary to maintain the proper operation of government.

SECTION 6. The department of finance and budget shall report to the board of selectmen.

SECTION 7. Upon the establishment of the department of finance and budget, the person holding the office of town accountant may become director of the department of finance and budget. All incumbents in the office of collector-treasurer and all present employees of any of the departments or offices referenced in this act shall be transferred to the department of finance and budget, to serve under the direction of the director of finance and budget and shall not forfeit pay grade or time in service.

SECTION 8. The board of selectmen may delegate or assign administrative and personnel duties to the director of the department of finance and budget.

SECTION 9. Notwithstanding any general or special law to the contrary, the board of selectmen may establish an employment contract for the director of the department of finance and budget for a period not to exceed 3 years to provide for the salary, fringe benefits and other conditions of employment including, but not limited to, severance pay, relocation expenses, reimbursement for expenses incurred in the performances of duties or office, liability insurance and leave.

The contract shall prevail over any conflicting provision of any local personnel by-law, rule or regulation. In addition to the benefits provided municipal employees under chapters 32 and 32B of the General Laws, the contract may provide for supplemental retirement and insurance benefits.

Nothing contained in this section shall affect the appointment or removal powers of the board of selectmen over any position hereinbefore mentioned, nor shall it grant tenure to such officer, nor shall it abridge section 67 of chapter 44 of the General Laws.

SECTION 10. The state secretary shall cause the following question to be placed on the official ballot to be used in the town of Lancaster at the biennial state election to be held in the year 2002:

"Shall an act passed by the general court in the year 2002, entitled 'An Act Establishing a Department of Finance and Budget in the Town of Lancaster' be accepted?"

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

SECTION 11. Section 10 of this act shall take effect upon its passage.

Approved September 6, 2002.

Chapter 316. AN ACT ESTABLISHING A PAID LEAVE BANK FOR A CERTAIN EMPLOYEE OF THE DEPARTMENT OF SOCIAL SERVICES.

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

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Be it enacted, etc., as follows:

Notwithstanding any general or special law to the contrary, the department of social services shall establish a paid leave bank for Natalia Arrance, an employee of the department, whose daughter is terminally ill. Any employee of the department of social services may voluntarily contribute 1 or more of sick, personal or vacation days to the paid leave bank for use by Natalia Arrance. Whenever Natalia Arrance terminates employment with the department of social services or requests to dissolve the paid leave bank established by this act, the balance of the leave time shall be transferred to the department's sick leave bank.

Approved September 12, 2002.

Chapter 317. AN ACT AUTHORIZING THE TOWN OF LEXINGTON TO ESTABLISH A POST RETIREMENT INSURANCE LIABILITY FUND.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the town of Lexington may appropriate funds in order to offset the anticipated cost of premium payments for or direct payments to be made to retired employees of the town and to any eligible surviving spouse of or dependents of deceased employees of the town. Any such amounts so appropriated shall be credited to a special fund to be known as the Post Retirement Insurance Liability Fund. Any interest or other income earned by such fund shall be added to and become a part of the fund. The Lexington contributory retirement board shall be the custodian of such fund and may invest the monies held in the fund in accordance with the rules and regulations of the public employees retirement administration commission and in accordance with any applicable general law. Any amounts appropriated to or expended from such fund shall be so appropriated or expended by a majority vote of the town which vote must be taken in accordance with an actuarial schedule developed by the town. The actuarial schedule must be designed to reduce to zero any unfunded liability attributable to premium payments for or direct payments to be made to retired employees of the town and to any eligible surviving spouse of or the dependents of deceased employees of the town. The Lexington contributory retirement board may employ any qualified bank, trust company, corporation, firm or person to provide advice on the investment of amounts held in the Post Retirement Insurance Liability Fund and to prepare any required actuarial study and may pay for any such advice or service from amounts held in the fund.

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

Approved September 12, 2002.

Chapter 318. AN ACT RELATIVE TO CERTAIN HOUSING IN THE TOWN OF NORTH ANDOVER.

Be it enacted, etc., as follows:

SECTION 1. The exemption in subsections 6 and 7 of section 4 of chapter 151B of the General Laws for residency in communities consisting of structures constructed expressly for use as housing for persons 55 years of age or older on 1 parcel or on contiguous parcels of land totaling at least 5 acres in size shall apply to structures constructed expressly for use as housing for persons 55 years of age or older at 350 Green street, comprised of Parcels 29 and 60 of Map 11 and Parcel 28 of Map 7, in the town of North Andover, notwithstanding the failure of the parcel or parcels to contain at least 5 acres of land.

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

Approved September 12, 2002.

Chapter 319. AN ACT AUTHORIZING THE TOWN OF SHREWSBURY TO ESTABLISH CERTAIN SPECIAL FUNDS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 53 of chapter 44 of the General Laws or any other general or special law to the contrary, the town of Shrewsbury may establish a special fund in the town treasury into which shall be deposited all income derived from investment of the proceeds of bonds and notes issued for school construction projects, including work incidental and related thereto, and for services of architects and other professional consultants to prepare detailed plans, specifications and working drawings and other necessary documents for the following projects:-

- (1) construction, equipping and furnishing of a new high school to be located on Holden street;
- (2) repair, renovation, remodeling, equipping and furnishing of the existing Shrewsbury high school, for conversion to a new middle school;
- (3) related services of architects, project managers and other professional consultants; and
- (4) expenses of the high school and middle school building committee.

Any income derived from the investment or reinvestment of the special fund shall remain with and become part of the special fund. The town treasurer shall be the custodian of the special fund and shall make an accounting of the special fund to each annual town meeting. Any funds held in the special fund shall constitute trust funds within the meaning of section 54 of chapter 44 of the General Laws. All amounts in the special fund shall be applied solely to the payment of debt service associated with a school building project or projects for which bonds or notes have been authorized or both authorized and issued, in such

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amount as any special or annual town meeting may determine in any given year.

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 Shrewsbury may establish a special fund in the town treasury into which shall be deposited 75 per cent of income derived from the acceptance of Coal Ash Residue pursuant to the second amendment to first amended and restated residue landfill agreement and supplementary residue disposal agreement dated November 14, 2001 by and between Wheelabrator Environmental Systems, Inc., Wheelabrator Millbury Inc. and the town of Shrewsbury.

Any income derived from the investment or reinvestment of the special fund shall remain with and become part of the special fund. The town treasurer shall be the custodian of the special fund and shall make an accounting of the special fund to each annual town meeting. Any funds held in the special fund shall constitute trust funds within the meaning of section 54 of chapter 44 of the General Laws. All amounts in the special fund shall be applied solely to the payment of capital, debt service or operating expenses associated with solid waste collection, processing or disposal, in such amount as any special or annual town meeting may determine in any given year.

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

Approved September 12, 2002.

Chapter 320. AN ACT AUTHORIZING THE TOWN OF SUDBURY TO REGULATE CERTAIN PROPERTY TAX EXEMPTION ELIGIBILITY REQUIREMENTS FOR THE ELDERLY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding clause Forty-first A of Section 5 of chapter 59 of the General Laws, or any other general or special law to the contrary, and subject to Sections 2 to 5, inclusive, of this act, the board of assessors of the town of Sudbury shall defer the real estate property tax payment for property of a person 60 years of age or older and occupied by him as his domicile, or a person who owns the same jointly with his spouse, either of whom is 60 years or older and occupied as their domicile, or of a person who owns the same jointly or is a tenant in common with a person not his spouse and occupied by him as his domicile, if the person claiming the exemption either alone or together with his spouse had combined income of \$60,000 or less during the preceding year. No restrictions shall be imposed based upon the number of years the property owner (a) has been domiciled in the commonwealth; or (b) owns and occupies as his domicile such real property.

SECTION 2. Any such person may, on or before December 15 of each year to which the tax relates or within 3 months after the date on which the bill or notice is first sent, whichever is later, apply to the board of assessors for an exemption of all or part of such real

property from taxation during such year; provided, however, that in the case of real estate owned by a person jointly or as a tenant in common with a person not his spouse, the exemption shall not exceed that proportion of total valuation which the amount of his interest in such property bears to the whole tax due. The board of assessors shall grant such exemption provided that the owner or owners of such real property have entered into a tax deferral and recovery agreement with the board of assessors on behalf of the city or town. The said agreement shall provide:-

(1) that no sale or transfer of such real property may be consummated unless the taxes which would otherwise have been assessed on such portion of the real property as is so exempt have been paid, with interest at the rate of 4 per cent per annum for the first year and at an annual rate set thereafter by the board of selectmen provided that the rate set by the selectmen shall never exceed 8 per cent per annum;

(2) that the total amount of such taxes due, plus interest, for the current and prior years does not exceed 50 per cent of the owner's proportional share of the full and fair cash value of such real property;

(3) that upon the demise of the owner of such real property, the heirs-at-law, assignees or devisees shall have first priority to the real property by paying in full the total taxes which would otherwise have been due, plus interest; provided, however, that if such heir-at-law, assignee or devisee is a surviving spouse who enters into a tax deferral and recovery agreement under this clause, payment of the taxes and interest due shall not be required during the life of such surviving spouse. Any additional taxes deferred, plus interest, on said real property under a tax deferral and recovery agreement signed by a surviving spouse shall be added to the taxes and interest which would otherwise have been due, and the payment of which has been postponed during the life of such surviving spouse, in determining the 50 per cent requirement of subparagraph (2);

(4) that if the taxes due, plus interest, are not paid by the heir-at-law, assignee or devisee or if payment is not postponed during the life of a surviving spouse, such taxes and interest shall be recovered from the estate of the owner; and

(5) that any joint owner or mortgagee holding a mortgage on such property has given written prior approval for such agreement, which written approval shall be made a part of such agreement.

SECTION 3. In the case of each tax deferral and recovery agreement entered into between the board of assessors and the owner or owners of such real property, the board of assessors shall forthwith cause to be recorded in the registry of deeds of the county or district in which the city or town is situated a statement of their action which shall constitute a lien upon the land covered by such agreement for such taxes as have been assessed under this act, plus interest as hereinafter provided. A lien filed pursuant to this act shall be subsequent to any liens securing a reverse mortgage, excepting shared appreciation instruments. The statement shall name the owner or owners 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 such

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lien. The filing fee for such statement shall be paid by the city or town and shall be added to and become a part of the taxes due.

SECTION 4. In addition to the remedies provided by this act, 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, except that: (1) interest shall accrue at the rate provided in this act until the conveyance of the property or the death of the person whose taxes have been deferred, after which time interest shall accrue at the rate provided in section 62 of said chapter 60; (2) no assignment of the municipality's interest under this act may be made pursuant to section 52 of said chapter 60; (3) no petition under section 65 of said chapter 60 to foreclose the lien may be filed before the expiration of 6 months from the conveyance of the property or the death of the person whose taxes have been deferred.

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

Approved September 12, 2002.

Chapter 321. AN ACT RELATIVE TO THE CITY OF BOSTON VOTING EQUIPMENT.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section 34 of chapter 54 of the General Laws or any other general or special law to the contrary, the city of Boston shall use automatic voting machines for the September 17, 2002 state primary and November 5, 2002 state election.

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

Approved September 12, 2002.

Chapter 322. AN ACT ESTABLISHING THE CRIME OF RECKLESS ENDANGERMENT TO CHILDREN.

Be it enacted, etc., as follows:

SECTION 1. The general court finds that the majority of state criminal codes and the model penal code include reckless endangerment offenses. These crimes punish reckless conduct that creates a risk of, but do not necessarily result in, serious physical injury. These crimes do not punish a particular injury or outcome, but seek to prevent and penalize the risk that is created. While examples of offenses from states that have adopted reckless endangerment statutes often involve physical acts, such offenses include conduct that does not involve

the performance of a physical act. Several states limit the statutes' application to creating a risk of serious physical injury to children.

The general court further finds that there are growing numbers of complaints concerning the sexual abuse of minors by non-custodial adults who have been recklessly placed or retained in positions of trust and authority. The general court recognizes that reckless behavior may serve as the basis for criminal liability for certain crimes committed in the commonwealth. The general court hereby finds that there is a significant public interest and urgent necessity to protect children from physical and sexual abuse by penalizing reckless behavior that creates a risk of serious physical injury or sexual abuse to a child. It is the intention of the general court to penalize reckless behavior, including the failure to act where civil or criminal law has imposed a duty on persons to act in a certain manner, which results in a risk of serious physical injury or sexual abuse to a child.

SECTION 2. Chapter 265 of the General Laws is hereby amended by inserting after section 13K the following section:-

Section 13L. For the purposes of this section, the following words shall have the following meanings:-

"Child", any person under 18 years of age.

"Serious bodily injury", bodily injury which results in a permanent disfigurement, protracted loss or impairment of a bodily function, limb or organ, or substantial risk of death.

"Sexual abuse", an indecent assault and battery on a child under 14 under section 13B of chapter 265 ; indecent assault and battery on a person age 14 or over under section 13H of said chapter 265; rape under section 22 of said chapter 265; rape of a child under 16 with force under section 22A of said chapter 265; rape and abuse of a child under section 23 of said chapter 265; assault with intent to commit rape under section 24 of said chapter 265; and assault of a child with intent to commit rape under section 24B of said chapter 265.

Whoever wantonly or recklessly engages in conduct that creates a substantial risk of serious bodily injury or sexual abuse to a child or wantonly or recklessly fails to take reasonable steps to alleviate such risk where there is a duty to act shall be punished by imprisonment in the house of correction for not more than 2½ years.

For the purposes of this section, such wanton or reckless behavior occurs when a person is aware of and consciously disregards a substantial and unjustifiable risk that his acts, or omissions where there is a duty to act, would result in serious bodily injury or sexual abuse to a child. The risk must be of such nature and degree that disregard of the risk constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation.

Approved September 12, 2002.

Chapter 323. AN ACT RELATIVE TO THE TERMS OF CERTAIN BONDS AND NOTES TO BE ISSUED BY THE COMMONWEALTH.

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

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is to immediately facilitate the issuance of bonds to carry out the purposes of certain acts passed by the general court, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the bonds which the state treasurer is authorized to issue under section 1 of chapter 192 of the acts of 2002 shall be issued for a term not to exceed 20 years. All such bonds shall be payable not later than June 30, 2027, as recommended by the governor in a message to the general court dated August 13, 2002, pursuant to Section 3 of Article LXII of the Amendments to the Constitution.

SECTION 2. Notwithstanding any general or special law to the contrary, the bonds which the state treasurer is authorized to issue under section 3 of chapter 236 of the acts of 2002 shall be issued for a term not to exceed 20 years. All such bonds shall be payable not later than June 30, 2022, as recommended by the governor in a message to the general court dated August 13, 2002, pursuant to Section 3 of Article LXII of the Amendments to the Constitution.

SECTION 3. Notwithstanding any general or special law to the contrary, the bonds which the state treasurer is authorized to issue under section 4 of chapter 236 of the acts of 2002 shall be issued for a term not to exceed 20 years. All such bonds shall be payable not later than June 30, 2027, as recommended by the governor in a message to the general court dated August 13, 2002, pursuant to Section 3 of Article LXII of the Amendments to the Constitution.

SECTION 4. Notwithstanding any general or special law to the contrary, the bonds which the state treasurer is authorized to issue under section 3 of chapter 244 of the acts of 2002 shall be issued for a term not to exceed 20 years. All such bonds shall be payable not later than June 30, 2028, as recommended by the governor in a message to the general court dated August 13, 2002, pursuant to Section 3 of Article LXII of the Amendments to the Constitution.

SECTION 5. Notwithstanding any general or special law to the contrary, the notes which the state treasurer is authorized to issue under section 4 of chapter 244 of the acts of 2002 shall be issued for a term not to exceed 1 year. All such notes shall be payable not later than June 30, 2008, as recommended by the governor in a message to the general court dated August 13, 2002, pursuant to Section 3 of Article LXII of the Amendments to the Constitution.

SECTION 6. Notwithstanding any general or special law to the contrary, the bonds which the state treasurer is authorized to issue under section 4 of chapter 245 of the acts of 2002 shall be issued for a term not to exceed 20 years. All such bonds shall be payable not later than June 30, 2027, as recommended by the governor in a message to the general court

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dated August 13, 2002, pursuant to Section 3 of Article LXII of the Amendments to the Constitution.

SECTION 7. Notwithstanding any general or special law to the contrary, the bonds which the state treasurer is authorized to issue under section 4 of chapter 246 of the acts of 2002 shall be issued for a term not to exceed 20 years. All such bonds shall be payable not later than June 30, 2027, as recommended by the governor in a message to the general court dated August 13, 2002, pursuant to Section 3 of Article LXII of the Amendments to the Constitution.

Approved September 12, 2002.

Chapter 324. AN ACT AUTHORIZING AN ALTERNATIVE METHOD OF CONSTRUCTION FOR THE BLUE HILLS AND SPOT POND AREA COVERED WATER STORAGE TANKS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith an alternative method of construction for the Blue Hills and Spot Pond area covered water storage tanks, 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 sections 38A½ to 38O, inclusive, of chapter 7, section 39M of chapter 30, and sections 44A to 44M, inclusive, of chapter 149 of the General Laws or any other general or special law or regulation providing for, or relating to the planning, design, construction or improvements to real property, the Massachusetts Water Resources Authority may utilize such alternative means of procurement for the design and construction of covered water storage tank systems together with appurtenances as it deems necessary, such tank systems to be located at or near the Blue Hills reservoir in Quincy and the Spot pond reservoir in Stoneham, as it determines to be reasonable and prudent in the circumstances. The authority shall either retain the services of an owner's representative, using the authority's existing procurement methods for professional services, or establish a staff position for an owner's representative, who shall advise the authority during the development of design and construction standards and provide other appropriate advice for the project. Design and construction contractors for the above projects shall be required to pay the prevailing wage rates in accordance with sections 26 to 27H, inclusive, of chapter 149 of the General Laws that would be applicable as if the contracts were to be awarded under these provisions of the General Laws and shall further certify that it is able to furnish labor that can work in conjunction with all other elements of labor employed or to be employed in the project. No person shall be restrained from participating as a design/construction contractor

who had participated in earlier study or initial design phases of the aforementioned projects.
Approved September 19, 2002.

Chapter 325. AN ACT PROVIDING FOR A BETTERMENT PROGRAM FOR PRIVATE ROAD IMPROVEMENTS IN THE CITY OF GLOUCESTER.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 6N of chapter 40 of the General Laws or any other general or special law to the contrary, the city of Gloucester may make permanent repairs on private ways within its corporate and municipal limits including improvements to grading, drainage, paving, resurfacing and curbing and to adopt ordinances to carry out the provisions of this act. The city may reenact and amend its existing private road ordinances.

SECTION 2. Notwithstanding any general or special law to the contrary, the city of Gloucester may borrow, from time to time, such sums as may be necessary for the purpose of making repairs to private ways within the city. Each authorized issue shall be payable within 20 years from its date. Indebtedness incurred under this act shall not be included in determining the limit of indebtedness of the city under section 10 of chapter 44 of the General Laws and except as provided in this act shall otherwise be subject to said chapter 44.

SECTION 3. The ordinances of the city of Gloucester authorized by section 1 shall provide for the cost of the repairs and borrowing authorized by this act to be apportioned to and among the benefitted property owners along the road so repaired as a betterment pursuant to chapter 80 of the General Laws. The board of assessors of the city of Gloucester may set the number of years a betterment may be assessed for less than 20 years for private road improvements, notwithstanding the request of the owner of the land assessed. The city shall accept settlement in cash for the full amount so apportioned within 30 days or shall bill the property owner for the total cost to be divided over a period of years established pursuant to this section with interest to be computed at a minimum rate of 2 per cent above the rate of interest charged to the city on any funds borrowed by the city for this purpose. The city shall record appropriate orders to secure payment in the same manner as it acquires a lien for a betterment assessment pursuant to said chapter 80.

SECTION 4. The city of Gloucester may appropriate funds and may deposit betterment payments received under this act in a segregated revolving fund, which fund shall not require annual authorization pursuant to section 53½ of chapter 44 of the General Laws.

SECTION 5. All permanent repairs to private roads performed by the city pursuant to its ordinance c. 21-83 and prior to the date of the submission of this act to the legislature by the city are by this act deemed to be consistent with all applicable state laws.

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

Approved September 19, 2002.

Chapter 326. AN ACT AUTHORIZING THE CITY OF REVERE TO PAY THE FUNERAL AND BURIAL EXPENSES OF PATROLMAN JAMES HITAFFER.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 100G¼ of chapter 41 of the General Laws, the city of Revere may pay the reasonable expenses, not exceeding \$10,000, for the funeral and burial of patrolman James Hitaffer who died in the performance of his duties.

SECTION 2. Section 1 of this act shall take effect upon its acceptance by the city of Revere.

SECTION 3. Section 2 of this act shall take effect upon its passage.

Approved September 19, 2002.

Chapter 327. AN ACT RELATIVE TO ACCEPTANCE OF THE COMMUNITY PRESERVATION ACT IN THE TOWN OF MARBLEHEAD.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 42C of chapter 54 and subsection (g) of section 3 of chapter 44B of the General Laws or any other general or special law to the contrary, the state secretary shall print the following question and include a fair, concise summary and description of the purpose of the law to be acted upon, as determined by town counsel, including in this summary the percentage of the surcharge to be imposed, as approved by the May 14, 2002 Marblehead town meeting, on the November 5, 2002 state election ballot for use in the town of Marblehead:-

"Shall the town of Marblehead accept sections 3 to 7, inclusive, of chapter 44B of the General Laws, as approved by its legislative body, a summary of which appears below?"

Yes_____

No_____.

If a majority of the voters voting on this question vote in the affirmative, then its provisions shall take effect in the town, but not otherwise.

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

Approved September 20, 2002.

Chapter 328. AN ACT ESTABLISHING A BOARD OF PUBLIC WORKS AND A DEPARTMENT OF PUBLIC WORKS IN THE CITY OF NORTHAMPTON.

Be it enacted, etc., as follows:

SECTION 1. There shall be in the city of Northampton a board of public works, hereinafter called the board, whose members shall be appointed by the mayor subject to confirmation by the city council; and a department of public works which shall be under the direction and control of the director of public works, hereinafter called the director.

SECTION 2. On the first Monday of the first month following the effective date of this act, and except as otherwise provided in this act, the board shall have all of the duties, responsibilities, powers and functions previously vested in the board of public works by the General Laws, special act, city charter or ordinance.

No contract or liability shall be affected by any revision of the duties of the board but, in all respects, the board shall be the lawful successor of the board of public works established under chapter 389 of the acts of 1961 as incorporated in article 12 of the charter of the city of Northampton.

SECTION 3. The mayor shall appoint the members of the board who shall be registered voters of the city and the appointment shall be subject to confirmation by the city council. The initial board shall be comprised of the membership of the board of public works established under chapter 389 of the acts of 1961 as incorporated in article 12 of the charter of the city of Northampton. The term of each member of the board shall coincide with such members term as a member of the board of public works established under said chapter 389.

The mayor and the city council, by majority vote, may remove any member of the board for cause by written charges proffered by the mayor or any 2 members of the city council. In the event of a vacancy in the board, the mayor shall appoint a registered voter of the city to fill the vacancy for the remainder of the unexpired term, subject to confirmation by the city council. The members of the board upon its formation shall elect 1 of its members as chairman for the ensuing year, or until his successor is elected and qualified, and thereafter such election shall be held annually in March.

The board shall keep a written record of all of its proceedings. It shall prepare annually and file with the city council a written report of its activities and its recommendations, if any. The board shall establish for each fiscal year a master plan for all major public works in the areas falling under the jurisdiction of the department of public works, giving priority to the projects in accordance with their necessity and importance, and shall also establish a 5-year public works plan and any further long-range planning it may deem to be in the best interests of the city.

SECTION 4. The director of public works shall be appointed by the mayor to hold office at the pleasure of the mayor.

The director of public works shall be in charge of and have direction and control of the department of public works, and shall cause to be performed all the work of construction, reconstruction, alteration, repair, maintenance and upkeep, and all other work incidental thereto, in accordance with policies, long-range plans, priority of major projects, and capital outlay requirements as may be authorized and established by the board of public works. The

director may establish divisions within the department of public works, including but not limited to, those encompassing the following responsibilities: streets; engineering; water; equipment maintenance; administration and purchasing; parks and cemeteries, including recreation grounds.

Each division shall assume management and control as determined by the director. The director, from time to time, after consultation with the board, may combine and consolidate supervision of any of the divisions and, with the approval of the mayor, may establish other divisions. The director may make rules and regulations for the government of the department of public works and divisions thereof, and shall attend to the proper enforcement of the same. The director shall have jurisdiction over the divisions and over each member of each division, and shall after approval by the mayor fix all salaries of the personnel under his jurisdiction within the wage scales established by the mayor. The director shall appoint all employees of the department of public works. The director shall perform all other duties and exercise all other powers as may be lawfully assigned to the department of public works by ordinance of the city council. The director shall have all of the powers and duties previously vested in the city engineer under chapter 389 of the acts of 1961 as incorporated in article 12 of the charter of the city of Northampton, by General Law, special act or ordinance, or which may from time to time be vested in the director.

SECTION 5. Except as otherwise provided in this act, the board shall have all of the powers and responsibilities of the board of public works established under chapter 389 of the acts of 1961 as incorporated in article 12 of the charter of the city of Northampton.

The board shall have the following powers and duties:-

- (1) establish for each fiscal year a master plan for all major public works in the areas falling under the jurisdiction of the department of public works giving priority to the projects in accordance with their necessity and importance;
- (2) establish a 5-year public works plan, set other long-range planning it may deem to be in the best interests of the city;
- (3) respond to citizen inquiries and conduct public hearings related to planning and policy of the department of public works;
- (4) oversee Water and Sewer Enterprise Funds, and have the following duties related to the same, that is to set water and sewer rates, to act on water and sewer claims and any other powers or duties granted to the department of public works under chapter 389 of the acts of 1961 as incorporated in article 12 of the charter of the city of Northampton;
- (5) set policies, rules and regulations related to the functions of the department of public works;
- (6) issue permits and set fees for all permits assigned by law, ordinance or regulation to the department of public works;
- (7) sign and approve all contracts and change orders for goods and services purchased by the department of public works, except for those goods and services purchased pursuant to other city procurement policies;

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(8) serve in an advisory capacity to the mayor and city council as follows:-

(i) advise the mayor on decisions related to the department of public works;

(ii) review candidates for the position of director of the department of public works and advise the mayor regarding appointment;

(9) provide advice as requested by the director on water, sewer, street and other city infrastructure issues; and

(10) provide information to the mayor, the city council, city departments and the public on all matters related to the department of public works.

SECTION 6. Except for the director, all persons employed by or under the supervision of the board of public works established under chapter 389 of the acts of 1961 as incorporated in article 12 of the charter of the city of Northampton, shall be supervised by the director.

SECTION 7. This act shall take precedence over any provision of the charter or any ordinance of the city of Northampton which is inconsistent with the provisions of this act.

Approved September 20, 2002.

Chapter 329. AN ACT ESTABLISHING THE OFFICE OF TREASURER-COLLECTOR IN THE TOWN OF NORTH ATTLEBOROUGH.

Be it enacted, etc., as follows:

SECTION 1. There shall be in the town of North Attleborough the office of treasurer-collector. The treasurer-collector shall have all the powers, perform the duties and be subject to the liabilities and penalties now or hereafter conferred as imposed by law on town treasurers and town collectors of taxes.

SECTION 2. Notwithstanding section 1, the incumbents in the offices of town treasurer and collector upon the effective date of this act shall continue to hold the offices and perform the duties thereof until the expiration of the terms for which they were elected. The first treasurer-collector shall be elected at the first town election following the effective date of this act and the expiration of the terms of the incumbent treasurer and collector; but, if the same person holds both offices on the effective date of this act, then the position of treasurer-collector shall take effect immediately with the approval of the board of selectmen.

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

Approved September 20, 2002.

Chapter 330. AN ACT RELATIVE TO THE INSPECTION, REGISTRATION, CONSTRUCTION AND RECONSTRUCTION OF DAMS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 29 of the General Laws is hereby amended by inserting after section 2EEE the following section:-

Section 2FFF. There is hereby established and set up on the books of the commonwealth an expendable trust to be known as the Dam Safety Trust. There shall be credited to the trust all receipts and revenues generated through agreements executed between the department of environmental management and public or private entities for dam safety purposes, and all fines, costs, expenses, and interest imposed pursuant to sections 44 to 48A, inclusive, of chapter 253. The amounts credited to the trust shall be available for expenditure subject to appropriation, by the department of environmental management up to an amount of \$250,000 each fiscal year for the costs associated with the operations of the office of dam safety within the department, but such expenditures shall be solely for the purposes stated in this section and no funds shall be transferred from the trust to any other fund. The comptroller may assess the trust for fringe and overhead costs pursuant to section 5D and 6B. If the amount credited to the trust exceeds \$250,000, the excess amount shall be deposited into the General Fund. No expenditure made from the fund shall cause the fund to become deficient at any point during fiscal year.

SECTION 2. Chapter 253 of the General Laws is hereby amended by striking out sections 44 to 48, inclusive, as appearing in the 2000 Official Edition, and inserting in place thereof the following 9 sections:-

Section 44. For the purposes of sections 44 to 48B, inclusive, the following words shall have the following meanings:-

"Appurtenant works", structures, either in dams or separate therefrom, including, but not limited to, spillways; reservoirs and their rims; low level outlet works; and water conduits, including tunnels, pipelines or penstocks, either through the dams or their abutments.

"Commissioner", the commissioner of the department of environmental management or his authorized designee.

"Dam", any artificial barrier, including appurtenant works, which impounds or diverts water, and which (1) is 25 feet or more in height from the natural bed of the stream or watercourse measured at the downstream toe of the barrier, or from the lowest elevation of the outside limit of the barrier, if it is not across a stream channel or watercourse, to the maximum water storage elevation or (2) has an impounding capacity at maximum water storage elevation of 50 acre feet or more. Any other artificial barrier, including appurtenant works, the breaching of which could endanger property or safety, may be designated by the commissioner as a dam, and shall be subject to sections 44 to 50, inclusive. The word "dam" shall not mean any of the following: (1) any appurtenant works which temporarily impounds or diverts water used on land in agricultural use as defined pursuant to section 131 of chapter 40, (2) any barrier or appurtenant works which has a size classification of small or low hazard potential classification that is used on land in agricultural use as defined in said section 131 of said chapter 40, and (3) any barrier which is not in excess of 6 feet in height, regardless of storage capacity, or which has a storage capacity at maximum water storage elevation not in excess of 15 acre feet, regardless of height. The commissioner shall make

such determination by taking into consideration factors such as height, type of structure, condition of structure, volume of the impoundment, extent of development downstream, and other factors deemed appropriate by the commissioner.

"Department", the department of environmental management, as established in section 1 of chapter 21 .

"Owner", the person or persons, including any individual, firm, partnership, association, syndicate, company, trust corporation, municipality, agency, political or administrative subdivision of the commonwealth or any other legal entity of any kind holding legal title to a dam, but excluding the United States, its agencies or any person who operates a dam owned by the United States.

"Unsafe dam", a dam whose condition, as determined by the commissioner, is such that a high risk of failure exists.

"Water storage elevation", the maximum elevation without encroaching on the approved freeboard at maximum design flood.

Section 45. The owner of any dam shall file with the commissioner on or before July 1, 2003, and before operating any dam constructed thereafter, on such form or forms prescribed by the commissioner, a dam registration form containing the name of the owner, the location and the dimensions of the dam and such other information as the commissioner may require by regulation. A registration form shall not be deemed received by the commissioner until all information specifically required by statute or regulation is submitted. Failure to file a dam registration form by the time prescribed shall subject the owner to fines prescribed by regulation, and an inspection by the commissioner who may enter the property of the owner to obtain the requisite information. The registered owner of any dam shall notify the commissioner, by registered or certified mail, return receipt requested, of the transfer of legal title of the dam and any of changes for which the department may require notice by regulation, not later than 10 days after the date of such transfer or change. Upon receipt and approval of the dam registration form, the department shall issue a certificate of registration to each dam owner.

Section 45A. No person shall construct or materially alter a dam without applying for and receiving permit approval from the department. The approved permit shall be recorded at the registry of deeds in the county where the dam lies prior to commencement of construction. The application for a permit shall be made on such form or forms as prescribed by the commissioner. The application shall be accompanied by plans, specifications and related documents certified by a registered professional civil engineer. The commissioner shall approve or deny an application within 60 days after receipt. Construction of the dam shall be performed under the supervision of a registered professional civil engineer retained by the applicant and shall conform with the permit and its accompanying plans, specifications and related documents. The commissioner may require the engineer to submit periodic construction reports and drawings upon completion. If, after investigation of such periodic construction reports, the commissioner determines that construction does not conform to such plans and specifications, the commissioner may order the discontinuance

of the project until such time as he is satisfied that the work shall be performed in accordance with such plans. The engineer shall certify, upon completion of the work, that the dam has been constructed in accordance with the permit.

Section 46. The owner of any dam shall cause to be filed with the commissioner, on or before January 1, 2004, and periodically thereafter, as required by regulation, in accordance with the hazard potential classification of the dam, as noted in the certificate of the registration, on a form or forms prescribed by the commissioner, a dam inspection form, containing information relative to the present condition, safety and adequacy of the dam and such other information as the commissioner may require by regulation, signed by a registered professional civil engineer. Failure to file a dam inspection form by the time prescribed, according to the classification of the dam, shall subject the owner to fines prescribed by regulation, and an inspection by the commissioner who may enter the property of the owner to perform his own inspection. The cost of the inspection plus interest shall be assessed against the owner. If the commissioner determines the dam to be unsafe after receiving the dam inspection form, after the commissioner's inspection, or at any other time, the commissioner may within a period of time fixed by regulation order the owner of the dam to: (1) take immediate corrective action, including the alteration, repair or removal of the dam or drawing down of the impounded water to abate a threat to safety and property; or (2) cause a thorough evaluation of the dam by a registered professional civil engineer, who shall recommend the course of action necessary to bring the dam into a safe condition and establish a time schedule by which the work shall be accomplished. The evaluation shall include such tests as the commissioner may require. The commissioner shall record notice of such order in the registry of deeds in the county where the dam lies. The cost of such recording, plus interest from the date of recording, may be assessed against the owner. If the commissioner orders an evaluation, the owner shall meet with the representatives of the commissioner to establish the course of action and schedule for completion. Notice of such work and schedule for completion shall be provided to the owner and recorded by the commissioner in the registry of deeds in the county where the dam lies. The commissioner may inspect the work to the extent necessary to establish compliance with the order. When the work has been completed, the owner shall file plans and descriptions of the work with the commissioner as actually constructed, together with any other pertinent and required data. The commissioner may make examinations and tests as he deems necessary. The costs of the examinations and tests may be assessed against the owner plus interest from the date of the assessment. Proof of prior satisfactory inspection of a dam within the appropriate time period for that dam, as defined by the inspection schedule established under regulations promulgated by the commissioner, may be deemed sufficient for the purpose of filing the dam inspection form required by this section. In no case shall this provision allow a dam to exceed the maximum time period between inspections as established by regulation.

Section 46A. When a dam has been deemed safe, removed, or constructed pursuant to an order of the commissioner; or a dam has been evaluated, constructed, repaired or altered to the satisfaction of the commissioner under a properly issued permit, the commis-

sioner shall issue a certificate of compliance to the owner approving the dam but subject to such terms and conditions, if any, as the commissioner deems necessary for the protection of life and property. Such certificate shall be recorded by the owner in the registry of deeds in the county where the dam lies.

Section 47. (a) If the owner fails to take corrective action or fails to file an evaluation report, within the time specified in the order, as required in section 46, or if the owner of the dam cannot be determined, the commissioner may take such action as he deems necessary to repair or mitigate the unsafe condition and put the dam in an acceptable structural and operational condition in accordance with the existing rules and regulations of the department. Any emergency action taken by the owner of a dam pursuant to the commissioner's order or any emergency action taken by the commissioner may be taken without any prior filing with the conservation commission under section 40 of chapter 131. If water has been drawn off or the structure has been altered pursuant to an order by the commissioner, the impoundment shall not be refilled without approval of the commissioner. The commissioner may enter private property to take action to enforce sections 44 to 47, inclusive. The commissioner may enter into contracts to take actions, draw off water or make temporary repairs without complying with the competitive bidding requirements in chapter 149, if such action is necessary to abate a threat to safety or property.

(b) Any person performing substantial repairs without complying with sections 44 to 48A, inclusive, or who fails to comply with the provisions of this chapter or of any order, regulation or requirement of the department relative to dam safety, shall be fined an amount not to exceed \$500 for each offense, to be fixed by the court. Each violation shall be a separate and distinct offense and, in case of a continuing violation, each day's continuance thereof shall be deemed to be a separate and distinct offense.

(c) The attorney general, upon notice by the commissioner, shall institute an action to recover such fine and to enjoin the alteration, construction and use of such structure.

Section 48. The commissioner shall make such orders as he may deem just as to the payment by the owner to the commonwealth or other party of the costs and expenses incurred by them under the preceding 4 sections, with interest, from the time they were paid by the commonwealth. Notice shall be given to the state treasurer and the owner or other party for the amount due to the commonwealth. Any action taken by the commissioner pursuant to section 47 shall create a lien upon the lot of land on which the dam is situated and upon the buildings and structures on said lot to secure payment for all costs incurred by the commissioner in correcting the unsafe condition, plus interest. The attorney general, upon notice by the commissioner, shall institute an action to enforce such lien.

Section 48A. During each fiscal year, the department of environmental management shall prepare a report on the overall effectiveness of the dam inspection and regulation program under sections 44 to 48, inclusive, including, but not limited to, the number of inspections conducted per year, a listing of identified deficient dams in the commonwealth and steps taken to remedy deficiencies. The department shall submit the report to the joint committee on natural resources and agriculture and to the senate and house committees on

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ways and means, and shall make it available to all interested parties.

Section 48B. The owner of a dam shall be responsible for liability for damage to property of others or injury to persons, including but not limited to loss of life, resulting from the operation, failure of or misoperation of a dam. The provisions of sections 44 to 48, inclusive, shall not relieve from or lessen the responsibility of any person owning, or operating a dam from any damages to persons or property caused by dam defects, nor shall the commissioner be held liable by reason of the inspections required or permits issued.

SECTION 3. The department of environmental management shall adopt initial regulations pursuant to sections 44 to 48, inclusive, of chapter 253 of the General Laws on or before April 1, 2003.

Approved September 20, 2002.

Chapter 331. AN ACT INCREASING THE MEMBERSHIP OF THE BOARD OF SELECTMEN OF THE TOWN OF CANTON.

Be it enacted, etc., as follows:

SECTION 1. The board of selectmen of the town of Canton shall consist of 5 members elected for terms of 3 years each, so arranged that the term of as nearly an equal number of members as is possible shall expire each year.

SECTION 2. At the first regular town election held following the acceptance of this act by the voters of Canton, as provided for in section 3, 3 selectmen shall be elected. The candidate receiving the highest number of votes in the election shall serve a 3 year term, the candidate receiving the second highest number of votes shall serve a 2 year term, and the candidate receiving the third highest number of votes shall serve a 1 year term. Thereafter, as the terms of selectmen expire, successors shall be elected for terms of 3 years.

SECTION 3. This act shall be submitted for acceptance to the voters of the town of Canton at the next regular or special town election, in the form of the following question which shall be placed on the official ballot:

"Shall an act passed by the general court in the year 2002 entitled, 'An Act increasing the membership of the board of selectmen of the town of Canton', be accepted?"

If a majority of the votes cast in answer to the question is in the affirmative, sections 1 and 2 of this act shall thereupon take effect, but not otherwise.

SECTION 4. Section 3 shall take effect upon its passage.

Approved September 25, 2002.

Chapter 332. AN ACT RELATIVE TO CIVIL SERVICE ELIGIBILITY OF THE SON OF A DECEASED BOSTON POLICE OFFICER.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law or rule or regulation to the contrary, Thomas J. Foley of the city of Boston, son of Edward P. Foley, a deceased police officer of the city of Boston, shall be considered a son of a police officer who was killed or sustained injuries resulting in his death while in the performance of his duties and as a result of an assault on his person set forth in section 26 of chapter 31 of the General Laws, for the purposes of civil service eligibility for a position of police officer in the city of Boston.

SECTION 2. This act shall take effect as of February 1, 2002.

Approved September 25, 2002.

Chapter 333. AN ACT AUTHORIZING THE TOWN OF ADAMS 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 in the town of Adams may grant to Silvia Biurrin d/b/a Silvia B., a license for the sale of all alcoholic beverages to be drunk on the premises at 17 Commercial street in said town of Adams, under section 12 of said chapter 138. The license shall be subject to all of said chapter 138 except section 17.

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

Approved September 25, 2002.

Chapter 334. AN ACT ESTABLISHING A DISTINCTIVE REGISTRATION PLATE PROCESS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 10 of the General Laws is hereby amended by adding the following section:-

Section 67. (a) There shall be established and set up on the books of the commonwealth a separate fund to be known as the Commonwealth Security Trust Fund. There shall be credited to said fund revenues received from the sale of United We Stand distinctive registration plates and interest earnings thereon issued pursuant to section 2E of chapter 90 .

(b) There shall be a board of trustees of the Fund which shall consist of the secretary of public safety; the secretary of health and human services; the registrar of motor vehicles; and the following individuals to be appointed by the governor: 2 representatives from the law enforcement community; 2 representatives from the firefighting community and 2 relatives of Massachusetts victims of the September 11, 2001 terrorist attack on America. The secretary of public safety shall serve as chair of the board of trustees. The board of trustees shall adopt operating rules and procedures for its organization and activities and shall submit such rules and procedures in writing to the house and senate committees on ways and means and the secretary of administration and finance. The board shall serve without compensation.

(c) Amounts credited to the Commonwealth Security Trust Fund and interest earnings thereon shall be available for expenditure and not subject to appropriation at the direction of the chair of the board of trustees upon the approval of the board for the following purposes: (i) for providing grants to local police and fire departments for the purpose of enhancing emergency response, including responses to acts of terrorism; (ii) toward the design, construction and maintenance of a law enforcement memorial dedicated to Massachusetts law enforcement officers killed in the line of duty; and (iii) toward the design, construction and maintenance of a firefighters memorial dedicated to Massachusetts firefighters killed in the line of duty.

SECTION 2. Section 2E of chapter 90 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by adding the following subsection:-

(c) The registrar shall furnish, upon application, to the owners of private passenger motor vehicles distinctive registration plates which shall display on their face a design commemorating the victims and heroes of the September 11, 2001 terrorist attack with the image of the American flag and the words "United We Stand". There shall be a fee of not less than \$40 for such plates in addition to the established registration fee for private passenger motor vehicles, such fee being payable at the time of registration of such vehicle and at each renewal thereof. The portion of the total fee remaining after the deduction of the costs directly attributable to the issuance of such plates shall be deposited in a registry retained revenue account and of the remaining portion of such fee, 50 per cent shall be directed to the Massachusetts 9/11 Fund, Inc. and distributed by such fund at its discretion for the benefit of the relatives of the Massachusetts victims of the September 11, 2001 terrorist attack on America or toward the design, construction and maintenance of a permanent memorial to such Massachusetts victims, or both; 25 per cent shall be deposited within 90 days of receipt thereof to the Rewards for Justice Fund, to be contributed to the United States State Department's Rewards for Justice program and used solely to apprehend terrorists and bring them to justice; and 25 per cent shall be deposited in the Commonwealth Security Trust Fund established in section 67 of chapter 10.

SECTION 3. Said chapter 90 is hereby further amended by inserting after section 2E the following section:-

Section 2F. (a) The registrar shall design, issue and regulate the use of distinctive registration plates, subject to the following conditions: an organization sponsoring or requesting

a distinctive registration plate shall post a bond in the amount of \$100,000 to secure the issuance of the distinctive plate. The organization or group shall also submit 1,500 individual applications requesting the distinctive registration plate on an application form determined by the registrar, and the application form shall include the name, address and signature of each individual requesting the distinctive registration plate. Each of the 1,500 applications shall be accompanied by a nonrefundable check in the amount of \$40. Upon the completion of the submission of the bond and the 1,500 individual applications, the organization or group requesting the distinctive registration plate shall submit a proposed design for the plate. The registrar shall approve the design within 90 days of its submission. After the registrar grants approval of the design, the registrar shall send the distinctive registration plate into production.

(b) A minimum of 3,000 distinctive registration plates shall be issued within 2 years of the issuance of the first distinctive registration plate in the series. Failure to reach the minimum by the end of the 2 year period shall result in the total or partial forfeiture of the bond. If total revenue generated by the distinctive registration plate is less than the established total cost to the commonwealth for issuing distinctive registration plates, an amount equivalent to the difference in revenues and costs shall be deposited from the bond into the General Fund. The remainder of the bond shall be returned to the organization or group that posted the bond.

(c) Distinctive registration plates to be considered by the registrar pursuant to this section shall include only plates that will benefit the following agencies, charities, causes or nonprofit organizations: The Jimmy Fund for the purpose of assisting their efforts in cancer treatment, research and prevention; The American Cancer Society for the purpose of assisting their efforts in cancer treatment, research and prevention; the establishment of a children's education fund to assist local cities and towns in purchasing textbooks for their school systems; the establishment of a library preservation trust fund to assist the commonwealth's public libraries in purchasing books, periodicals and other literature and equipment; the Black United Fund of Massachusetts; the establishment of a Diane Zaniboni breast cancer research fund to be coordinated by the department of public health; the pharmacy assistance program; The Humane Coalition for the purposes of instituting animal control programs; The Rotary Foundation; The Springfield Library and Museum Association for the purposes of creating and supporting a Dr. Seuss Museum in the city of Springfield; The New England Chapter of Transplant Recipients International Organization, Inc. for supporting organ and tissue donation and outreach efforts; the department of environmental management for the maintenance of historical vessels; the University of Massachusetts scholars fund and alumni fund; the establishment of an agricultural trust fund to promote and enhance the viability of agriculture; the establishment of a violence prevention education program to be coordinated by the department of education; an open space acquisition program to be coordinated by the executive office of environmental affairs; the Second Century Fund coordinated by the department of environmental management for the maintenance, preservation and operation

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of the state park system; the establishment of a fund to assist in the maintenance and preservation of historical monuments; the establishment of a youth hockey promotion fund to offset the costs of participating in youth hockey and promote improvement of parent and player behavior; the Massachusetts Lions Eye Research Program and the Lazarus Program; the establishment of a Massachusetts AFL-CIO scholarship trust fund to promote the study of labor history and to provide scholarship assistance to Harvard University's trade union program; the establishment of a future of nursing fund to assist in efforts to address the shortage of nurses; and the rider education program to promote driver and motorcycle safety.

SECTION 4. The board established by section 67 of chapter 10 of the General Laws shall be appointed within 30 days after the effective date of this act, and the board shall adopt its initial rules and regulations within 90 days after the effective date of this act.

Emergency Letter: September 26, 2002 @ 4:49 P.M. Approved September 26, 2002.

Chapter 335. AN ACT ALLOWING ACCESS FOR PEOPLE RAISING OR TRAINING DOGS FOR THE PURPOSE OF BECOMING SERVICE DOGS TO ASSIST PEOPLE WITH DISABILITIES.

Be it enacted, etc., as follows:

Chapter 129 of the General Laws is hereby amended by inserting after section 39D the following section:-

Section 39E. A person accompanied by and engaged in the raising or training of a service dog, including a hearing, guide or assistance dog, shall have the same rights, privileges and responsibilities as those afforded to an individual with a disability under the Americans with Disabilities Act, 42 U.S.C. section 12101, et al.

Approved September 28, 2002.

Chapter 336. AN ACT RELATIVE TO THE BOARD OF LICENSING COMMISSIONERS IN THE CITY OF SPRINGFIELD.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 4 of chapter 138 of the General Laws or any other general or special law to the contrary, the board of licensing commissioners of the city of Springfield shall consist of 5 persons, appointed by the mayor, subject to confirmation by the city council, who shall not be engaged, directly or indirectly, in the manufacture or sale of alcoholic beverages and who shall have been residents of the city of Springfield for at least 2 years immediately preceding their appointment. Two members shall be appointed from each of the 2 leading political parties and the fifth member may be appointed in a nonpartisan

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manner without regard to political affiliation. The fifth member shall be recommended to the mayor through a caucus of the various neighborhood councils and civic associations of the city. If a member of the board engages, directly or indirectly, in such manufacture or sale of alcoholic beverages, his office shall immediately become vacant.

SECTION 2. Notwithstanding section 5 of chapter 138 of the General Laws or any other general or special law to the contrary, the terms of office of the members of the board of licensing commissioners of the city of Springfield shall be arranged so as to expire concurrent with the term of the mayor. Members shall continue to serve until their respective successors are appointed. A member may be removed by the mayor for cause, after charges preferred, reasonable notice of the charges and a hearing. The mayor shall, in the order of removal, state his reasons for such removal. Notwithstanding the foregoing, this section shall not impair the term of an incumbent board member on the effective date of this act.

SECTION 3. Notwithstanding section 7 of chapter 138 of the General Laws or any other general or special law to the contrary, no member of the board shall receive a salary for services rendered to the board.

SECTION 4. All other provisions of sections 4 to 9, inclusive, of chapter 138 of the General Laws, not in conflict with this act, shall apply to the board of licensing commissioners.

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

Approved October 3, 2002.

Chapter 337. AN ACT DESIGNATING A CERTAIN BRIDGE IN THE TOWN OF NORTH ATTLEBOROUGH AS THE WOMEN WAR VETERANS OF NORTH ATTLEBOROUGH MEMORIAL BRIDGE.

Be it enacted, etc., as follows:

SECTION 1. The bridge on Kelley Boulevard, on state highway route 152, spanning interstate highway route 95 in the town of North Attleborough, shall be designated and known as the Women War Veterans of North Attleborough Memorial Bridge, in honor of those women who unselfishly served in the armed forces of the United States during wartime. The department of highways shall erect and maintain suitable markers bearing the designation in compliance with the standards of the department.

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

Approved October 3, 2002.

Chapter 338. AN ACT RELATIVE TO REPRESENTATIVE TOWN GOVERNMENT IN FRAMINGHAM.

Be it enacted, etc., as follows:

Chapter 143 of the acts of 1949 is hereby amended by inserting after section 5 the following section:-

Section 5A. (1) A town meeting member who does not attend at least 1 per cent of the town meeting sessions for which the person is qualified during the period beginning from the first day of the year, or beginning from the time the person is qualified, and ending on the last day of the year shall be deemed to have abandoned that office as of the last day of such period. The per cent indicated above may be changed by by-law of the town.

(2) The town clerk shall promptly notify the town meeting member whose position was declared vacant and shall inform that person that he may run again at the next annual town election in accordance with the procedures applicable to a resident seeking initial election as a town meeting member.

(3) A town meeting member appointed by precinct members to fill a vacancy pursuant to this section shall serve until the next annual town election. At such election, whether or not the vacancy has been filled, a member shall be elected to fill the unexpired term.

(4) A town meeting member who moves from the precinct from which the town meeting member was elected to another precinct, and notifies the town clerk of the move before January 1 of any year, shall continue to hold office until the annual election following said January 1, at which time the term shall expire. Such a member may seek election as a member from the precinct to which the member has moved. The position of town meeting member from the precinct that elected the town meeting member shall be filled at the next annual town election for the remaining years in the term.

(5) When a town meeting member moves from the town of Framingham, and notifies the town clerk of the move before January 1 of any year, the precinct shall fill the vacancy at the next annual town election for the remaining years in the term.

Approved October 3, 2002.

Chapter 339. AN ACT PROVIDING FOR THE LEASING AND CONSTRUCTION OF IMPROVEMENTS TO THE COOLIDGE SCHOOL IN THE TOWN OF WATERTOWN.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the city known as the town of Watertown may enter into 1 or more leases of all or a portion of the property known as the Coolidge School, contingent upon town council authorization. Any such lease shall be awarded under section 16 of chapter 30B of the General Laws and shall

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be made on such terms and conditions, including the length of the term thereof if the term does not exceed 25 years, as shall be determined by the town manager to be in the best interests of the town.

SECTION 2. A lessee selected under this act shall be responsible for the cost of any and all construction, reconstruction, alteration, remodeling, repair and maintenance of the Coolidge school building or grounds, collectively referred to in this act as improvements, including the cost of any design services. The design and construction of any such improvements shall be subject to the prior approval of the town of Watertown, and shall be exempt from the provisions of the General Laws related to the construction, reconstruction, alteration, remodeling, repair and maintenance of improvements to public property, including sections 38A½ to 38O, inclusive, of chapter 7, section 39M of chapter 30, chapter 30B, and sections 44A to 44H, inclusive, of chapter 149 of the General Laws.

Sections 26 to 27H, inclusive, of said chapter 149 shall apply to any contracts entered into by the lessee for the construction of such improvements.

SECTION 3. Before the construction of any improvements under this act, the lessee shall provide the town of Watertown with a performance and labor and materials payment bond in the amount of 100 per cent of the value of the improvements to be constructed and with certificates of insurance indicating the existence of such coverage as the town manager shall determine to be in the best interests of the town.

SECTION 4. All improvements constructed under this act shall become and remain the property of the town of Watertown upon the termination of leases awarded under this act.

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

Approved October 3, 2002.

Chapter 340. AN ACT RELATIVE TO BANK AND CREDIT UNION EMPLOYEES RETIREMENT ASSOCIATIONS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to expand the eligibility for membership in the Savings Banks Employees Retirement Association, the Cooperative Banks Employees Retirement Association and the Credit Union Employees Retirement Association in order to enhance the ability of members to avail themselves of a variety of retirement plan providers, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 168 of the General Laws is hereby amended by striking out section 39, as appearing in the 2000 Official Edition, and inserting in place thereof the following section:-

Section 39. Fifteen or more savings banks may form the Savings Banks Employees Retirement Association in this section, and in sections 40 and 41, called the association for the purpose of providing retirement benefits services through retirement plans that are qualified under section 401 of the federal Internal Revenue Code, to members of the association and their customers, as hereinafter provided. The association, in its name and by or through its authorized officers, may (a) make agreements and investments subject to limitations as from time to time may be prescribed by law or the by-laws of the association, (b) sue and be sued, plead and be impleaded, (c) enforce liens and other obligations and foreclose mortgages held by the association on or with respect to real or personal property situated in the commonwealth or in any state or territory of the United States, (d) adopt an official seal and alter the same at pleasure, and (e) do other acts and things necessary to carry out the powers conferred upon it by law and its by-laws.

Any bank or credit union chartered by the commonwealth, any such bank or credit union which has converted to federal charter and has its main office located in the commonwealth, any bank or credit union chartered by the federal government, by a state of the United States other than the commonwealth or by the District of Columbia and which has its main office or a branch office located in the commonwealth, the Massachusetts Bankers Association and its successors and any bank which is a voting member thereof, the Savings Banks Employees Retirement Association, the Depositors Insurance Fund, and other banking institutions with their main office or any branch office located in the commonwealth, as may from time to time be provided for in the by-laws of the association, and the respective employees of each of the foregoing, shall be eligible for membership in the association; but, no bank that was eligible to be a member of the association before January 1, 2004, shall be eligible to become a member of the Cooperative Banks Employees Retirement Association or the Credit Union Employees Retirement Association unless and until the Cooperative Banks Employees Retirement Association and the Credit Union Employees Retirement Association permits a member to transfer from any or all of the qualified plans provided by said association, assets and liabilities, attributed to the member's employees, to 1 or more qualified plans not provided by said association. For the purposes of this section and sections 40 and 41, a reference to "bank" or "banks" shall, unless the context otherwise requires, mean any or all of the organizations named or referred to in this paragraph, a reference to "trustees" of a bank shall, unless the context otherwise requires, mean the governing body of any such organization, including, if applicable, the board of directors; and a reference to "customer" shall mean any person or business who has established a contractual relationship for banking business purposes with any banking institution located in the commonwealth which is a member of the association.

Eligible employees may contribute a portion of their salaries or wages, to be deducted by the employing banks and paid to the plans or the retirement association. A participating bank may contribute to or under plans of the retirement association for its employees to the extent determined by its board of trustees. Contributions and benefits under the plans of the

retirement association shall not exceed the limits, if any, imposed on such plans by the Internal Revenue Code and the Employees Retirement Income Security Act of 1974, in this section called the Code and ERISA, respectively.

If the commissioner finds that the continuation of contributions by a participating bank subject to his authority may affect its safety and soundness, including reducing its risk-based capital ratio below any prescribed regulatory level, said commissioner may order the bank to (a) freeze its benefits and cease further funding for future benefit accruals under any plans qualified under section 401 of the federal Internal Revenue Code; (b) revise its benefits for future service under any such plans so that contributions on account of any employee will be limited to an appropriate percentage of compensation; or (c) terminate its participation in any such plans.

The funds contributed by participating banks and their employees shall be held or used by the trustees of the association for the purchase of annuities or payment of retirement benefits to eligible employees, for payments to beneficiaries or representatives of any member employee of the participating bank dying before reaching the age of retirement, and for the payment to any employee retiring from service before becoming entitled to a pension or annuity. Funds held under any of the said plans shall be held or used by the retirement association to the extent required by the Code and ERISA for the exclusive purpose of providing plan benefits to participating members; but, to the extent permitted by law, funds of the plans may be used to defray reasonable expenses of administering the retirement association and the plans, and expenses of investing the assets of the plans may be charged against the funds of the plans. To the extent that expenses of the retirement association or said plans are not otherwise paid, they shall be paid by participating banks on a proportionate basis, as provided in the by-laws of the retirement association. The association shall annually provide to each member a report of assets and liabilities attributable to its participants in any or all qualified plans adopted by a member.

A participating bank, by vote of its board of directors, and a customer may adopt 1 or more of the plans of the retirement association for the benefit of its employees. Any such bank which has adopted a plan of the retirement association for its employees may, if it is otherwise eligible, also establish an employee stock ownership plan.

In any calendar year, the association or bank by vote of its governing board, may directly supplement the retirement benefits being paid to retired employees or their beneficiaries on account of service; but, no supplement of a retirement benefit shall exceed the retirement benefit multiplied by the increase in the cost of living since the retirement began. The increase in the cost of living is the percentage by which the national monthly consumer price index for all urban consumers issued by the bureau of labor statistics of the United States Department of Labor for the last November before the year in which payment is made is greater than the beginning index figure. The beginning index figure is the average of such monthly consumer price index figures for the year in which a retirement benefit was first paid to or with respect to a former employee. No bank may become obligated to pay in future years any supplement authorized by this paragraph.

Membership in the association is voluntary and any bank may establish or provide qualified retirement plans for its employees independent of the association; but, nothing contained herein shall be construed so as to require any bank to provide qualified retirement plans to its employees.

SECTION 2. Chapter 170 of the General Laws is hereby amended by striking out section 30, as so appearing, and inserting in place thereof the following section:-

Section 30. Fifteen or more cooperative banks may form the Cooperative Banks Employees Retirement Association, in this section and in sections 31 and 32 called the retirement association, for the purpose of providing retirement benefits services through retirement plans which are qualified under Section 401 of the Internal Revenue Code, in this section called plans, to employees and customers of members of the association, as hereinafter provided. The retirement association, in its name and by and through its authorized officers, may (a) establish plans and related trusts for its members, (b) make agreements and investments subject to such limitations as from time to time may be prescribed by law or the by-laws of the retirement association, (c) establish divisions, departments and other operating units within the retirement association, and provide the same with appropriate names or other identifications, to assist the retirement association in carrying out the powers conferred upon it by law and its by-laws, (d) sue and be sued, plead and be impleaded, (e) enforce liens and other obligations and foreclose mortgages held by the retirement association on or with respect to real or personal property situated in the commonwealth or in any state or territory of the United States, (f) adopt an official seal and alter the same at pleasure, and (g) do such other acts and things as may be necessary to carry out the powers conferred upon it by law and its by-laws.

Any cooperative bank, trust company or credit union chartered by the commonwealth, any such bank, trust company or credit union which has converted to federal charter and has its main office located in the commonwealth, any bank or credit union chartered by the federal government, by a state of the United States other than the commonwealth or by the District of Columbia and which has its main office or a branch office located in the commonwealth, the Massachusetts Bankers Association and its successors and any bank which is a voting member thereof, the Cooperative Banks Employees Retirement Association, the Cooperative Central Bank, such other cooperative bank, credit union or trust company organizations as may from time to time be provided for in the by-laws of the retirement association, and the respective employees of each of the foregoing, shall be eligible for membership in the retirement association. For the purposes of this section, and sections 31 and 32, a reference to "bank" or "banks" shall, unless the context otherwise requires, mean and include any or all of the organizations named or referred to in this paragraph, reference to "board of directors" of a bank shall also, unless the context otherwise requires, mean and include the governing body of such organizations, and reference to "customer" shall mean any person or business who has established a contractual relationship for banking business purposes with any banking institution located in the commonwealth which is a member of the association.

Eligible employees may contribute a portion of their salaries and wages to or under plans established by the retirement association, to be deducted by the employing banks and paid to the plans or the retirement association. A participating bank may contribute to or under plans of the retirement association to the extent determined by its board of trustees. Contributions and benefits under the plans of the retirement association shall not exceed the limits, if any, imposed on such plans by the Internal Revenue Code of 1954 and the Employees Retirement Income Security Act of 1974, in this section called the Code and ERISA, respectively.

If the commissioner finds that the continuation of contributions by a participating bank subject to his authority may affect its safety and soundness, including reducing its risk-based capital ratio below any prescribed regulatory level, said commissioner may order the bank to (a) freeze its benefits and cease further funding for future benefit accruals under any plans qualified under section 401 of the federal Internal Revenue Code; (b) revise its benefits for future service under any such plans so that contributions on account of any employee will be limited to an appropriate percentage of compensation; or (c) terminate its participation in any such plans.

All plans maintained by the retirement association shall conform to the Code and ERISA and funds held under any such plans shall be invested in a manner as the retirement association shall determine. Copies of all plans shall be filed with the commissioner. Funds held under any of said plans shall be held by or used by the retirement association to the extent required by the Code and ERISA for the exclusive purpose of providing plan benefits to participating members; but, to the extent permitted by law, funds of the plans may be used to defray reasonable expenses of administering the retirement association and the plans, and expenses of investing the assets of the plans may be charged against the funds of the plans. To the extent that expenses necessary for the administration of the retirement association or the said plans are not paid from the plans, they shall be paid by participating banks on a proportionate basis, as provided in the by-laws of the retirement association. The association shall annually provide to each member a report of assets and liabilities attributable to its participants in any or all qualified plans adopted by a member.

A participating bank, by vote of its board of directors, and a customer may adopt 1 or more of the plans of the retirement association for the benefit of its employees. Any bank which has adopted a plan of the retirement association for its employees may, if it is otherwise eligible, also establish an employee stock ownership plan.

A bank, by vote of its board of directors, may directly or indirectly by means of a contribution to 1 or more of the trust funds held by the trustees of the retirement association supplement the retirement benefits being paid to its former employees or their beneficiaries on account of bank service; but, no supplement of a retirement benefit shall exceed the retirement benefit multiplied by the increase in the cost of living since the retirement began. The increase in the cost of living is the percentage by which the national monthly consumer price index for all urban consumers issued by the bureau of labor statistics of the United States Department of Labor for the last November before the year in which payment is made

is greater than the beginning index figure. The beginning index figure is the average of such monthly consumer price index figures for the year in which a retirement benefit was first paid to or with respect to a former employee. Except with respect to supplements first voted by a financial institution's governing board on or after January 1, 1981, and which are paid through 1 or more of the trust funds held by the trustees of the retirement association, no employing unit may become obligated to pay in future years any supplement authorized by this paragraph.

Membership in the association is voluntary and any bank may establish or provide qualified retirement plans for its employees independent of the association; but, nothing contained herein shall be construed as requiring any bank to provide qualified retirement plans to its employees.

SECTION 3. The second paragraph of said section 30 of said chapter 170 of the General Laws, as amended by section 2 of this act, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- Any bank or credit union chartered by the commonwealth, any such bank or credit union which has converted to federal charter and has its main office located in the commonwealth, any bank or credit union chartered by the federal government, by a state of the United States other than the commonwealth or by the District of Columbia and which has its main office or a branch office located in the commonwealth, the Massachusetts Bankers Association and its successors and any bank which is a voting member thereof, the Cooperative Banks Employees Retirement Association, the Cooperative Central Bank, and such other banking institutions with their main office or any branch office located in the commonwealth, as may from time to time be provided for in the by-laws of the association, and the respective employees of each of the foregoing, shall be eligible for membership in the association; but, no bank that was eligible to be a member of the association before January 1, 2004, shall be eligible to become a member of the Savings Banks Employees Retirement Association or the Credit Union Employees Retirement Association, unless and until the Savings Banks Employees Retirement Association and the Credit Union Employees Retirement Association permits a member to transfer from any or all of the qualified plans provided by said association, assets and liabilities, attributed to the member's employees, to 1 or more qualified plans not provided by said association.

SECTION 4. Said chapter 170 is hereby further amended by striking out section 31, as appearing in the 2000 Official Edition, and inserting in place thereof the following section:-

Section 31. The by-laws of the retirement association, and any amendments thereto, shall be submitted to the commissioner and shall prescribe the manner in which, and the officers and agents by whom, the retirement association may be conducted and the manner in which its funds may be invested and paid out. Such retirement association shall be formed when its by-laws have been approved and agreed to by a majority of the trustees of each of 15 or more cooperative banks and have been approved by the commissioner. The association

shall annually, on or before August 1 report to the commissioner such statements of its membership and financial transactions for the year ending on the preceding December 31st as the commissioner may consider necessary to show its business and standing. The commissioner may verify such statement by an examination of the books and papers of the retirement association. The retirement association shall not be subject to chapter 32 or chapter 175 or other laws as relate to insurance companies or other retirement associations.

SECTION 5. Chapter 171 of the General Laws is hereby amended by striking out section 82, as so appearing, and inserting in place thereof the following section:-

Section 82. Fifteen or more credit unions, each having assets of \$50,000 or more, may form the Credit Union Employees Retirement Association, in this section and in sections 83 and 84 called the association, for the purpose of providing retirement benefits services through retirement plans that are qualified under section 401 of the federal Internal Revenue Code to employees of credit unions established under the laws of the commonwealth and which are members of the association and to their customers. Any bank or credit union chartered by the commonwealth, any such bank or credit union which has converted to federal charter and has its main office located in the commonwealth, any bank or credit union chartered by the federal government, by a state of the United States other than the commonwealth or by the District of Columbia and which has its main office or a branch office located in the commonwealth, the Massachusetts Credit Union League, Inc., and its successors, the Massachusetts Credit Union Share Insurance Corporation, and other banking or credit union institutions with their main office or any branch office located in the commonwealth, as may from time to time be provided for in the by-laws of the association, and the respective employees of each of the foregoing, shall be eligible for membership in the association; provided, however, that no bank that was eligible to be a member of the association before January 1, 2004, shall be eligible to become a member of the Cooperative Banks Employees Retirement Association or the Savings Banks Employees Retirement Association unless and until the Cooperative Banks Employees Retirement Association and the Savings Banks Employees Retirement Association permits a member to transfer from any or all of the qualified plans provided by said association, assets and liabilities, attributed to the member's employees, to 1 or more qualified plans not provided by said association. For the purpose of this section and sections 83 and 84, a reference to "credit union" or "credit unions" shall, unless the context otherwise requires, mean and include any or all of the organizations named or referred to in this paragraph, a reference to "directors of a credit union" shall, unless the context otherwise requires, mean and include the governing body of each member organization, and reference to "customer" shall mean any person or business who has established a contractual relationship for banking business purposes with any credit union located in the commonwealth which is a member of the association.

Eligible employees may contribute a portion of their salaries or wages, to be deducted by credit unions and employers and paid to the association. A credit union may contribute to the funds of the association to the extent determined by its governing body; provided, however, that contributions by a credit union for current services, as defined in its by-laws,

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on account of any employee shall not exceed 15 per cent of his compensation.

The funds contributed by participating credit unions and their employees shall be held or used by the trustees of the association for the purchase of annuities or payment of pensions to eligible employees upon their retirement from service, for the payments to beneficiaries or representatives of any member employee dying before reaching the age of retirement, and for the payment to any such employee retiring from service before becoming entitled to a pension or annuity. Expenses necessary for the administration of the association shall be paid by participating members on a proportionate basis, as provided in the by-laws of the association. The association shall annually provide to each member a report of assets and liabilities attributable to its participants in any or all qualified plans adopted by a member.

In the event that any employee who has been continuously in the employ of a credit union for 10 years or more becomes incapacitated for further service by reason of physical or mental disability before age 65, the employing credit union may pay him a pension in an amount not to exceed 2 per cent of his average salary for the 3 years preceding the date of retirement for each year, not exceeding 30 years of continuous service with any and all credit unions as defined in the second paragraph of this section. Any pension paid on account of disability may be discontinued at any time by the governing board of the employing credit union, and shall be discontinued when the pensioner substantially recovers his earning capacity or attains age 65 or the date the employee elects to have his pension or annuity commence.

A credit union providing retirement benefits to its employees through a plan offered by a provider of plans other than the association, which shall be a qualified plan under 26 U.S.C. section 401, shall file with the commissioner a copy of the plan, any amendments or revisions thereto, and a copy of the annual statement of the provider relative to the plan.

In any calendar year, the association or an employer, by vote of its governing board, may directly supplement the retirement benefits being paid to retired employees or their beneficiaries on account of service; provided, however, that no supplement of a retirement benefit shall exceed the retirement benefit multiplied by the increase in the cost of living since the retirement began. The increase in the cost of living is the percentage by which the national monthly consumer price index for all urban consumers issued by the bureau of labor statistics of the United States Department of Labor for the last November before the year in which payment is made is greater than the beginning index figure. The beginning index figure is the average of such monthly consumer price index figures for the year in which a retirement benefit was first paid to or with respect to a former employee. No credit union may become obligated to pay in future years any supplement authorized by this paragraph.

SECTION 6. Sections 1, 3 and 5 of this act shall take effect on January 1, 2004; but, at least 6 months before that date, the Savings Banks Employees Retirement Association, the Cooperative Banks Employees Retirement Association and the Credit Union Employees Retirement Association shall have provided to the commissioner a plan of operation satisfactory to the commissioner to effect the purposes of said sections 1, 3 and 5.

Approved October 6, 2002.

Chapter 341. AN ACT RELATIVE TO POLICE POWERS IN CERTAIN BUILDINGS IN THE TOWN OF FRAMINGHAM.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, police officers in the town of Framingham shall exercise their powers, including the power to enforce the by-laws of the town of Framingham, within any building or structure or other property to which the public has a right of access and which are owned or controlled by the Framingham Housing Authority.

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

Approved October 9, 2002.

Chapter 342. AN ACT RELATIVE TO PARKING VIOLATIONS IN THE CITY OF WORCESTER.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the city of Worcester may establish, by ordinance, fines for parking violations, not exceeding \$50 if paid within 21 days, not exceeding \$55 if paid after 21 days but before the parking clerk reports to the registrar of motor vehicles, and not exceeding \$70 after the violation has been reported to the registrar.

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

Approved October 9, 2002.

Chapter 343. AN ACT DIRECTING THE STATE BOARD OF RETIREMENT TO PAY A CERTAIN RETIREMENT BENEFIT TO THE SURVIVING SPOUSE OF STATE TROOPER MICHAEL BRUGMAN.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary and for the purpose of promoting the public good, the state board of retirement shall pay Diane Brugman, the surviving spouse of state trooper Michael Brugman, an accidental death benefit as provided under section 9 of chapter 32 of the General Laws.

SECTION 2. This act shall take effect as of April 16, 1999.

Approved October 9, 2002.

Chapter 344. AN ACT RELATIVE TO THE FINANCIAL CONDITIONS IN THE NASHOBA REGIONAL SCHOOL DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law, or the regional school district agreement to the contrary, the Nashoba regional school district, with the approval of the finance advisory board established by section 3, may borrow, at one time or from time to time, such sums as are approved by the regional school district committee and then by the board, but in no event in an amount in the aggregate in excess of \$5,000,000 to maintain and operate the regional school district while it adjusts the level of its expenses and revenues so as to achieve balanced budgets and fiscal stability. The board may limit the borrowing to an amount or amounts less than the amount or amounts approved by the regional school district committee. Bonds or notes issued under the authority of this act for operating purposes may be issued for a term of not more than 10 years and shall be backed by the full faith and credit of the regional school district. Bonds or notes issued under the authority of this act shall be eligible to be issued as qualified bonds or notes pursuant to chapter 44A of the General Laws. Indebtedness incurred under this act shall, so far as apt, be subject to the provisions of chapter 44 of the General Laws. The maturities of each issue of bonds or notes authorized under this act, including any refunding bonds, may, if approved by the regional school district officers authorized to issue and approve the bonds or notes, and by the board, 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.

SECTION 2. All proceeds of any loan authorized by section 1 shall be deposited in a separate fund which shall be set up on the books of the regional school district and be maintained separate and apart from all other funds and accounts of the regional school district. This fund shall be called the Nashoba Regional School District Financial Stability Fund, in this act called the fund. The regional school committee, with the approval of the board, may authorize disbursements from the fund for such operating purposes as the committee considers appropriate to maintain and continue regional school district operations. Funds borrowed for operating purposes may be applied, with the approval of the director of accounts in the department of revenue, in this act referred to as the director, as general revenue for purposes of computing assessments to the member town under section 16B of chapter 71 of the General Laws. The director may establish such rules and procedures as he considers appropriate relating to disbursements from the fund and the reporting and accounting for these disbursements.

SECTION 3. There shall be in the Nashoba Regional School District a finance advisory board, consisting of the secretary of administration and finance or his designee, the commissioner of revenue or his designee, the deputy commissioner of the division of local services of the department of revenue or his designee, the commissioner of education or his

designee, and the chairman of the regional school committee or his designee. The board shall initiate and assure the implementation of appropriate initiatives to secure the financial stability of the school district, and shall continue in existence until June 30, 2005 unless the members, after consideration of the recommendation of the regional school committee if it chooses to offer one, by majority vote shall annually vote to continue the operation of the board from year to year thereafter.

Until the board ceases to exist, no appropriation, borrowing authorization or transfer shall take effect until approved by the board. As used in this act, "appropriation" means each line item in the district budget, and "transfer" means adjustments between or among line items pursuant to the district's procedures. In addition to the authority and powers conferred elsewhere in this act, and notwithstanding any general or special law, or regional school district agreement to the contrary, the board shall have the following authority:

(a) The authority, by majority vote, to amend at any time any appropriation, borrowing authority, transfer, or other municipal spending authority. The authority to amend, pursuant to the authority contained in this act, shall include the power to increase or decrease an existing appropriation, borrowing authorization, transfer or spending authority; the authority to eliminate an existing appropriation, borrowing authorization, transfer or spending authority; and the power to create an appropriation, transfer or spending authority. In exercising its authority under this clause, the board may act with respect to district spending purposes that are not the subject of separately identified appropriations.

(b) Notwithstanding section 16B of chapter 71 of the General Laws, or any other general or special law, if there is no annual budget lawfully established for a fiscal year by the first day of such fiscal year, the authority, by majority vote, to establish a budget for that fiscal year that it deems appropriate and to amend, as provided for above, such appropriations during that fiscal year.

(c) The authority, by majority vote, to encumber or impound, at any time, any unexpended or unencumbered appropriation or spending authority of any kind notwithstanding the prior approval of the board of such appropriation or spending authority. To the extent that funds previously encumbered or impounded remain encumbered or impounded at the conclusion of the fiscal year, such amounts shall revert to the district's excess and deficiency account.

(d) In addition and without limitation of the other authority in this section, the independent authority, by majority vote, to establish, set, raise or lower any fee or charge, for any service or other district activity, otherwise within the authority of the district to establish, set, raise or lower. No such fee or charge shall be established, set, raised or lowered without written notice to the school committee and superintendent at least 45 days before the effective date of such action.

Action by the board, under authority of this act, shall in all respects constitute valid and lawful action by the regional school district for purposes of chapters 44, 70 and 71 of the General Laws and for all school finance and other matters.

In each year during which the board continues in existence, the superintendent shall, at the same time as the annual budget is submitted to the school committee, provide to the board and to the director a copy of the proposed annual budget together with a supporting revenue and expenditure statement in such detail as the board may prescribe. The board shall review such budgetary information and may issue a report of its findings.

In order to promote and ensure the fiscal stability of the Nashoba Regional School District, the board may also require the filing of a detailed annual work plan by each district official with the power to make contracts or incur liabilities on behalf of the district which shall be approved by the superintendent, setting forth certain actions which may be implemented by each such official to ensure greater efficiency in the delivery of services by the district.

Each work plan shall be in such detail as the board may prescribe, and may include, but not be limited to, the following: (1) a plan for improved financial and spending controls; (2) budget guidelines and objectives for the fiscal year; (3) a professional and nonprofessional staffing plan; (4) a plan for other proposed savings to be implemented. Any such plan submitted by a district official shall be approved by the school committee prior to submission to the board. During the course of each fiscal year in which the board is in existence, the board may require that status reports be filed with the board by such district officials on a quarterly basis.

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

The board may prepare reports of its findings and review and issue such recommendations for further action to the superintendent and regional school district committee.

Members of the board who are employees or officers of the commonwealth or the regional school district shall serve without compensation.

SECTION 4. The regional school district business manager, or other official with responsibility for accounting matters, shall have the powers and duties vested in this office by general or special law, and in addition, the powers and duties provided in this act. To the extent not otherwise inconsistent with this act, the office of the regional school district business manager shall also have the powers and duties provided by the regional school agreement.

The regional school district business manager shall, in addition to his other duties, provide, upon majority vote and at the written request of the finance advisory board, the regional school district committee or superintendent, within a reasonable time period from such request, an oral or written assessment, or both, as the committee may request, of the current and future financial impact of the cost of any proposed expenditure, lease or contract agreement for a term including more than one fiscal year, collective bargaining agreement or borrowing authorization, particularly, but not limited to, as such cost item would relate to the continuous provision of the existing level of district services. To the extent reasonable, this assessment shall include an analysis or other information of a financial nature as

is specifically requested by the finance advisory board, superintendent or committee. The assessment and analysis shall be provided by the regional school district business manager as his professional opinion.

SECTION 5. (a) Notwithstanding any general or special law, the regional school district agreement to the contrary, the Nashoba regional school district shall establish a special reserve fund for extraordinary and unforeseen expenditures, which fund shall be called the Supplemental Reserve Fund to Ensure Fiscal Stability. This fund shall be separate and in addition to any amounts appropriated pursuant to section 16G½ of chapter 71 of the General Laws.

(b) Commencing with fiscal year 2004 and for all fiscal years thereafter, before the date when assessments to the member towns are computed, the district shall include a supplemental reserve fund sum in the budget for such fiscal year, as determined under this act.

(c) The supplemental reserve fund sum for fiscal year 2004 shall be an amount equal to 0.25 per cent of the gross amount of the regional district budget for the prior fiscal years as determined by the director; the supplemental reserve fund sum for fiscal year 2005 shall be an amount equal to 0.50 per cent of the gross amount of the regional district budget for the prior fiscal year as determined by the director; the supplemental reserve fund sum for fiscal year 2006 shall be an amount equal to 0.75 per cent of the gross amount of the regional district budget for the prior fiscal year as determined by the director; the supplemental reserve fund sum for fiscal year 2007 shall be an amount equal to 1 per cent of the gross amount of the regional district budget for the prior fiscal year as determined by the director; and the supplemental reserve fund sum for fiscal year 2008 and each subsequent fiscal year shall be an amount equal to 1.5 per cent of the gross amount of the regional district budget for the prior fiscal year as determined by the director.

(d) In each year the amount required to be included in the budget for such supplemental reserve fund may be reduced by the amount, if any, remaining in the supplemental reserve fund established for the preceding year after all expenditures have been made therefrom as authorized in this act, and this remaining amount shall be retained in such supplemental reserve fund provided for the then current fiscal year.

(e) Transfers or expenditures may be authorized from the supplemental reserve fund of any fiscal year during that fiscal year only, and then only by the regional school district committee, and if the board continues in existence at the time of such transfer or expenditure, only with the approval of the board. Each such transfer or expenditure request by the superintendent shall be accompanied by a written statement detailing the amount and the reason for the transfer or expenditure. Except for such transfers or expenditures as are authorized in this act, there shall be no other transfers or reductions in the amount of this fund.

(f) All amounts required by this act to be included in the district budget for each fiscal year shall be included in the calculation of assessments to the member towns by the regional

school district business manager. While the board remains in existence, the board, to the extent it considers it appropriate to effectuate the purposes of this act, may waive in part or in whole the requirements of this section.

SECTION 6. Notwithstanding any general or special law, or the regional school district agreement to the contrary, effective starting in fiscal year 2004, assessments shall be paid by the member towns to the district on August 15, November 15, February 15 and May 15.

SECTION 7. No official of the Nashoba regional school district, except in the case of an emergency involving the health and safety of persons or property, shall knowingly expend or incur liabilities in any fiscal year in excess of that official's spending authority established by a budget line-item or appropriation duly made in accordance with the law, nor commit the regional school district, 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 regional school district for any amounts expended in excess of the appropriation to the extent that the regional school district 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 regional school district under this act and to order relief that the court finds appropriate to prevent further violations of this section. Any violation of this section shall be deemed sufficient cause for removal.

SECTION 8. For the purposes of this act, the word "official" shall mean a regional school district administrator or other employee, permanent, temporary or acting, including the superintendent of schools, and all members of the school committee, 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 9. In any year during which bonds or notes authorized under this act remain outstanding, the commissioner of revenue may withhold the local aid payment to be made to the district on December 31 until an audit report for the preceding fiscal year has been received and accepted by the commissioner. The audit report shall be prepared by a certified public accountant in accordance with generally accepted auditing standards and shall include accompanying financial statements. In any year during which bonds or notes authorized under this act remain outstanding, the regional school district shall submit to the commissioner 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 and include such information and detail as the commissioner may prescribe.

In any year during which bonds or notes authorized by this act remain outstanding, the regional school district shall not issue any bond, note or other form of indebtedness without written notification to, and the approval of, the commissioner.

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SECTION 10. In any fiscal year, amounts included in the district's budget for principal and interest payments on any debt authorized by this act, and for the supplemental reserve fund required by this act, shall constitute and be included in the computation of the net school spending of the district for purposes of chapter 70 of the General Laws, but amounts carried forward from the closing balance of the prior year's supplemental reserve fund shall not be counted as part of net school spending, nor shall expenditures of amounts transferred from the fund count as net school spending. Nothing in this act shall in any way abridge the power of the towns that are members of the district with respect to the approval of the regional school district budget in accordance with section 16B of chapter 71 of the General Laws.

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

Approved October 9, 2002.

Chapter 345. AN ACT RELATIVE TO THE RETIREMENT OF CERTAIN EMPLOYEES OF THE TOWN OF TEWKSBURY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the retirement date and application deadlines contained in chapter 116 of the acts of 2002, the executive authority of the town of Tewksbury, in consultation with the chief executive officers of the police and fire departments of the town, respectively, may defer for 1 year the operation of the early retirement incentive program established by said chapter 116 with respect to Group 4 employees of the police department and fire department. Any such Group 4 employee of the police department or fire department eligible for retirement under said chapter 116 as of December 31, 2002, for whom the chief executive officer seeks deferral of the retirement date, may request a binding retirement application permitting his retirement date to be deferred for 1 year. This employee must be eligible as of December 31, 2002 to retire under said chapter 116, except that he may submit his retirement application and deferral request on or before February 1, 2003. The executive authority, in consultation with the chief executive officer of the employing department, may authorize such eligible employee to retire under the early retirement program and determine the retirement date for such employee, which shall not be later than December 31, 2003. Nothing in this act shall extend eligibility for the early retirement incentive to employees other than those eligible under said chapter 116 as of December 31, 2002, who may have their retirement dates deferred for 1 year in accordance with this act.

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

Approved October 9, 2002.

Chapter 346. AN ACT RELATIVE TO SAFETY OF SCHOOL SPONSORED TRAVEL.

Be it enacted, etc., as follows:

SECTION 1. Section 1B of chapter 69 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the twenty-second paragraph the following paragraph:-

The board shall adopt a model policy concerning student travel sponsored by a school that is planned to occur between the hours of midnight and 6:00 a.m., or that will include an overnight stay away from a student's home. The model policy shall address, but not be limited to, such issues as safety of transportation and accommodations, cost, including expectations for fundraising by students, time away from school, appropriateness of the trip for the grade level, and the trip approval process. The model policy shall take into account the recommendations of the Federal Motor Carrier Safety Administration, including its student motorcoach travel safety guide, as well as relevant safety recommendations made by the National Transportation Safety Board and other agencies and organizations. The board shall review the model policy and modify it as appropriate at least every 10 years. The board shall communicate the model policy, and any subsequent revisions of it, to each school committee for use by the school committee in adoption of the policy required by section 37N of chapter 71.

SECTION 2. Chapter 71 of the General Laws is hereby amended by inserting after section 37M the following section:-

Section 37N. Each school committee shall establish a policy concerning student travel sponsored by a school that is planned to occur between the hours of midnight and 6:00 a.m., or that will include an overnight stay away from a student's home. The policy shall address, but not be limited to, such issues as safety of transportation and accommodations, cost, including expectations for fundraising by students, time away from school, appropriateness of the trip for the grade level and the trip approval process. In adopting its policy, the school committee shall consider the model policy drafted by the board of education under section 1B of chapter 69.

SECTION 3. The board of education shall adopt its initial model policy under section 1B of chapter 69 of the General Laws not later than 1 year after the effective date of this act. Each school committee shall establish its initial policy under section 37N of chapter 71 of the General Laws not later than 2 years after the effective date of this act.

Approved October 9, 2002.

Chapter 347. AN ACT RELATIVE TO THE UNEMPLOYMENT INSURANCE SYSTEM.

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

is forthwith to further regulate the unemployment insurance system, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 9N of chapter 23 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in lines 1 and 28, the word "department" and inserting in place thereof, in each instance, the following words:- division of employment and training.

SECTION 2. Said section 9N of said chapter 23, as so appearing, is hereby further amended by striking out, in lines 2 and 24, the word "commissioner" and inserting in place thereof, in each instance, the following words:- deputy director of employment and training.

SECTION 3. Section 6 of chapter 151A of the General Laws, as so appearing, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-

(a) service in agricultural labor, except as otherwise provided in subsection (b) of section 4A and section 8C, by an individual who is an alien admitted to the United States to perform agricultural labor pursuant to section 214(c) and 101(a)(15)(H) of the Immigration and Nationality Act;.

SECTION 4. Said section 6 of said chapter 151A, as so appearing, is hereby further amended by inserting after the word "thereof", in line 139, the following words:- or an Indian tribe.

SECTION 5. Section 6A of said chapter 151A, as so appearing, is hereby amended by inserting after the word "subdivisions", in line 5, the following words:- or Indian tribes.

SECTION 6. Said section 6A of said chapter 151A, as so appearing, is hereby further amended by inserting after the word "commonwealth", in line 14, the following words:- or tribal law.

SECTION 7. Section 14 of said chapter 151A, as so appearing, is hereby amended by inserting after the first paragraph the following paragraph:-

In addition, an employer who has been assigned a contribution rate pursuant to paragraph (1) of subsection (i), has filed all reports required under this chapter and has paid all contributions, interest and penalties due under this chapter, may make voluntary contributions. Such voluntary contributions shall be paid not later than 30 days after the date on which the division has issued a notice of the employer's contribution rate pursuant to subsection (m) or prior to the expiration of 120 days after the start of the calendar year for which the contribution rates are effective, whichever is earlier. Upon timely payment of a voluntary contribution, the contribution shall be credited to the employer's account balance and that employer shall receive a recomputation of its contribution rate for that calendar year. No voluntary contribution shall be refunded in whole or in part.

SECTION 8. Paragraph (3) of subsection (d) of said section 14 of said chapter 151A, as so appearing, is hereby amended by inserting after the fourth sentence, the following sentence:- If a base period employer recalls an employee to work during the benefit year and the employee subsequently leaves such employment within the benefit year for reasons which would result in the denial of benefits under subsection (e) of section 25 had such employer been the employee's most recent employer, then any benefits paid to such employee following that separation which, in accordance with this paragraph, would be charged to such base period employer's account shall not be so charged but shall be charged to the solvency account.

SECTION 9. Said section 14 of said chapter 151A, as so appearing, is hereby further amended by striking out, in line 144, the words "December thirty-first" and inserting in place thereof the following word:- November 30.

SECTION 10. Paragraph (3) of subsection (i) of said section 14 of said chapter 151A, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Any newly subject employer classified in the 2 digit North American Industry Classification System code 23 shall pay contributions at a rate equal to the average rate as of the most recent computation date paid by all employers so classified.

SECTION 11. Said chapter 151A is hereby further amended by inserting after section 14L the following section:-

Section 14M. Benefits paid to employees of Indian tribes shall be financed and paid in accordance with this section.

(a) The term "employer" shall include an Indian tribe for which service in employment as defined under this chapter is performed.

(b) The term "employment" shall include service performed in the employ of an Indian tribe, as defined in section 3306(u) of the Federal Unemployment Tax Act, in this section called FUTA, provided such service is excluded from "employment" as defined in FUTA solely by reason of section 3306(c)(7) of FUTA and is not otherwise excluded from employment under this chapter.

(c) Benefits based on service in employment defined in this section shall be payable in the same amount, on the same terms and subject to the same conditions as benefits payable on the basis of other service subject to this chapter.

(d)(1) Indian tribes or tribal units, subdivisions, subsidiaries or business enterprises wholly owned by such Indian tribes, subject to this chapter shall pay contributions under the same terms and conditions as employers subject to section 14, unless they elect to pay into the Unemployment Compensation Fund amounts equal to the amount of benefits attributable to service in the employ of the Indian tribe.

(2) Indian tribes electing to make payments in lieu of contributions shall make such election in the same manner and under the same conditions as provided in section 14A pertaining to nonprofit organizations subject to this chapter. Indian tribes shall determine if reimbursement for benefits paid will be elected by the tribe as a whole, by individual tribal

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units or by combinations of individual tribal units.

(3) Indian tribes or tribal units shall be billed for the full amount of benefits attributable to service in the employ of the Indian tribe or tribal unit on the same schedule as other employing units that have elected to make payments in lieu of contributions.

(4) At the discretion of the commissioner, an Indian tribe or tribal unit that elects to become liable for payments in lieu of contributions shall be required within 30 days after the effective date of its election to:

(i) execute and file with the commissioner a surety bond approved by the commissioner; or

(ii) deposit with the commissioner money or securities on the same basis as other employers with the same election option.

(e)(1)(i) Failure of the Indian tribe or tribal unit to make required payments, including assessments of interest and penalty, within 90 days of receipt of the bill, shall cause the Indian tribe to lose the option to make payments in lieu of contributions, as described in subsection (d), for the following calendar year unless payment in full is received on or before December 31.

(ii) An Indian tribe that loses the option to make payments in lieu of contributions due to late payment or nonpayment, as described in subparagraph (i), shall have the option reinstated as of the next calendar year if, after a period of 1 year, all contributions have been timely made and no contributions, payments in lieu of contributions, penalties or interest remain outstanding.

(iii) The commissioner shall notify the United States Internal Revenue Service and the United States Department of Labor of any determinations made under subparagraphs (i) and (ii).

(f) The commissioner shall notify annually those Indian tribes or their tribal units who fail to make the required payments, including assessments of interest and penalties, that failure to make full payment by December 31 shall cause the Indian tribe:

(1) to be liable for taxes under the Federal Unemployment Tax Act; and

(2) to lose the option to make payments in lieu of contributions.

(g) Extended benefits paid that are attributable to service in the employ of an Indian tribe and not reimbursed by the Federal government shall be financed in their entirety by the Indian tribe.

SECTION 12. Section 18 of said chapter 151A, as appearing in the 2000 Official Edition, is hereby amended by inserting after the word "judgment", in line 46, the following words:- without interest.

SECTION 13. Said section 18 of said chapter 151A, as so appearing, is hereby further amended by striking out the last paragraph.

SECTION 14. Section 29E of said chapter 151A, as so appearing, is hereby amended by striking out, in line 14, the words "fifteen percent" and inserting in place thereof the following words:- 10 per cent.

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SECTION 15. Said section 29E of said chapter 151A, as so appearing, is hereby further amended by striking out, in line 24, the words "five and ninety-five hundredths percent" and inserting in place thereof the following words:- the rate of tax specified in subsection (b) of section 4 of chapter 62 .

SECTION 16. Section 46 of said chapter 151A, as so appearing, is hereby amended by adding the following subsection:-

(h) Nothing in this chapter shall prohibit the commissioner from participating with the commissioner of revenue in a program which permits employing units subject to this chapter to file with the department of revenue a consolidated return which shall include, but need not be limited to, unemployment insurance, unemployment health insurance, workforce training, income tax withholding and wage reporting information, together with the required payment.

SECTION 17. Sections 7 and 9 shall take effect relative to computation dates occurring not less than 90 days after the effective date of this act. Section 8 shall take effect relative to new initial claims filed on or after October 6, 2002. Section 10 shall take effect relative to computation dates occurring on or after September 30, 2002. Section 11 shall take effect as of December 31, 2000, except that the election of a tribe as defined in section 3306(u) of the Federal Unemployment Tax Act, which is subject to chapter 151A of the General Laws as of the effective date of this act, to make payments in lieu of contributions shall not be effective until the January 1 after the effective date of this act. Sections 14 and 15 shall take effect relative to benefits paid on or after July 1, 2002.

Approved October 9, 2002.

Chapter 348. AN ACT RELATIVE TO THE FILING OF A BOND IN CERTAIN PENDING LITIGATION.

Be it enacted, etc., as follows:

Notwithstanding any general or special law to the contrary, the attorney general may enter an agreement on behalf of the commonwealth to obtain a supersedeas bond to be posted in the cases of Two Agencies of the Commonwealth v. Hillard Development Corporation, U.S. District Court (S.D. Fla), Nos. 00-1078-CIV, 00-1079-CIV, and 00-1080-CIV, in order to permit a meaningful appeal of the decisions in those cases to the United States Court of Appeals for the Eleventh Circuit.

Emergency Letter: October 15, 2002 @ 5:08 P.M.

Approved October 15, 2002.

Chapter 349. AN ACT RELATIVE TO THE POLICE FORCE IN THE TOWN OF HOPEDALE.

Be it enacted, etc., as follows:

SECTION 1. Chapter 262 of the acts of 1984 is hereby amended by striking out section 1, as appearing in section 1 of chapter 156 of the acts of 2000, and inserting in place thereof the following section:-

Section 1. The position of regular or permanent members of the police force, including intermittent reserve officers and regular or permanent members of the fire department of the town of Hopedale, shall be subject to chapter 31 of the General Laws, including the tenure and just cause removal provisions, but incumbent police sergeant Mark Giovannella and police lieutenant James Gardner shall not be required to take any promotional qualifying examination to obtain tenure rights in their present positions.

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

Approved October 17, 2002.

Chapter 350. AN ACT AUTHORIZING LEONA S. FERRARA TO TAKE THE CIVIL SERVICE EXAMINATION FOR FIREFIGHTER IN THE TOWN OF MANSFIELD NOTWITHSTANDING MAXIMUM AGE REQUIREMENT.

Be it enacted, etc., as follows:

Notwithstanding any general or special law or rule or regulation to the contrary regulating the maximum age of applicants for appointment as firefighter, Leona S. Ferrara of the town of Mansfield shall be eligible to take the next open competitive examination for appointment to the position of firefighter in the town of Mansfield, and if she meets all other requirements, shall be eligible for certification and appointment to the fire department of the town of Mansfield.

Approved October 17, 2002.

Chapter 351. AN ACT AUTHORIZING THE TOWN OF WARE 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 Ware may grant to JPK Enterprises a license to sell all alcoholic beverages not to be drunk on the premises under section 15 of said chapter 138. This license

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shall be subject to all of said chapter 138 except said section 17.

Approved October 23, 2002.

Chapter 352. AN ACT RELATIVE TO RECALL IN THE TOWN OF NORTH BROOKFIELD.

Be it enacted, etc., as follows:

SECTION 1. A holder of an elected office in the town of North Brookfield may be recalled therefrom by the registered voters of the town as herein provided in this act.

SECTION 2. Ten registered voters of the town of North Brookfield may file with the town clerk a recall affidavit, using either a blank recall affidavit as prepared by the town clerk or an affidavit substantially similar thereto, containing the name and position of the officer whose recall is sought and a statement of the grounds for the recall. Upon certification of the required signatures, the clerk shall forthwith deliver to the first named voter on the affidavit copies of petition blanks addressed to the board of selectmen demanding the recall, copies of which printed forms the clerk shall keep available. The blanks shall be issued by the clerk with the signature and official seal of the clerk attached thereto. They shall be dated, shall contain the names of the first 10 registered voters whose names appear on the recall affidavit, the name and position of the person whose recall is sought and the grounds of recall as stated in the affidavit and shall demand the election of a successor to the office. A copy of the petition shall be entered in a record book to be kept in the office of the clerk. The recall petition shall be returned and filed with the clerk within 21 days after the filing of the affidavit and shall have been signed by at least 15 per cent of the registered voters of the town as of the date the affidavit was filed with the clerk. To every signature shall be added the place of residence of the signer, giving the street and number, if any. The clerk shall, within 72 hours of receipt thereof, submit the petition to the registrars of voters in the town, and the registrars shall forthwith certify thereon the number of signatures which are names of registered voters of the town.

SECTION 3. If the petition shall be found and certified by the town clerk to be sufficient, the clerk shall submit the same with his certificate to the board of selectmen without delay. The board of selectmen shall forthwith give written notice of the receipt of the certificate, either by hand or by certified mail, return receipt requested, to the officer sought to be recalled. If the officer does not resign within 5 days after receipt of the notice, the board of selectmen shall forthwith 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; but if any other town election is scheduled to occur within 100 days after the date of the certificate, the board shall postpone the holding of the recall election to the date of the other election, and the question of recall shall appear on the ballot at the 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 section.

SECTION 4. Any officer sought to be removed may be a candidate to succeed himself and, unless the officer requests otherwise in writing, the town clerk shall place his name on the ballot without nomination. The nomination of other candidates, the publication of the warrant for the recall election and the conduct of the same shall all be in accordance with the provisions of law relating to elections, unless otherwise provided in this act.

SECTION 5. The incumbent shall continue to perform the duties of the office until the recall election. If not recalled, the incumbent shall continue in office for the remainder of the unexpired term, subject to recall as before, except as provided in section 7. If recalled, the incumbent shall be deemed removed. If the successor fails to qualify within 10 days after receiving notification of his election, the office shall be deemed vacant.

SECTION 6. Ballots used in a recall election shall submit the following propositions in the order indicated:

For the recall of (name of officer)

Against the recall of (name of officer)

Immediately at the right of each proposition there shall be a square in which the voter, by making a cross mark (x), may vote for either of the propositions. Under the proposition shall appear the word "Candidates" and the directions to voters required by section 42 of chapter 54 of the General Laws and, beneath this, the names of candidates nominated as hereinbefore provided. If a majority of the votes cast upon the question of recall is in the affirmative, then the candidate receiving the highest number of votes shall be declared elected. If a majority of the votes cast upon the question of recall is in the negative, the ballots cast for candidates to fill the potential vacancy shall not be counted.

SECTION 7. No recall petition shall be filed against an officer within 6 months after the officer takes office, nor in the last 6 months of the term, nor in the case of an officer subjected to a recall election and not recalled thereby, until at least 6 months after the election at which the recall was submitted to the voters of the town has elapsed.

SECTION 8. No person who has been recalled from an office or who has resigned from office while recall proceedings were pending against him shall be appointed to any town office within 1 year after the recall or resignation.

Approved October 23, 2002.

Chapter 353. AN ACT VALIDATING THE ACTIONS TAKEN AT THE SPECIAL TOWN MEETING HELD BY THE TOWN OF ROCKLAND.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 10 of chapter 39 of the General Laws or any

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other general or special law or by-law to the contrary, all acts and proceedings taken by the town of Rockland at the special town meeting held on May 13, 2002 and all actions taken pursuant thereto are hereby ratified, validated and confirmed, to the same extent as if the warrant for that meeting had been posted in full compliance with law and applicable by-law.

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

Approved October 23, 2002.

Chapter 354. AN ACT PLACING THE POLICE CHIEF IN THE TOWN OF RANDOLPH UNDER THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The position of police chief in the town of Randolph shall be subject to chapter 31 of the General Laws.

SECTION 2. Section 1 shall not apply to any person employed in the position of police chief of the town of Randolph on the effective date of this act.

SECTION 3. Chapter 390 of the acts of 1992 is hereby repealed.

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

Approved October 25, 2002.

Chapter 355. AN ACT RELATIVE TO THE BOARD OF REGISTRATION IN VETERINARY MEDICINE.

Be it enacted, etc., as follows:

SECTION 1. Section 55 of chapter 112 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in lines 16 and 18, the word "forty-five" and inserting in place thereof, in each instance, the following figure:- 210.

SECTION 2. The second paragraph of said section 55 of said chapter 112, as so appearing, is hereby amended by inserting after the first sentence the following sentence:- A veterinarian seeking license renewal shall present evidence satisfactory to the board of the successful completion of such continuing education as the board shall require by regulation.

Approved October 25, 2002.

Chapter 356. AN ACT RELATIVE TO CREDIT UNION REAL ESTATE LOANS.

Be it enacted, etc., as follows:

SECTION 1. Section 13 of chapter 171 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the fourth sentence and inserting in place thereof the following sentence:- It shall act upon all applications for membership and upon the expulsion of members, shall determine the rate of interest on loans subject to the limitations contained in this chapter, shall determine the rate of interest to be paid on deposits, may declare dividends as provided in section 29 and shall fill vacancies in the board of directors and committees until the next annual election.

SECTION 2. Section 15 of said chapter 171, as so appearing, is hereby amended by striking out the last paragraph.

SECTION 3. Section 17 of said chapter 171, as so appearing, is hereby amended by adding the following paragraph:-

Notwithstanding the foregoing, the credit committee may appoint 1 or more employees of the credit union, who need not be members of the board of directors or the credit committee, as loan officers and delegate to them the authority to approve applications for loans authorized by this chapter. The delegation of authority shall be in writing, shall be approved by the board of directors, shall define the term and scope of the authority, and shall include standards for approving loans to be secured by mortgages of real estate which are consistent with the written loan policies of the credit union. The delegation of authority shall be subject to annual review and approval by the board of directors. Not more than 1 member of the credit committee may be appointed as a loan officer. Applications for loans to be secured by a mortgage on real estate not approved by a loan officer shall be acted upon by the credit committee. Applications for loans to be secured by a mortgage on real estate approved by a loan officer or the credit committee shall require ratification by the board of directors.

Approved October 25, 2002.

Chapter 357. AN ACT RELATIVE TO APPRENTICESHIP TRAINING PROGRAMS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 23 of the General Laws is hereby amended by striking out sections 11E to 11L, inclusive, and inserting in place thereof the following 8 sections:-

Section 11E. There shall be in the department an apprenticeship council, to consist of 8 members, 6 of whom shall be appointed by the director with the approval of the governor, 1 of whom shall be the deputy director of employment and training or his successor, in the department of labor and workforce development, ex officio, and 1 of whom shall be the associate commissioner of career and technical education or his successor, in the department of education, ex officio. Of the appointive members, 3 of whom shall be persons

who, on account of previous vocation, employment, occupation or affiliation, may be classified as representatives of labor and 3 of whom shall be persons who, on account of previous vocation, employment, occupation or affiliation, may be classified as representatives of management. The terms of office of the representatives of labor and management initially appointed shall expire as designated by the director at the time of making the appointments, 1 representative each of labor and management shall be appointed for a term of 1 year, 1 representative each of labor and management shall be appointed for a term of 2 years, and 1 representative each of labor and management shall be appointed for a term of 3 years. Thereafter, each member representing labor and management shall be appointed for a term of 3 years. Any member appointed to fill a vacancy occurring prior to the expiration of the term of his predecessor shall be appointed for the remainder of the term. Each member of the council not otherwise compensated by the commonwealth may be reimbursed for transportation and other necessary expenses. The council shall not meet more than 15 days in a year.

The council shall meet at the call of the director and shall aid the director in formulating policies for the effective administration of this chapter. The council shall suggest standards for apprentice programs and apprentice agreements, which shall in no case be lower than those prescribed by this chapter. The council shall suggest such rules and regulations as it deems necessary to carry out the intent and purposes of this chapter, and shall perform such other functions as the director may direct.

Section 11F. The director, subject to approval by the governor, shall appoint a deputy director of apprentice training. The deputy director may appoint and employ such clerical, technical and professional assistance as shall be necessary to effectuate the purposes of this chapter, and may utilize any federal funds available to aid in the administration of this chapter.

Section 11G. The director and deputy director, with the advice and guidance of the apprenticeship council, shall administer sections 11E to 11W, inclusive, shall keep a record of apprentice programs and apprentice agreements and their disposition, shall cooperate with the state department of education and the local school authorities in regard to the education of apprentices in accordance with the standards established by the director and deputy director for the same trade or group of trades, and shall perform such other duties as are necessary to carry out the intent of said sections 11E to 11W, inclusive.

The director and deputy director may set up and establish conditions and training standards for apprentice programs and apprentice agreements, which conditions or standards shall in no case be lower than those prescribed by said sections 11E to 11W, inclusive, may create and implement a schedule of progressive sanctions regarding registration of apprentice programs, may act as secretary of the apprenticeship council, may approve an apprentice program or apprentice agreement which meets the standards established under said sections 11E to 11W, inclusive, may terminate or cancel an apprentice program or apprentice agreement in accordance with said sections 11E to 11W, inclusive, and may issue certificates of completion of apprenticeship.

Section 11H. As used in this chapter the following words shall, unless the context clearly requires otherwise, have the following meaning:-

"Apprentice", a person at least 16 years of age who has entered an apprentice agreement with an employer, or an association of employers, or an organization of employees, or other apprentice program sponsor.

"Apprentice agreement", a written agreement between an apprentice and an apprentice program sponsor which is registered with the division and which provides for not less than 2,000 hours of reasonably continuous employment, consistent with training requirements as established by industry practice, in the occupation to which he is apprenticed. The written agreement shall also provide for not less than 150 hours per year of related instruction for a person in the occupation to which he is apprenticed, as well as participation in an approved schedule of work experience throughout a reasonably continuous period of employment.

"Apprenticeable occupation", a skilled trade which: (1) is customarily learned in a practical way through a structured, systemic program of on-the-job supervised training; (2) is clearly identified and commonly recognized through an industry; (3) involves manual, mechanical or technical skills and knowledge which require a minimum of 2,000 hours of on-the-job work experience; and (4) requires related training to supplement the on-the-job training.

"Apprentice program", a program which is registered with the division for the recruitment, selection, employment, training and qualification of apprentices.

"Apprentice program sponsor", a person, association, committee, organization, corporation, partnership, trust or other entity operating an apprentice program and in whose name the program is registered with the division.

"Deputy director", the deputy director of apprentice training.

"Director", the director of labor and workforce development.

"Division", the division of apprentice training in the department of labor and workforce development.

Section 11I. Every apprentice agreement entered shall include at least the following basic provisions:

(a) a requirement that the apprentice receive a minimum of 2,000 hours of employment as an apprentice, consistent with training requirements as established by industry practice, in the occupation to which he is apprenticed;

(b) a requirement that the apprentice receive a minimum of 150 hours per year of related classroom instruction during the period of apprenticeship in the occupation to which he is apprenticed;

(c) a schedule of the work processes to be learned in the occupation;

(d) a progressively increasing scale of wages for the apprentice, during the period of apprenticeship, averaging at least $\frac{1}{2}$ of the rate of pay of a journey person over a similar period;

(e) a concise and accurate statement of the terms and conditions of the employment and training of the apprentice and a statement that the apprenticeship agreement shall be registered with the division within 30 days of its execution;

(f) a statement that such agreement may be terminated, within 6 months of its execution, by either the employer or the apprentice, for any reason;

(g) a statement that the agreement may be terminated by the deputy director any time during the duration of the agreement if the deputy director deems it proper; and

(h) a statement that the division is available to receive, investigate and resolve any complaints the apprentice has about the apprentice training program in which the apprentice is registered.

Section 11J. No apprentice agreement shall be effective until approved by and registered with the division. An apprentice agreement shall be signed by the apprentice program sponsor and by the apprentice and, if the apprentice is a minor, by a legal guardian of the minor and by the deputy director. When a minor enters into an apprentice agreement for a period of training extending beyond the date upon which the apprentice shall attain his majority, the apprentice agreement, if approved and registered, shall be binding for the entire period referred to in the agreement, including so much thereof as may extend beyond the date upon which the apprentice attained majority.

Section 11K. To be approved by and registered with the division, an apprentice program shall substantially conform with the following basic standards:-

(a) The ratio of apprentices to journeypersons shall not conflict with the ratio established in apprenticeable occupations operated by the joint labor management apprentice training programs approved under this chapter. Notwithstanding section 11G, neither the deputy director, the director, nor the apprenticeship council shall set up and establish conditions and training standards for apprentice programs which are in conflict with this ratio.

(b) The apprentice program shall be open to all persons at least 16 years old and shall not discriminate on the basis of age, race, color, creed, national origin, gender, sexual orientation or disability.

(c) The apprentice program shall ensure that each apprentice works a minimum of 2,000 hours of employment, consistent with training requirements as established by industry practice, at the occupation to which he is apprenticed. The apprentice program shall ensure that each apprentice receives a minimum of 150 hours annually of related classroom instruction in the occupation to be learned.

(d) The apprentice program must ensure that each apprentice is paid in accordance with a predetermined schedule of wage rates based on the journeyman rate, said schedule to progressively increase with the apprentice's skill level and average at least 50 per cent of the journeyman's rate for the apprenticeship term.

(e) The apprentice program shall allow credit or advanced standing to be granted to an apprentice for hands-on training or related instruction which the apprentice may have previously obtained, but all such credit or advanced standing shall comply with this chapter.

(f) The apprentice program shall establish a procedure to receive, investigate and resolve apprentices' complaints about the program. The procedure shall provide that any such complaint shall be filed within 6 months after the apprentice knew, or reasonably should have known of the act giving rise to the complaint. Notice of the complaint procedure shall be provided to all apprentices. Such notice shall advise an apprentice that the division is available to receive, investigate and resolve any complaints about the program that have not been resolved to the satisfaction of the apprentice after all internal procedures have been fully exhausted.

Section 11L. A person, association, committee, organization, corporation, partnership, trust or other entity seeking to sponsor an apprentice program may apply for a registration in accord with procedures established by the division. The application shall describe the proposed program, giving the terms and conditions of the apprentices' employment, supervision of apprentices and provision of related instruction. The application shall also describe whether credit or advanced standing will be given for relevant hands-on training or related instruction and, if so, the terms and conditions by which such credit or advanced standing will be granted.

If the applicant is a party to a collective bargaining agreement, a statement to that effect shall be included with the application and a copy of the application shall be provided to the agent for the collective bargaining unit at least 2 weeks prior to filing the application with the division. If the applicant is involved in any abnormal labor condition, such as a strike, lockout or other similar condition, the application shall be withheld until such condition is resolved. Once a program is registered, the sponsor shall notify the division in writing within 30 days of any significant modifications to the program or of any material changes in information submitted with the application.

SECTION 2. Said chapter 23 is hereby further amended by inserting after section 11S the following 4 sections:-

Section 11T. (a) An apprentice program sponsor may voluntarily deregister its program by providing written notice to the division and its apprentices and otherwise complying with provisions established by the division.

(b) The deputy director, on his own initiative, or upon the complaint of an interested person, may investigate and determine whether there has been a violation of the terms of an apprentice agreement or apprentice program and may hold hearings, inquiries and other proceedings necessary to such investigations and determination. All hearings, investigations and determinations shall be made under authority of reasonable rules and procedure approved by the director.

The deputy director may deregister an apprentice program upon finding sufficient cause. Any of the following shall constitute sufficient cause for deregistration: (1) false statements or material omissions in the application for registration or documentation submitted; (2) violation of any of the requirements of this chapter; or (3) violation of a state or federal law which the deputy director determines to be of such serious and compelling nature to warrant suspension or deregistration of the apprentice program. The apprentice program

sponsor shall be given a fair and impartial hearing, after reasonable notice of the hearing has been provided. If the proposed deregistration is for a specific period of time, the duration of the deregistration and any conditions that shall be met in order to be re-registered shall be provided with the notice.

An apprentice program sponsor of a deregistered program shall comply with provisions established by the division. Such provisions shall include, but not be limited to, the requirement that within 10 business days of the effective date of any deregistration, the apprentice program sponsor shall provide written notice to all apprentices in its program that, for the period of such deregistration, all apprentice agreements shall be automatically terminated.

The determination of the deputy director shall be filed with the director and notice of the determination shall, at the same time, be mailed, postage prepaid, to each person known by the division to be an interested person, at his last address as shown by the division's records. A person aggrieved by a determination or action of the deputy director may, within the 10 day period, appeal to the director, who shall hold a hearing after due notice to all interested parties. If no appeal is filed with the deputy director within 10 days after the date of such filing and notice, the determination shall become the decision of the director.

A party to an apprentice program aggrieved by an order or decision of the director may appeal to the superior court; provided, however, that such order or decision shall be conclusive if the appeal shall not be filed within 30 days after the date of the order or decision. The order or decision shall be reviewed in accordance with the standards for review provided in section 14 of chapter 30A .

No person shall institute an action for the deregistration of an apprentice program unless he shall first have exhausted all administrative remedies provided by this section.

(c) Within 30 days of the date of the deregistration, whether voluntary or involuntary, of an apprentice program, the apprentice program sponsor shall send to the division a copy of all documents demonstrating the number of hours of hands-on training and related instruction obtained by all apprentices in the program.

(d) The division may reinstate the registration of an apprentice program in its discretion upon presentation of adequate evidence that the condition that gave rise to the deregistration has been remedied.

Section 11U. (a) The division, upon the complaint of an interested person or upon its own initiative, may investigate and determine whether there has been a violation of the terms of an apprentice agreement, and may hold hearings, inquiries and other proceedings necessary to the investigations and determination, provided that the apprentice filing a complaint has exhausted the procedures established pursuant to section 11K. All hearings, investigations and determinations of apprentice agreements shall be made under authority of reasonable rules and procedure prescribed by the director.

(b) The division shall not be required to hold hearings in matters confined solely to identifiable apprentice agreements, which the division may deregister at any time during the

period of apprenticeship if it determines appropriate.

(c) The determination of the deputy director shall be filed with the director and notice of the determination shall, at the same time, be mailed, postage prepaid, to each person known by the division to be an interested person, at the last address as shown by the records of the division. If no appeal is filed with the deputy director within 10 days after the date of the filing and notice, the determination shall become the decision of the director.

A person aggrieved by a determination or action of the deputy director may, within the time allowed, appeal to the director, who shall hold a hearing after due notice to all interested parties. A party to an apprentice program aggrieved by an order or decision of the director may appeal to the superior court; provided, however, that the order or decision shall be conclusive if the appeal is not filed within 30 days after the date of the order or decision. The order or decision shall be reviewed in accordance with the standards for review provided in section 14 of chapter 30A .

No person shall institute an action for the enforcement or deregistration of any apprentice agreement until after the person has exhausted all administrative remedies provided by this section.

(d) The deputy director may reinstate the registration of an apprentice agreement in its discretion upon presentation of adequate evidence that the condition that gave rise to the deregistration has been remedied.

Section 11V. Nothing in this chapter or in an apprentice program or apprentice agreement entered into and approved under this chapter shall operate to invalidate any apprenticeship provision in a collective bargaining agreement between employers and employees setting up higher apprenticeship standards.

Section 11W. The deputy director shall require each apprentice entering into a written agreement pursuant to this chapter to submit an application to the division for an apprentice identification card. Said application shall be accompanied by a fee paid by the apprentice or the program sponsor, together with photographic prints as required by the deputy director. The deputy director shall charge the fees necessary for the establishment and maintenance of the identification card system. The funds shall be received by the state treasurer on behalf of the commonwealth and deposited in a special trust account for the division and may be expended, without further appropriation, under the direction of the deputy director. An apprentice identification card shall contain the photograph of the apprentice; the apprentice registration number or such other number as the deputy director requires; the name and business address of the appropriate apprenticeship committee or single employer sponsor; the steps of progression and related dates applicable to the apprentice; and the projected date on which the apprentice is projected to complete the apprenticeship. As a condition of apprenticeship, the apprentice shall keep the apprentice identification card on his person during all hours of employment during the apprenticeship.

SECTION 3. The first paragraph of section 27 of chapter 149 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the eighth sentence the following 2 sentences:- An apprentice performing work on a project subject to this

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section shall maintain in his possession an apprentice identification card issued pursuant to section 11W of chapter 23.

SECTION 4. The first paragraph of section 27B of said chapter 149, as so appearing, is hereby amended by inserting after the first sentence the following sentence:- For every week in which an apprentice is employed by a contractor, subcontractor or public body subject to this section, a photocopy of the apprentice's apprentice identification card, issued pursuant to section 11W of chapter 23, shall be attached to the records submitted under this section.

Approved October 25, 2002.

Chapter 358. AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF PROVINCETOWN.

Be it enacted, etc., as follows:

SECTION 1. The charter of the town of Provincetown which is on file in the office of the archivist of the commonwealth as provided in section 12 of chapter 43B of the General Laws is hereby amended by striking out section 2-3-1 and inserting in place thereof the following section:-

2-3-1 The annual town meeting shall be held on the first Monday in April of every year and shall be called to order at 6:00 p.m. for the purpose of transacting all business of the annual town meeting except the election of such officers and the determination of such matters as are required by law to be elected or determined by ballot.

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

Approved October 30, 2002.

Chapter 359. AN ACT AUTHORIZING BORROWING FOR A MUNICIPAL GOLF COURSE IN THE TOWN OF BRIDGEWATER.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding chapter 44 of the General Laws, the maturities of bonds issued by the town of Bridgewater for the planning, development and construction of improvements to and equipping of its municipal golf course, including a clubhouse and related structures, either shall be arranged so that for each issue the annual combined payments of principal and interest payable in each year, commencing with the first year in which a principal payment is required, shall be as nearly equal as practicable in the opinion of the town treasurer, or shall be arranged in accordance with a schedule providing for a more

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rapid amortization of principal. The first payment of principal of each issue of bonds shall be not later than 1 year from the estimated date of completion of the clubhouse or other improvements to the golf course being financed with the proceeds of such bonds, as determined by the town treasurer, and the last payment of principal shall be not later than 30 years from the date of the bonds. Project costs to be financed by the issue of the bonds may include interest incurred on the bond and any bond anticipation notes for a period of up to 2 years after the date of the original borrowing or, if later 1 year after the estimated date of completion of the clubhouse or other improvements to the golf course, as determined by the town treasurer. The town may create and maintain, from bond proceeds or other sources of funds, such reserve, replacement, maintenance and improvement funds in connection with the golf course as it may deem necessary and prudent, provided, however, that the aggregate of such funds provided from bond proceeds for the clubhouse project or other improvement project shall not exceed 10 per cent of the principal amount of the bonds issued for such project. Any net earnings derived from investment of the proceeds of the bonds may be expended by the town treasurer to pay interest on the bonds but otherwise shall be used only for construction, equipping, operation or maintenance of the golf course. Except as otherwise provided in this act, indebtedness incurred by the town for the golf course project shall be subject to the applicable provisions of said chapter 44.

SECTION 2. The vote of the town passed under Article 3 of the town meeting held on April 16, 2002, authorizing bonds for planning, developing, constructing and equipping a clubhouse, is hereby ratified, validated and confirmed. Proceeds of bonds issued in accordance with section 1 may be used to refund any bond anticipation notes previously issued for the planning and other preliminary expenses relating to the clubhouse project.

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

Approved October 30, 2002.

Chapter 360. AN ACT RELATIVE TO THE INDEMNIFICATION OF RETIRED POLICE OFFICERS AND FIRE FIGHTERS IN THE TOWN OF HALIFAX.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 100B of chapter 41 of the General Laws, or any other general or special law to the contrary, in the town of Halifax the panel required under said section 100B of said chapter 41 shall consist of the town counsel or other officer having similar duties or a person designated in writing by such counsel or officer to act for him, a physician appointed in writing by the board of selectmen, and another person appointed by the board of selectmen.

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

Approved October 30, 2002.

Chapter 361. AN ACT RELATIVE TO THE MEMBERSHIP OF THE CONSERVATION COMMISSION OF THE TOWN OF MARION.

Be it enacted, etc., as follows:

Notwithstanding section 8C of chapter 40 of the General Laws, the board of selectmen of the town of Marion may appoint 2 associate members to the conservation commission of the town for terms of not less than 3 years.

The chairman of the conservation commission may designate an associate member to sit on the commission only 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 commission until the vacancy is filled by the board of selectmen in accordance with said section 8C of said chapter 40.

Approved October 30, 2002.

Chapter 362. AN ACT AUTHORIZING THE CITY OF QUINCY TO PAY OR PROVIDE FOR HEALTH INSURANCE BENEFITS TO ITS EMPLOYEES AND RETIREES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the city of Quincy may borrow certain costs of health insurance benefits for employees and retirees of the city incurred in fiscal years before 2003, upon the order of the mayor, and with the approval of the city council by a $\frac{2}{3}$ vote as defined in section 1 of chapter 44 of the General Laws, an amount not to exceed \$2,800,000, for such amounts and under such terms and conditions as the commissioner of revenue shall approve. Bonds or notes of the city issued to evidence this debt shall mature no later than June 30, 2007, and the amount of annual principal payments in any year on account of such debt, so far as issued, shall not be less than the amount of principal payable in any subsequent year; and such annual payments shall begin not later than fiscal year 2004. Any debt incurred under this section shall be outside of the debt limit imposed by section 10 of said chapter 44, but shall, except as otherwise provided in this section, be subject to said chapter 44.

SECTION 2. To the extent that the city of Quincy has not issued bonds or notes in the full amount authorized under section 1, the city, by order of the mayor and with the approval of the city council, and with the approval of the commissioner of revenue and subject to such terms and conditions as the commissioner may impose, may capitalize for purposes of section 23 of chapter 59 of the General Laws an amount not to exceed \$2,800,000, and amortize such amount over a period not to exceed 4 fiscal years. The amount of amortization in any year shall not be less than the amount of amortization in any subsequent year; and such amortization shall begin in fiscal year 2004.

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

Approved October 30, 2002.

Chapter 363. AN ACT RELATIVE TO THE ELIGIBILITY OF CERTAIN BENEFICIARIES FOR ACCIDENTAL DEATH RETIREMENT BENEFITS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the retirement board of the city of Chelsea may determine Robert Better, a former deputy chief of the fire department of said city of Chelsea, his heirs and estate, eligible for benefits arising pursuant to section 94B of chapter 32 of the General Laws.

SECTION 2. The Hampden county regional retirement board shall reinstate the accidental death benefits payable to Diane Miller-Goodrich, the surviving spouse of James S. Miller, a department of public works employee in the town of Wilbraham, under paragraph (a) of subsection (2) of section 9 of chapter 32 of the General Laws, notwithstanding her remarriage.

Approved October 30, 2002.

Chapter 364. AN ACT MAKING CERTAIN AMENDMENTS TO THE GENERAL APPROPRIATION ACT FOR FISCAL YEAR 2003 AND CERTAIN OTHER LAWS.

Be it enacted, etc., as follows:

SECTION 1. Section 2EEE of chapter 29 of the General Laws, inserted by section 40 of chapter 184 of the acts of 2002, is hereby amended by adding the following sentence:- The comptroller shall certify payments, including payments during the accounts payable period, in anticipation of revenues, including receivables due and collectibles during the months of July and August, from the fund for the purpose of making the expenditures authorized under said sections 25 and 26 of said chapter 118G or any other special law.

SECTION 2. Section 1 of chapter 62 of the General Laws is hereby amended by striking out paragraph (c), as amended by section 1 of chapter 186 of the acts of 2002, and inserting in place thereof the following paragraph:-

(c) "Code", the Internal Revenue Code of the United States, as amended on January 1, 1998 and in effect for the taxable year; provided, however, that Code shall mean the Code

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as amended and in effect for the taxable year for sections 62(a)(1), 72, 274(m), 274(n), 401 through 420, inclusive, 457, 529, 530, 3401 and 3405 but excluding sections 402A and 408(q).

SECTION 3. Paragraph (2) of subsection (a) of section 2 of said chapter 62, as so appearing, is hereby amended by striking out subparagraph (L), added by section 4 of said chapter 186.

SECTION 4. Said section 2 of said chapter 62 is hereby further amended by striking out subsection (c), as amended by section 7 of said chapter 186, and inserting in place thereof the following subsection:-

(c) Part A adjusted gross income shall be the Part A gross income less the following deductions in the following order:

(1) Any excess of the deductions allowable under subsection (d) over the Part B gross income, but the amount deductible under this paragraph shall only reduce an item of Part A gross income which is effectively connected with the active conduct of a trade or business of the taxpayer.

(2)(a) Losses from the sale or exchange of capital assets held for 1 year or less, provided that the excess, if any, of the Part A net capital loss for the year over the Part A net capital gains for the year, but not more than the amount allowed under paragraph (4) of this subsection, shall be applied against Part A interest and dividends; provided, however, that any remaining excess of the Part A net capital loss for the year shall be applied against capital gains included in Part C gross income after applying the excess of each class's net capital loss against the other classes' net capital gains in accordance with subparagraph (1) of paragraph (M) of subsection (e). For purposes of this subsection, any Part A net capital loss shall first be applied to any Class B net capital gain, then to any Class C net capital gain, then to any Class D net capital gain, then to any Class E net capital gain, then to any Class F net capital gain and then to any Class G net capital gain. If Part A net capital loss for the year exceeds the Part C net capital gain for the year, then the excess, if any, of Part A net capital loss shall be a Part A capital loss under this paragraph in the succeeding taxable year.

(b) The excess, if any, of the Part C net capital loss for the year over the Part C net capital gains for the year shall be applied against capital gains included in Part A gross income after applying the excess of each class's net capital loss against the other classes' net capital gain in accordance with subparagraph (1) of paragraph (M) of subsection (e) and after applying the excess of the Part A net capital loss against Part A interest and dividends, but not more than the amount allowed under paragraph (4), and Part C capital gains in accordance with subparagraph (a) of this paragraph. For purposes of this subparagraph, any Part A net capital gain shall first be offset by any Class B net capital loss, then by any Class C net capital loss, then by any Class D net capital loss, then by any Class E net capital loss, then by any Class F net capital loss and then by any Class G net capital loss. If Part C net capital losses for the year exceed the Part A net capital gain for the year, then the excess, if any, of Part C net capital losses over Part A net capital gain, but not more than the amount allowed under paragraph (4), shall be applied against any interest and dividends included in

Part A gross income. The excess, if any, of the Part C net capital loss over the Part A net capital gain shall be a Part C capital loss in the succeeding taxable year.

(3) A deduction equal to 50 per cent of the gain income from the sale or exchange of property defined under section 408(m)(2) of the Code, as amended and in effect for the taxable year, and held for more than 1 year, after reduction by any losses in paragraph (2).

(4) Notwithstanding any other provisions of this chapter, not more than an aggregate amount of \$2,000 in Part A capital loss and Part C capital loss shall be applied against any interest and dividends included in Part A gross income.

SECTION 5. Subsection (c) of said section 2 of said chapter 62, as most recently amended by section 4 of this act, is hereby amended by striking out paragraph (2) and inserting in place thereof the following paragraph:-

(2)(a) Losses from the sale or exchange of capital assets held for 1 year or less, provided that the excess, if any, of the Part A net capital loss for the year over the Part A net capital gain for the year, but not more than the amount allowed under paragraph (4), shall be applied against Part A interest and dividends; provided, however, that any remaining excess of the Part A net capital loss for the year shall be applied against capital gains included in Part C gross income. If Part A net capital loss for the year exceeds the Part C net capital gain for the year, then the excess, if any, of Part A net capital loss, after accounting for any deduction against interest and dividend income, shall be a Part A capital loss under this paragraph in the succeeding taxable year.

(b) The excess, if any, of the Part C net capital losses for the year over the Part C net capital gains for the year shall be applied against capital gains included in Part A gross income. If Part C net capital losses for the year exceed the Part A net capital gain for the year, then the excess, if any, of Part C net capital losses over Part A net capital gain, but not more than the amount allowed under paragraph (4), shall be applied against any interest and dividends included in Part A gross income, provided that the aggregate amount of the deduction allowed in this subparagraph against any interest and dividends shall not be more than the amount allowed under paragraph (4). The excess, if any, of the Part C net capital loss over the Part A net capital gain, after accounting for any deduction against interest and dividend income, shall be a Part C capital loss in the succeeding taxable year.

SECTION 6. Said section 2 of said chapter 62 is hereby further amended by striking out subsection (e), as amended by section 8 of chapter 186 of the acts of 2002, and inserting in place thereof the following subsection:-

(e) Part C adjusted gross income shall be the Part C gross income comprised of the following classes as adjusted:

(A) Class B net gain which equals the excess of Class B gains over the losses from the sale or exchange of capital assets held for more than 1 year but less than or equal to 2 years.

(B) Class B net loss which equals the excess of losses from the sale or exchange of capital assets held for more than 1 year but less than or equal to 2 years over the Class B gains.

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(C) Class C net gain which equals the excess of Class C gains over the losses from the sale or exchange of capital assets held for more than 2 years but less than or equal to 3 years.

(D) Class C net loss which equals the excess of losses from the sale or exchange of capital assets held for more than 2 years but less than or equal to 3 years over the Class C gains.

(E) Class D net gain which equals the excess of Class D gains over the losses from the sale or exchange of capital assets held for more than 3 years but less than or equal to 4 years.

(F) Class D net loss which equals the excess of losses from the sale or exchange of capital assets held for more than 3 years but less than or equal to 4 years over the Class D gains.

(G) Class E net gain which equals the Class E gains over the losses from the sale or exchange of capital assets held for more than 4 years but less than or equal to 5 years.

(H) Class E net loss which equals the excess of losses from the sale or exchange of capital assets held for more than 4 years but less than or equal to 5 years over the Class E gains.

(I) Class F net gain which equals the Class F gains over the losses from the sale or exchange of capital assets held for more than 5 years but less than or equal to 6 years.

(J) Class F net loss which equals the excess of losses from the sale or exchange of capital assets held for more than 5 years but less than or equal to 6 years over the Class F gains.

(K) Class G net gain which equals the Class F gains over the losses from the sale or exchange of capital assets held for more than 6 years.

(L) Class G net loss which equals the excess of losses from the sale or exchange of capital assets held for more than 6 years over the Class G gains.

(M)(1) Each class of net capital loss for the year shall be applied against the other class's net capital gains included in Part C gross income in the following order: Class B net capital gain shall first be offset by any Class C net capital loss, then by any Class D net capital loss, then by any Class E net capital loss, then by any Class F net capital loss and then by any Class G net capital loss. Class C net capital gain shall first be offset by the remainder of any Class B net capital loss, then by the remainder of any Class D net capital loss, then by the remainder of any Class E net capital loss, then by the remainder of any Class F net capital loss and then by the remainder of any Class G net capital loss. Class D net capital gain shall first be offset by the remainder of any Class B net capital loss, then by the remainder of any Class C net capital loss, then by the remainder of any Class E net capital loss, then by the remainder of any Class F net capital loss and then by the remainder of any Class G net capital loss. Class E net capital gain shall first be offset by the remainder of any Class B net capital loss, then by the remainder of any Class C net capital loss, then by the remainder of any Class D net capital loss, then by the remainder of any Class F net capital loss and then by the remainder of any Class G net capital loss. Class F net capital gain shall first be offset by the

remainder of any Class B net capital loss, then by the remainder of any Class C net capital loss, then by the remainder of any Class D net capital loss, then by the remainder of any Class E net capital loss and then by the remainder of any Class G net capital loss. Class G net capital gain shall first be offset by the remainder of any Class B net capital loss, then by the remainder of any Class C net capital loss, then by the remainder of any Class D net capital loss, then by the remainder of any Class E net capital loss and then by the remainder of any Class F net capital loss. The amount of any class of net capital loss that remains after the foregoing offsets, reduced by the amount of such loss that is deducted under subparagraph (b) of paragraph (2) of subsection (c), shall be Part C capital loss within the same class in the succeeding taxable year.

(2) Class B, C, D, E, F and G net gains shall be reduced by any remaining excess of the deductions allowable under subsection (d) over the Part B gross income, after applying the excess of each class's net capital loss against other class's net capital gains in accordance with subparagraph (1) and after applying such excess Part B deductions against Part A gross income in accordance with paragraph (1) of subsection (c). Any Part B deductions in excess of Part B income shall first be applied to Class B net gains, then to Class C net gains, then to Class D net gains and then to Class E net gains. The amount deductible under this paragraph shall not exceed the amount of Part C gross income which is effectively connected with the active conduct of a trade or business of the taxpayer. Excess Part B deductions shall not be applied to increase the amount of any net capital losses and may not reduce the amount of any net capital gain below zero. The resulting amount of net capital gain or net capital loss shall comprise Part C adjusted gross income.

(N) Where a taxpayer has any unused Class B net loss, Class C net loss, Class D net loss, Class E net loss, Class F net loss or Class G net loss on April 30, 2002, the aggregate amount of such net losses shall be taken into account after April 30, 2002 as a loss on the sale or exchange of a capital asset held for more than 1 year.

For purposes of this subsection, property acquired prior to January 1, 1996 shall be deemed to have been acquired on January 1, 1995 or on the date of actual acquisition, whichever is later.

Any excess net long-term capital loss from property sold or exchanged prior to January 1, 1996 as determined under paragraph (2) of subsection (c) of section 2 of this chapter in effect prior to January 1, 1996, shall be treated as Class B losses for purposes of paragraphs (A) and (B) of this subsection. Any excess net short-term capital loss from property sold or exchanged prior to January 1, 1996 as determined under paragraph (2) of subsection (c) of section 2 of this chapter in effect prior to January 1, 1996, shall be treated as losses from the sale or exchange of capital assets held for 1 year or less for purposes of paragraph (2) of subsection (c).

SECTION 7. Said section 2 of said chapter 62 of the General Laws is hereby further amended by striking out subsection (e), as most recently amended by section 6 of this act, and inserting in place thereof the following subsection:-

(e) Part C adjusted gross income shall be the Part C gross income less the following deductions:

(1) Losses from the sale or exchange of capital assets held for more than 1 year. The amount of any class of net capital loss reduced by the amount of such loss that is deducted under subparagraph (b) of paragraph (2) of subsection (c), shall be Part C capital loss in the succeeding taxable year.

(2) Part C net gains shall be reduced by any remaining excess of the deductions allowable under subsection (d) over the Part B gross income after applying such excess Part B deductions against Part A gross income in accordance with paragraph (1) of subsection (c). The amount deductible under this paragraph shall not exceed the amount of Part C gross income which is effectively connected with the active conduct of a trade or business of the taxpayer. Excess Part B deductions shall not be applied to increase the amount of any net capital losses and may not reduce the amount of any net capital gain below zero. The resulting amount of net capital gain shall comprise Part C adjusted gross income.

(3) Where a taxpayer has any unused Class B net loss, Class C net loss, Class D net loss, Class E net loss, Class F net loss or Class G net loss on April 30, 2002, the aggregate amount of such net losses shall be taken into account after April 30, 2002 as a loss on the sale or exchange of a capital asset held for more than 1 year.

SECTION 8. Section 5 of said chapter 62, as appearing in the 2000 Official Edition, is hereby amended by striking out subsection (c).

SECTION 9. Section 3 of chapter 62C of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

In any year in which the commissioner of public safety delivers to the commissioner of revenue by September 30, or such later date as may be agreed upon, sufficient copies of missing children inserts or pamphlets in a form, size and weight as prescribed by the commissioner not to exceed 4 pages, and in a form suitable for mailing, and in accordance with such other reasonable specifications as he may prescribe, the commissioner of revenue shall cause such inserts to be sent by mail to each taxpayer to whom the commissioner of revenue intends to mail a copy of the current year's personal income tax return form or booklet. All costs associated with the production and duplication of such inserts shall be borne by the commissioner of public safety and all costs associated with the insertion and mailing of such inserts shall be borne by the commissioner of revenue. The commissioner of revenue may promulgate such regulations or other guidelines as he deems necessary.

SECTION 10. Section 2A of chapter 65C of the General Laws, as amended by section 28 of chapter 186 of the acts of 2002, is hereby further amended by striking out subsections (e) and (f) and inserting in place thereof the following subsection:-

(e) For the estate of decedents dying on or after January 1, 2003, all references and provisions in this chapter to the Internal Revenue Code or Code, unless the context clearly indicates otherwise, shall be to the Code as in effect on December 31, 2000.

SECTION 11. Subsection (h) of section 5 of chapter 128A of the General Laws, is

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hereby amended by striking out the words "(A) To pay, subject to appropriation, the state racing commission's expenses in excess of its appropriation for the costs to conduct each racing performance held by a racing meeting licensee, including racing meeting licensees conducting racing in conjunction with an agricultural fair; but said expenditure shall not exceed \$600,000 in a fiscal year.", as appearing in section 12 of chapter 300 of the acts of 2002, and inserting in place thereof the following sentence:- (2A) To pay, without further appropriation, the state racing commission's expenses in excess of its appropriation for the costs to conduct each racing performance held by a racing meeting licensee, including a racing meeting licensee conducting racing in conjunction with an agricultural fair; but said expenditures shall not exceed \$1,080,976 per fiscal year.

SECTION 11A. Section 42 of chapter 139 of the acts of 2001 is hereby amended by striking out the fourth sentence and inserting in place thereof the following 2 sentences:- The chair of the state racing commission shall act as chair of the special commission, which shall file its report with the joint committee on government regulations on or before February 28, 2003. If the special commission fails to meet, the state racing commission shall prepare the report instead.

SECTION 12. Section 355 of chapter 159 of the acts of 2000, as amended by section 18 of chapter 300 of the acts of 2002, is hereby further amended by striking out the last sentence.

SECTION 13. Chapter 177 of the acts of 2001 is hereby amended by striking out section 80 and inserting in place thereof the following section:-

Section 80. Section 7A shall take effect on June 30, 2007.

SECTION 14. Chapter 96 of the acts of 2002 is hereby amended by striking out section 10 and inserting in place thereof the following section:-

Section 10. Section 3 shall take effect for returns filed on or after January 1, 2002 and shall cease to be effective for returns filed on or after January 1, 2005.

SECTION 15. Item 2000-0100 of section 2 of chapter 184 of the acts of 2002 is hereby amended by adding the following words:- ; provided further, that funds may be expended for space rental costs for departments within the executive office of environmental affairs, including the office of the secretary of environmental affairs, the department of environmental management, the department of fisheries, wildlife, and environmental law enforcement, and the department of food and agriculture.

SECTION 16. Item 7030-1000 of said section 2 of said chapter 184 is hereby amended by adding the following words:- ; and provided, further, that up to \$80,000 may be expended from this item for the home-based parenting and family literacy program known as the parent-child home program to serve low-income families.

SECTION 17. Item 7066-0000 of said section 2 of said chapter 184 is hereby amended by adding the following words:- ; and provided, further, that the expenditure of capital funds by the institutions of higher education or by the division of capital asset management and maintenance for capital adaptation and renewal at the institutions of higher

education may be applied to said 5 per cent requirement.

SECTION 18. Notwithstanding any general or special law to the contrary, the comptroller may revise the percentages established in the Transitional Aid to Needy Families Fund fund split contained within an item of appropriation in state fiscal year 2003 in order to maximize federal reimbursement and to meet federal maintenance of effort requirements consistent with the requirements of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 and chapter 5 of the acts of 1995. Said percentages shall be based upon certification to the comptroller by the department of transitional assistance that they reflect the appropriate distribution of actual expenditures necessary to achieve the said purposes. Said percentages shall be subject to the prior approval of the secretary of administration and finance. The comptroller shall report to the house and senate committees on ways and means and the secretary of administration and finance any changes made to the fund splits in relation to this section within 10 days of said changes. Within 60 days of the end of the state fiscal year, the comptroller shall report to the house and senate committees on ways and means and the secretary of administration and finance on the final fund split for each item of appropriation with a Transitional Aid to Needy Families Fund fund split and the final spending corresponding to each such fund split.

SECTION 19. Notwithstanding any general or special law to the contrary, the comptroller may revise the percentages established in the Child Care Fund fund split contained within an item of appropriation in state fiscal year 2003 in order to maximize federal reimbursement and to meet federal maintenance of effort requirements. Said percentages shall be based upon certification to the comptroller by office of child care services that they reflect the appropriate distribution of actual expenditures necessary to achieve the said purposes. Said percentages shall be subject to the prior approval of the secretary of administration and finance. The comptroller shall report to the house and senate committees on ways and means and the secretary of administration and finance any changes made to the fund splits in relation to this section within 10 days of said changes. Within 60 days of the end of the state fiscal year, the comptroller shall report to the house and senate committees on ways and means and the secretary of administration and finance on the final fund split for each item of appropriation with a Child Care Fund fund split and the final spending corresponding to each such fund split.

SECTION 20. Notwithstanding any general or special law to the contrary, the comptroller may revise the percentages established in the Social Services Fund fund split contained within an item of appropriation in state fiscal year 2003 in order to maximize federal reimbursement and to meet federal maintenance of effort requirements. Said percentages shall be based upon certification to the comptroller by the department of social services that they reflect the appropriate distribution of actual expenditures necessary to achieve the said purposes. Said percentages shall be subject to the prior approval of the secretary of administration and finance. The comptroller shall report to the house and senate committees on ways and means and the secretary of administration and finance any changes made to the fund splits in relation to this section within 10 days of said changes. Within 60

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days of the end of the state fiscal year, the comptroller shall report to the house and senate committees on ways and means and the secretary of administration and finance on the final fund split for each item of appropriation with a Social Services Fund fund split and the final spending corresponding to each such fund split.

SECTION 21. Sections 2, 3, 4, 6 and 8 shall be effective for tax years beginning on or after January 1, 2002.

SECTION 22. Sections 5 and 7 shall be effective for tax years beginning on or after May 1, 2002, and for the portion that begins on May 1, 2002 of any taxable year beginning on or after January 1, 2002 and before May 2, 2002.

SECTION 23. Section 10 shall be effective with respect to estates of decedents dying on or after January 1, 2003.

SECTION 24. Except as otherwise provided, this act shall take effect as of July 1, 2002.

Emergency Letter: October 30, 2002 @ 4:20 P.M.

Approved October 30, 2002.

Chapter 365. AN ACT VALIDATING CERTAIN VOTES TAKEN BY THE TOWN OF HOPKINTON.

Be it enacted, etc., as follows:

SECTION 1. The votes taken by the town of Hopkinton at the town election held on May 20, 2002 to exempt from section 21C of chapter 59 of the General Laws the amounts required to pay for the bonds to be issued in order to finance the costs of a senior center and a police station for the town, and all actions taken pursuant thereto, are hereby ratified, validated and confirmed notwithstanding any defect or omission in the calling of the election.

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

Approved November 4, 2002.

Chapter 366. AN ACT ESTABLISHING A CAPITAL INVESTMENTS FUND IN THE TOWN OF ROCHESTER.

Be it enacted, etc., as follows:

Notwithstanding any general or special law to the contrary, the town of Rochester may establish and maintain a special fund to be known as The Capital Investment Fund with the following sub-accounts:- town administration buildings, council on aging buildings, library buildings, highway buildings and projects, public safety buildings such as for fire, police, communication, emergency medical or paramedic, emergency response, and elemen-

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tary schools, and for purchase of land for any municipal purpose, to include open space, recreation or other conservation purpose.

The town may appropriate to the fund sub-accounts by a majority vote at an annual or special town meeting in any year an amount not exceeding in the aggregate 10 per cent of the amount raised in the preceding fiscal year by taxation of real estate and tangible personal property. The total amount of the fund in total at any time shall not exceed 10 per cent of the equalized valuation of the town as defined in section 1 of chapter 44 of the General Laws. Any interest in each sub-account shall be added to and become a part of that sub-account of the fund.

The treasurer of the town shall be the custodian of the fund and may deposit proceeds in national banks, trust companies, savings banks, banking companies or cooperative banks, or invest them in term deposits and securities that are legal for the investment of funds of savings banks under the laws of the commonwealth or in federal savings and loan associations situated in the commonwealth. Monies in the sub-accounts may be appropriated at an annual or a special town meeting by $\frac{2}{3}$ vote.

Monies in the sub-accounts are to be used for the purpose of each sub-account and may be appropriated for any purpose for which the town would be authorized to borrow money under sections 7 or 8 of chapter 44 of the General Laws, other than clause (1) and (2) of said section 8 of said chapter 44 and to pay the debt services on the projects.

If the monies in any sub-account are determined not to be required, or in any town financial emergency, or in case of any change in priority of any project, the town may at an annual or special town meeting take funds from any sub-account by $\frac{2}{3}$ vote and return them to the General Fund or place them into any other sub-account of the Capital Fund.

The finance committee and capital improvements committee or similar committee shall operate in an advisory capacity to town meeting and consider matters relating to appropriations from the fund, and may, but are not required to make recommendations to the town to any board, committee or official of the town, relative to such matters, and establish policies relative to the funding of capital projects of the town, and set priorities and schedules for such capital projects and failing action by the finance and capital improvement committees, the board of selectmen will act to fulfill said functions.

Approved November 7, 2002.

Chapter 367. AN ACT DESIGNATING A PORTION OF THE BLACKSTONE RIVER AND CANAL HERITAGE PARK AS THE HONORABLE WILLIAM A. L. BAZELEY MEMORIAL RECREATION AREA.

Be it enacted, etc., as follows:

A certain parcel of land within the Blackstone river and canal heritage park, under the jurisdiction of the department of environmental management, the exact location of which

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shall be determined jointly by the department and the chairman of the Blackstone river and canal commission, shall be designated and known as The Honorable William A. L. Bazeley Memorial Recreation Area, in recognition of the significant contributions to environmental conservation of William A. L. Bazeley of the town of Uxbridge, a representative in the general court in 1908 and 1912, senator in the general court from 1913 to 1916, inclusive, and who served as the first Massachusetts commissioner of conservation in the commonwealth from 1911 to 1933, inclusive.

Suitable markers bearing the designation shall be erected by the department in compliance with the standards of the department.

Approved November 7, 2002.

Chapter 368. AN ACT RELATIVE TO RESIDENCY REQUIREMENTS FOR CANDIDATES FOR LOCAL OFFICE IN THE CITY OF NEWTON.

Be it enacted, etc., as follows:

SECTION 1. Subsection (b) of section 2-1 of the charter of the city of Newton, which is on file in the office of the archivist of the commonwealth as provided by section 12 of chapter 43B of the General Laws, is hereby amended by inserting after the first sentence the following 2 sentences: A candidate for the office of alderman shall be a resident of the ward from which he seeks election as of the date that the election commission makes available blank forms for the nomination of candidates for office. In order to hold the office of alderman, a candidate shall have continuously been a resident of the ward from which he is elected from the date that the election commission made the blank forms available until and including the first day of the term for which he is elected.

SECTION 2. Subsection (b) of section 4-1 of said charter is hereby amended by inserting after the first sentence the following 2 sentences: A candidate for the office of school committeeman shall be a resident of the ward from which he seeks election as of the date that the election commission makes available blank forms for the nomination of candidates for office. In order to hold the office of school committeeman, a candidate shall have continuously been a resident of the ward from which he is elected from the date that the election commission made such blank forms available until and including the first day of the term for which he is elected.

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

Approved November 7, 2002.

Chapter 369. AN ACT RELATIVE TO DOG LICENSE FEES FOR SENIOR CITIZENS.

Be it enacted, etc., as follows:

Section 139 of chapter 140 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the third sentence the following sentence:- No fee shall be charged for a license for a dog owned by a person aged 70 years or over in any city or town that accepts this provision.

Approved November 13, 2002.

Chapter 370. AN ACT RELATIVE TO THE NANTUCKET ISLANDS LAND BANK.

Be it enacted, etc., as follows:

SECTION 1. The definition of "Real property interest", in section 1 of chapter 669 of the acts of 1983, is hereby amended by inserting after the word "partnership", in line 13, the following words:- or limited liability company, except as provided in section 10A.

SECTION 2. The second paragraph of section 10A of said chapter 669, as appearing in section 5 of chapter 666 of the acts of 1987, is hereby amended by inserting after the word "partnership", in lines 6, 7 and 12, the following words:- or limited liability company.

SECTION 3. Said second paragraph of said section 10A of said chapter 669, as so appearing, is hereby further amended by inserting after the word "partnerships", in lines 10 and 13, the following words:- or limited liability companies.

SECTION 4. Paragraph (i) of section 12 of said chapter 669, as most recently amended by section 3 of chapter 392 of the acts of 1991, is hereby further amended by inserting after the word "partnership", in lines 1, 7, 9 and 10, the following words:- or limited liability company.

SECTION 5. Said section 12 of said chapter 669 is hereby further amended by striking out paragraph (j), as amended by section 7 of chapter 666 of the acts of 1987, and inserting in place thereof the following paragraph:-

(j) Transfers made to a stockholder of a corporation in liquidation of the corporation, and transfers made to a partner of a partnership or to a member of a limited liability company in dissolution of the partnership or limited liability company; but the transfer shall be exempt only if (i) with respect to a corporation, the transferee had before the transfer a controlling interest in the corporation, or (ii) with respect to a partnership or limited liability company, the transferee had before the transfer rights to capital interests in excess of 50 per cent of the total capital interests within the partnership or limited liability company or had rights to profit interests within the partnership or limited liability company in excess of 50 per cent of the total profit interests within the partnership or limited liability company.

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SECTION 6. Paragraph (m) of said section 12 of said chapter 669, as amended by section 8 of said chapter 666, is hereby further amended by striking out, in line 1, the word "one" and inserting in place thereof the following figure:- 2.

SECTION 7. Section 6 of this act shall apply to transactions occurring after the effective date of this act.

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

Approved November 16, 2002.

Chapter 371. AN ACT PROVIDING FOR PLACEMENT OF CERTAIN CHILDREN WITHOUT LOSS OF CUSTODY.

Be it enacted, etc., as follows:

SECTION 1. Paragraph A of section 23 of chapter 119 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the first paragraph the following 2 paragraphs:-

The department may file a petition for care and responsibility in the probate court on behalf of a child accepted into foster care if the department determines that continued placement beyond 6 months is required for reasons unrelated to parental unfitness and the parent consents to continued placement. At the initial hearing on the petition, the court shall determine whether continued placement with the department is in the child's best interests and shall issue its determination, including the rationale therefor, in written form. The allowance of the petition shall not abrogate a parent's right to make decisions on behalf of the child, but the department may accept from the parent a temporary delegation of certain rights and responsibilities necessary to continue to provide foster care for the child under conditions agreed upon by both and terminable by either.

Notwithstanding any general or special law to the contrary, a permanency hearing shall be held within 60 days of the transfer of responsibility by order of the probate court or within 12 months of initial placement into foster care with the department, whichever date is later. The hearing shall be conducted as provided in section 29B.

SECTION 2. Section 29C of said chapter 119, as so appearing, is hereby amended by inserting after the word "home", in line 7, the following words:- ; but, if a child has been placed voluntarily with the department by the parent pursuant to paragraph A of section 23 and the parent consents to continued placement pursuant to a petition filed pursuant to said paragraph A or paragraph C of said section 23, the court shall determine at an initial hearing only whether continued placement is in the child's best interests.

Approved November 20, 2002.

Chapter 372. AN ACT AUTHORIZING THE TOWN OF HOLDEN TO LEASE A CERTAIN SCHOOL BUILDING FOR 99 YEARS.

Be it enacted, etc., as follows:

SECTION 1. The town of Holden, acting by and through its board of selectmen, may lease all or a portion of a certain school building, known as the Rice school property, located on Phillips and Woodlawn roads in the town and shown on the Holden Assessors' Map 147, Parcels 29, 147 and 148, to be used for educational purposes. The term of the lease shall be for not more than 99 years, and for such terms and conditions as the board of selectmen of the town deems appropriate, but subject to the limitations under sections 2 and 3.

SECTION 2. The lease authorized by section 1 shall provide that: any lessee must be exempt from taxation under the federal Internal Revenue Code; the property may only be used for educational purpose for pre-kindergarten through grade 8, including before and after school programs and summer programs; and the exterior of the wooden part of the Rice school building shall be preserved.

SECTION 3. Paragraphs (a), (b) and (g) of section 16 of chapter 30B of the General Laws shall apply to the lease authorized by section 1. The parcel described in section 1 may not be assigned to others, or sublet by any lessee, without the prior written approval of the board of selectmen. Any further disposition of the parcel, other than that authorized by this act, shall be subject to chapter 30B and section 3 of chapter 40 of the General Laws and any other applicable general law.

SECTION 4. This act shall take effect upon its passage

Approved November 20, 2002.

Chapter 373. AN ACT AUTHORIZING THE TOWN OF HINGHAM TO GRANT 2 ADDITIONAL LICENSES FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Hingham may grant to the Square Cafe a license to sell all alcoholic beverages to be drunk on the premises at 150 North street in said town under section 12 of said chapter 138. The license shall be subject to all of said chapter 138 except for said section 17. The licensing authority shall not approve the transfer of the license to any other location. Upon issuance of the license, Square Cafe shall return to the town the license for the sale of wines and malt beverages that it presently holds.

SECTION 2. Notwithstanding said section 17 of said chapter 138, the licensing authority of the town of Hingham may grant to Black Rock Golf Club a license to sell all al-

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coholic beverages to be drunk on the premises at 25 Club House drive in said town under section 12 of said chapter 138. The license shall be subject to all of said chapter 138 except for said section 17. The licensing authority shall not approve the transfer of the license to any other location. Upon issuance of the license, Black Rock Golf Club shall return to said town the license for the sale of wines and malt beverages that it presently holds.

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

Approved November 20, 2002.

Chapter 374. AN ACT AUTHORIZING THE TOWN OF HOLDEN TO PURCHASE WATER FROM THE CITY OF WORCESTER.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the town of Holden and the city of Worcester may enter into an agreement whereby the town of Holden will purchase water from the city of Worcester for a term not to exceed 99 years.

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

Approved November 20, 2002.

Chapter 375. AN ACT RELATIVE TO THE BORROWING OF MONEY BY THE CITY OF MEDFORD.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, any amounts authorized by the city of Medford to be borrowed for cemetery purposes may be repaid over a period of 20 years, or over such lesser term as the city treasurer shall otherwise determine. Any such borrowing shall otherwise be issued in accordance with all other applicable provisions of chapter 44 of the General Laws.

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

Approved November 20, 2002.

Chapter 376. AN ACT ESTABLISHING THE MASHPEE ECONOMIC DEVELOPMENT AND INDUSTRIAL CORPORATION.

Be it enacted, etc., as follows:

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

"Corporation", the Mashpee Economic Development and Industrial Corporation, established in section 3.

"Cost of a project", all costs, whether incurred prior to or after the issue of bonds or notes hereunder, of acquisition, site development, construction, improvement, enlargement, reconstruction, alteration, machinery, equipment, furnishings, demolition, or removal of existing buildings or structures, including the cost of acquiring any lands to which such buildings or structures may be moved, financing charges, interest prior to and during the carrying out of any project, interest for up to 2 years after completion or estimated completion date of any project, planning, engineering and legal services, administrative expense, the funding of notes issued for capital purposes, such reserve for debt service or other capital or current expenses as may be required by a trust agreement or resolution securing notes or bonds, and all other expenses incidental to the determination of the feasibility of any project or to carrying out the project or to placing the project in operation.

"Director", the director of the department of housing and community development.

"Economic assistance coordinating council", or "EACC", the council established by section 3B of chapter 23A .

"Economic development area", any blighted open area or any decadent area, as respectively defined in section 1 of chapter 121B of the General Laws, which is located in the town of Mashpee and is zoned for general or restricted manufacturing uses or for general industrial uses whether restricted or not, "industrial uses", or any real open and underutilized land which is suitably zoned for the kinds of activities identified in section 2, including but not limited to research and development, commercial, light industry, and business "nonindustrial" uses.

"Economic development plan", a detailed plan, as it shall be approved from time to time by vote of town meeting as herein provided, for 1 or more economic development projects within an economic development area, which plan shall at a minimum indicate the boundaries of the area, indicate intended land acquisition areas and establish the appropriate land uses for the area. The plan shall include design guidelines and siting standards. The plan shall also describe the process by which the corporation shall notify the public of the availability of development sites within the economic development area in order to encourage competing development proposals and shall include the criteria that will be used in judging the development proposals to assure maximum overall public benefits. The plan as adopted will, for purposes of chapter 30B of the General Laws, be considered the plan required by clause (25) of subsection (b) of section 1 of said chapter 30B. All plans as described herein shall also be consistent with the town's comprehensive plan, economic development element as approved at town meeting.

"Economic development project", (1) a project to be undertaken in accordance with an economic development plan for acquisition by the corporation of land and the improvements thereon, if any, within an economic development area and for clearance and

development of the land so acquired; or (2) a project for the removal, or rehabilitation or conservation of an economic development area, or for the demolition, removal, or rehabilitation of improvements on land within an economic development area whenever necessary to eliminate unhealthy, unsanitary or unsafe conditions, lessen density, mitigate or eliminate traffic congestion, reduce traffic hazards, or eliminate obsolete or other uses detrimental to the public welfare; (3) a project involving any combination of the foregoing types of projects. An economic development project may include improvements necessary for carrying out the objectives of the economic development project, together with such site improvements as are necessary for the preparation of any site for uses in accordance with the economic development plans of the town, and making any land or improvements acquired in the area of the project available for redevelopment or rehabilitation by private enterprise, including sale, initial leasing or retention by the corporation for industrial, non-industrial or manufacturing uses in accordance with said economic development plans. An economic development project may also include construction of new buildings, the construction by the corporation of any of the buildings, structures or other facilities located in the area which are to be repaired, moved or rehabilitated.

"MOBD", the Massachusetts office of business development.

"Select board", the select board or board of selectmen in the town of Mashpee.

"Town administrator", the town administrator of the town of Mashpee.

"Town meeting", direct democracy of town voters acting in lawfully convened session.

SECTION 2. The general court finds and declares that: (a) unused, underused or undeveloped areas exist in parts of the town of Mashpee including the 2 designated economic opportunity areas at the Old Augat site and the Mashpee executive park; (b) each area constitutes an economic liability, substantially impairs or arrests the sound growth of the town and retards the economic well-being of the commonwealth; (c) each area has decreased the value of private investments and threatens the sources of public revenue; (d) redevelopment of the areas is necessary to retain existing industrial and commercial enterprises, to attract new industrial and commercial development and to promote the sound economic growth of the town; (e) the exercise of powers by the corporation and any assistance that may be given by the town or other public body in connection therewith are public uses and purposes for which public money may be expended; (f) the acquisition, planning, clearance, development, rehabilitation or rebuilding of the unused, underused and underdeveloped areas for industrial and commercial purposes are public benefits for which private property may be regulated by wholesome and reasonable order, law and direction and for which public funds may be expended for the welfare of the town and the commonwealth; (g) there exists in the town a condition of unbalanced development which causes social hardships, increases the public assistance burdens, impairs the security of family life, impedes the economic and physical development of the town and adversely affects the welfare and prosperity of the people; (h) underemployment has been caused in substantial

part by industrial and commercial companies moving from the town; (i) some existing industrial and commercial facilities within the town are obsolete and inefficient; (j) the facilities are underutilized, thereby creating additional underemployment; (k) the obsolescence and abandonment of existing facilities are causing serious injury to the economy of the town; (l) the industrial and commercial sectors of the economy provide some of the best opportunities for jobs at higher wages for the inhabitants of the town; (m) new industrial and commercial sites are required to attract and house new industrial and commercial development and to retain existing industrial and commercial operations in need of expansion space; and (n) the modest efforts of private industry have not provided the necessary industrial and commercial sites within the area due to the problems encountered in the assembly of suitable building sites, the unreliable commitment of private capital for development and the inability of private enterprise alone to plan, finance and coordinate industrial and commercial development projects.

SECTION 3. There shall be in the town of Mashpee a public body politic and corporate known as the Mashpee Economic Development and Industrial Corporation. There shall be 7 members of the board of directors of the corporation who shall be appointed by the select board. At least 1 member shall be experienced in industrial or commercial development, 1 in financial matters, 1 in real estate matters, 1 in municipal government, at least 1 member representative of low income people who shall be chosen from a list of 3 submitted by the regional or local community action agency or, if there is no such agency, from a list of 3 submitted by the director. The appointing authority shall designate 1 of the 7 members as chair and another as vice-chair. Each of the 7 members shall be sworn to the faithful performance of his/her official duties as a director of the corporation. A majority of the 7 directors shall constitute a quorum for the transaction of any business, but the action of a majority of the entire board shall be necessary for any transaction. For the purposes of section 11A of chapter 30A of the General Laws, the corporation shall be deemed to be an authority established by the general court to serve a public purpose in the commonwealth.

Of the members of the corporation first appointed, 2 shall be appointed to serve for 1 year from the first day of July in the current year, 2 for 2 years from said date, and 3 for 3 years from said date; but the initial appointments may be made at any time after the effective date of this act.

Upon the expiration of the term of office of any such member, or of any subsequent member, his successor shall be appointed in like manner for a term of 3 years. In the event of a vacancy in the office of a member, his successor shall be appointed in like manner to serve for the unexpired term.

Unless reappointed, no member of the corporation shall hold office after the expiration of his term; and the appointment of a successor to any person whose term has expired shall be for the remainder of the term which would have begun at such expiration if the successor had then been appointed.

Any member may be removed by the select board for malfeasance, misfeasance, or willful neglect of duty, but only after reasonable notice and a public hearing, unless the same

are in writing expressly waived. For purposes of chapter 268A of the General Laws, the members of the corporation shall be deemed to be special municipal employees.

Before the issuance of any bonds under the provisions of this act, each member of the corporation shall execute a surety bond with a surety company authorized to transact business in the commonwealth as surety, in the penal sum of \$50,000 conditioned upon the faithful performance of the duties of his office, each such surety bond to be approved by town counsel and filed in the office of the state secretary. The members of the corporation shall receive no compensation for the performance of their duties hereunder, but each member shall be reimbursed for expenses actually incurred in the performance of his duties. Every such reimbursement shall be open to public inspection from and after the requisition therefor.

SECTION 4. The directors of the corporation shall adopt a corporate seal for the corporation, and designate the custodian thereof; may from time to time appoint and at pleasure remove a clerk, a treasurer or such other officers of the corporation as they may deem necessary, and may determine their duties and their compensation, which shall be paid by the corporation; shall cause at all times accurate accounts to be kept of all receipts and expenditures of the funds of the corporation; and shall make a report annually in December to the select board, MOBD and to the director, containing an abstract of such accounts and detailed information of all receipts and expenditures, including prices for land purchased or taken and any buildings constructed thereon, contracts for construction of facilities and for the leasing thereof, and such other detailed information as may be deemed helpful. The office of treasurer and clerk may be the same person. The corporation shall cause an audit of its book and accounts to be made at least once in each fiscal year by certified public accountants and the cost thereof shall be treated as an item of current expense. Except as otherwise provided in this act, the corporation shall have full power to exercise care of its property and the management of its business affairs, and to sell and convey any real estate or other property not needed for its business or affairs, by deed or other instrument sealed with the corporate seal, signed and acknowledged by a majority of the board of agents. The treasurer shall give bond for the faithful performance of his duties, with a surety company authorized to do business in this commonwealth as surety, in such sum as the board may determine, the premium therefor to be paid by the corporation. Neither chapter 31 of the General Laws nor any rule made thereunder shall apply to any person employed or engaged by the corporation under this act.

SECTION 5. The corporation may:

- (a) sue and be sued in its own name, and plead and be impleaded;
- (b) adopt by-laws for the regulation of its affairs and the conduct of its business, and to alter the same at its pleasure;
- (c) make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act, and to employ consulting engineers, superintendents, managers, and such other engineers, construction and accounting experts and attorneys and such other employees, agents, and consultants as may be necessary in its judgment, and to fix their compensation;

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(d) receive and accept from any federal agency, the commonwealth or the town grants, loans of advances for or in aid of an economic development program, plan or project and to receive and accept contributions from any source of either money, property, labor, or other things of value, to be held, used and applied for the purposes for which the grants, loans, advances and contributions may be made. The town may borrow outside its debt limits to obtain money for loans to the corporation, or within its debt limits to obtain money for grants to the corporation, with the approval of the bureau of local assessment and the director;

(e) borrow money, and, from time to time, to make, accept, endorse, execute, and issue bonds, debentures, promissory notes, bills of exchange, and other obligations of the corporation, for moneys borrowed or in payment for property acquired or for any other purposes of the corporation, and to secure the payment of such obligations by mortgage, pledge, deed, indenture, agreement, or other instrument of trust, or by other lien upon, assignment of, or agreement in regard to all or any of the property, rights, or privileges of the corporation;

(f) issue revenue bonds of the corporation, payable solely from revenues, for the purpose of paying all or part of the cost of a project or projects, except that the town may, upon request by the corporation, pledge its full faith and credit to the solvency of the corporation;

(g) 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 of the payment of the principal of, and interest on, which is guaranteed by the government of the United States;

(h) provide advisory services and technical assistance necessary or desirable to carry out the purposes of this act;

(i) prepare or cause to be prepared plans, designs, drawings, specifications and estimates of cost for the construction, reconstruction, development, redevelopment, rehabilitation, remodeling, alteration or repair of economic development projects and from time to time modify such plans, designs, drawings, specifications and estimates;

(j) finance pollution control facilities in the same manner provided by this act for economic development projects, in which event all provisions of this act which are applicable to economic development projects apply to the pollution control facilities, insofar as the provisions are apt, except as otherwise provided;

(k) subject to the approval of town meeting, designate areas of the town as economic development areas, or economic opportunity areas as approved by the economic assistance coordinating council;

(l) acquire and hold by bequest, devise, grant, gift, purchase, exchange, lease, judicial order or decree, or otherwise, for any of its objects and purposes, any property, either real or personal, or any interest therein; and without limiting the generality of the foregoing, acquire by purchase, on such terms and conditions and in such manner as it may deem proper, or by the exercise of the power of eminent domain following a public hearing and an affirmative

$\frac{2}{3}$ vote at an annual town meeting or a special town meeting called for the purpose, with the advice of MOBD and the director in accordance with chapter 79 or chapter 80A of the General Laws insofar as these chapters may apply, private lands, or any interests therein, as it considers necessary for carrying out this act or for providing for the relocation of persons and businesses displaced as a result of carrying out economic development plans, programs and projects. Section 40 of said chapter 79 shall apply to any taking by the corporation, except that the security therein required shall be deposited with the town treasurer and shall be in an amount at least 25 per cent higher than the aggregate average assessed valuations in the 3 previous calendar years of all real estate to be taken by eminent domain. With the advice of MOBD and the director, the date as of which the value of such lands shall be determined for eminent domain purposes shall be the date on which said taking is approved by the town select board;

(m) make relocation payments to persons and businesses displaced as a result of carrying out economic development plans, programs and projects, including such payments on a pro tanto basis;

(n) procure insurance against any loss in connection with its property and other assets and operations in amounts and from insurers as it considers desirable;

(o) clear and improve property acquired by it, and engage in or contract for construction, reconstruction, development, redevelopment, rehabilitation, remodeling, alteration or repair thereof;

(p) arrange or contract with the town for the planning, replanning, opening, grading or closing of streets, roads, alleys or other places or for the furnishing of facilities or for the acquisition by the town of property or property rights or for the furnishing of property or services in connection with a project or projects;

(q) sell, convey, mortgage, lease, transfer, option, exchange or otherwise dispose of, any property, either real or personal, or any interest therein, as the objects and purposes of the corporation may require, subject to such limitations as may be prescribed by law;

(r) loan on mortgages, including purchase money mortgages, on real estate and personal property within economic development areas, to foreclose the same when in default, and bid for and purchase property at any foreclosure or other sale; and in that event, deal with the property in a manner necessary or desirable to protect the interests of the corporation therein;

(s) manage any plan, program or project whether owned or leased by the corporation and enter into agreements with the commonwealth or the town or any agency or instrumentality thereof or with any person, firm, partnership or corporation either public or private for the purpose of causing any plan, program or project to be managed;

(t) act with respect to 1 or more projects, as a corporation organized under section 3 or section 18B of chapter 121A of the General Laws; provided that the accounts for each project shall be kept separately, and the income of 1 project shall not be expended upon or for the benefit of another project;

(u) borrow money for the purposes of aiding in the construction of equipment required by the commonwealth or United States to abate air or water pollution;

(v) apply to the federal government or to the commonwealth for economic development and urban renewal assistance grants to meet in part the cost of approved economic development projects, receive and administer the grants, contract with the commonwealth for financial assistance, apply for and receive advances for the estimated costs of surveys and plans and administrative expenses in preparation for economic development projects and 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;

(w) do all acts and things necessary or convenient to carry out the powers expressly granted in this act. The corporation shall pay the reasonable relocation costs of persons and businesses displaced as a result of carrying out economic development plans, but the corporation shall not be required hereby to pay or contribute to the payment of such costs of any relocation in excess of \$40,000.

SECTION 6. (a) No economic development project shall be undertaken until (1) a public hearing relating to the town's economic development plans covering the project has been held by the corporation after due notice; (2) the town's economic development plans have been approved by an affirmative $\frac{2}{3}$ vote of an annual town meeting or a special town meeting called for the purpose by the town. If an economic development project covered by the plans is not commenced within 7 years after the approval of the plans, the approval of the plans shall lapse.

(b) Every economic development plan submitted to town meeting for approval under this act (i) shall require that every person occupying the whole or any part of the economic development area shall make every reasonable effort, in employing persons in his business, to give to the fullest practicable extent preference to residents of the town and (ii) shall be accompanied by a report on the plan by the planning board of the town to whom the plan shall have been submitted before its submission to town meeting, by a statement of the proposed method for financing each project covered by the plan, by a comprehensive relocation plan and by such other information as the corporation considers advisable.

(c) Notice of the public hearing required by subsection (a) shall be given by the corporation to (1) persons, groups and organizations as have requested in writing that notice be given them, (2) MOBD and the director and any agency, whether of the town or of the commonwealth, likely in the judgment of the corporation to have an actual or potential interest in the economic development plan, (3) the senator for every senatorial district of the commonwealth, and the representative for every representative district thereof, within which the economic development area or any part thereof lies, and (4) each community group supported in whole or in part by public funds, whose territory covers all or part of the economic development area.

(d) If an economic development plan is so approved by town meeting, the corporation shall have the powers and duties imposed by this act to undertake and carry out the economic development projects covered by the plan. The corporation shall not be required to submit an economic development plan so approved to MOBD for further approval.

SECTION 7. Except as provided herein, rents and charges for services or facilities furnished or supplied by the corporation shall not be subject to supervision or regulation by any department, division, commission, board, bureau or agency of the commonwealth or the town. If such rents and charges are derived from a project in connection with which revenue bonds have been issued, they shall, with all other revenues derived from the project, except the part thereof necessary to pay the cost of maintenance, repair and operation and to provide such reserves therefor as provided for in the resolution authorizing the issuance of the bonds or in the trust agreement, but including the part thereof necessary to provide such reserves for the payment of the principal of and the interest on the revenue bonds as provided for in the resolution or trust agreement, and including also use proceeds of any and all sales by the corporation of property within the project area, be set aside at the regular intervals provided for in the resolution or trust agreement in a sinking fund. That fund is hereby pledged to and charged with the payment of (1) the interest upon the bonds as the interest shall fall due, (2) the principal of the bonds as the same shall fall due, (3) the necessary charges of paying agents for paying principal and interest, and (4) the redemption price or the purchase price of bonds retired by call or purchase as therein provided.

SECTION 8. The corporation shall be liable in contract or in tort in the same manner as a private corporation. The directors, employees, officers and agents of the corporation shall not be liable as such on its contracts or for torts not committed or directly authorized by them. The property or funds of the corporation shall not be subject to attachment or to levy and sale on execution, but if the corporation refuses to pay a judgment entered against it in any court of competent jurisdiction, the superior court, sitting within and for the county in which the corporation is situated, may, by writ of mandamus, direct the treasurer of the agency to pay the judgment. The real estate of the corporation shall not be subject to liens under chapter 254 of the General Laws; but sections 28 and 29 of chapter 149 of the General Laws shall be applicable to any construction work by the corporation.

SECTION 9. The real estate and tangible personal property of the corporation shall be deemed to be public property used for essential public and governmental purposes and shall be exempt from taxation and from betterments and special assessments; but in lieu of such taxes, betterments and special assessments, the town may determine a sum to be paid to it annually in any year or period of years, the sum to be in any year not in excess of the amount that would be levied at the then current tax rate upon the average of the assessed value of such real estate, including buildings and other structures, for the 3 years preceding the year of acquisition thereof, the valuation for each year being reduced by all abatements thereon.

The town may agree with the corporation upon the payments to be made, or the corporation may make and the town may accept the payments, the amount of which shall not in either case be subject to the foregoing limitation.

Nothing in this act shall be construed to prevent the taxation to the same extent and in the same manner as other real estate is taxed, of real estate acquired by the corporation for an economic development project and sold by it, or the taxation to the same extent and in the same manner as real estate of the commonwealth is taxed, of real estate so acquired by the corporation and leased by it; but real estate so acquired by the corporation and sold or leased to an urban redevelopment corporation or other entity operating under chapter 121A of the General Laws or to an insurance company or savings bank or group of savings banks operating under said chapter 121A, shall be taxed as provided in said chapter 121A and not otherwise.

The corporation and the debentures, revenue bonds and revenue refunding bonds issued under the provisions of this act, their transfer and the income therefrom including any profit made on the sale thereof, shall at all times be free from taxation by the commonwealth or the town.

SECTION 10. To provide funds for the general purposes of the corporation, including working capital, the corporation may from time to time issue debentures; but the debentures outstanding at any one time shall not exceed \$5,000,000 unless specifically approved by the director. The debentures, unless otherwise authorized by law, shall not constitute a debt of the commonwealth or of the town of Mashpee or a pledge of the faith and credit of the commonwealth or of the town of Mashpee and shall be subordinated to all other obligations of the corporation and shall be payable at the time or times and in the 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 located within the commonwealth and shall be a trust company or bank having the powers of a trust company. The trust agreement shall contain provisions for protecting and enforcing the rights and remedies of the debenture holders as may be reasonable and proper and not in violation of law. It shall be lawful for any bank or trust company incorporated under the laws of the commonwealth which may act as depository under the trust agreement to furnish indemnifying bonds or to pledge securities as may be required by the corporation. The trust agreement shall set forth the rights and remedies of the debenture holders and of the trustee, and may restrict the individual right of action by debenture holders. In addition to the foregoing, the trust agreement may contain 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 an item of current expense.

Debentures may be issued under this act without obtaining the consent of any department, division, commission, board, bureau or agency of the commonwealth or the town of

Mashpee and without any other proceedings or the happening of any other condition or things other than those proceedings, conditions, or things which are specifically required by this act.

SECTION 11. The town may raise and appropriate or may borrow, or may agree with the corporation or with the federal government or the commonwealth to raise and appropriate and to borrow, in aid of the corporation, sums necessary to carry out the purpose and powers of the corporation including defraying part of the development, acquisition and operating costs of any project. Indebtedness of the town authorized under this section shall be outside the limit of indebtedness prescribed in section 10 of chapter 44 of the General Laws and shall be payable within 20 years and otherwise subject to sections 16 to 27, inclusive, of said chapter 44; but the sole amount of indebtedness of the town, outstanding at any one time under this section and clauses (1), (2), and (4) of section 20 of chapter 121B of the General Laws shall not exceed 5 per cent of the town equalized valuation as defined in section 1 of said chapter 44. Indebtedness incurred under this act shall also be subject to approval under section 22 of said chapter 121B in like manner as indebtedness incurred under said section 20.

SECTION 12. The corporation may provide by resolution, at one time or from time to time, for the issuance of revenue bonds of the corporation for the purposes of paying all or any part of the cost of a project or projects. The principal of and interest on the bonds shall be payable solely from the funds herein provided for 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 50 years from their date or dates, as determined by the corporation, and may be made redeemable before maturity, at the option of the corporation, at the price or prices and under the terms and conditions as 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 denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within the commonwealth. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be an officer before the delivery of the bonds, the signature or facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until the delivery. The bonds may be issued in coupon or registered form or both, as the corporation may determine and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest. The corporation may sell such bonds in such manner either at public or at private sale, and for such price 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 the project or projects, and shall be disbursed in the manner and under the restrictions, if any, 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 cou-

pons, exchangeable for definitive bonds when the bonds have been executed and are available for delivery. The corporation may also provide for the replacement of any bonds which shall become mutilated or shall be destroyed or lost. Revenue bonds may be issued under the provisions of this act subject only to those proceedings, conditions or things which are specifically required by this act.

The corporation may provide by resolution for the issuance of revenue refunding bonds of the corporation for the purpose of refunding any revenue bonds then outstanding and issues under the provisions of this act, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such bonds, and, if deemed advisable by the corporation, for the additional purpose of constructing or reconstructing any extensions or improvements of the project. The issue of the bonds, the maturities, and other details thereof, the rights of the holders thereof, and the duties of the corporation in respect of the same shall be governed by the provisions of this act insofar as the same may be applicable.

While any bonds issued by the corporation remain outstanding, the powers, duties or existence of the corporation shall not be diminished or impaired in any way that will affect adversely the interests and rights of the holders of 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 of the town, or a pledge of the faith and credit of the commonwealth or of the town, but the bonds shall be payable solely from the funds herein provided therefor from revenues. In the event that the corporation, or the town or commonwealth is not obliged to pay the revenue and revenue refunding bonds, then, and in that event, all the revenue and revenue refunding bonds shall contain on the face thereof a statement to the effect that neither the corporation nor the commonwealth nor the town shall be obliged to pay the same or the interest thereon except from revenues and that neither the faith and credit nor taxing power of the commonwealth or of the town is pledged to the payment of the principal of or the interest on the bonds.

All revenue and revenue refunding bonds issued under this act shall have and are hereby declared to have all the qualities and incidents of negotiable instruments as defined in section 3-104 of chapter 106 of the General Laws.

SECTION 13. In the discretion of the corporation, 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 any trust company or bank having the powers of a trust company within the commonwealth. The trust agreement may pledge or assign the revenues to be received, but shall not convey or mortgage any project or part thereof.

Either the resolution providing for the issuance of bonds or the trust agreement may contain provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including without limiting the generality of the foregoing provisions defining defaults and providing for remedies in the event thereof, which may include the acceleration of maturities, and covenants setting forth the duties of, and limitations on, the corporation in relation to the acquisition, construction,

improvement, enlargement, alteration, equipping, furnishing, maintenance, operation, repair, insurance and disposition of property, the custody, safeguarding, investment, and application of moneys, the use of any surplus bond or note proceeds and the establishment of reserves. The resolution or trust agreement may also contain covenants by the corporation in relation to, among other things, (a) the establishment, revision and collection of rents and charges for services or facilities furnished or supplied by the corporation as shall provide revenues sufficient with other revenues of the project, if any, to pay (i) the cost of maintaining, repairing and operating the project and of making renewals and replacements in connection therewith, (ii) the principal of and the interest on the revenue bonds as the same shall become due and payable, (iii) payments in lieu of taxes, betterment and special assessments, and (iv) reserves for all such purposes, (b) the purpose or purposes for which the proceeds of the sale of the bonds will be applied and the use and disposition thereof, (c) the use and disposition of the gross revenues of the corporation from the project, any additions thereto and extensions and improvements thereof, including the creation and maintenance of funds for working capital and for renewals and replacements to the project, (d) the amount, if any, of additional revenue bonds payable from the revenues of the project; and the limitations, terms and conditions on which the additional revenue bonds may be issued, and (e) the operation, maintenance, management, accounting and auditing of the project and of the income and revenues of the corporation. It shall be lawful for any bank or trust company incorporated under the laws of the commonwealth to act as depository of the proceeds of bonds or of revenues and to furnish the indemnifying bonds or to pledge securities required by the corporation. The trust agreement may set forth the rights and remedies of the bondholders and of the trustee, and may restrict the individual right of action by bondholders as is customary in trust agreements or trust indentures securing bonds and debentures of corporations. In addition to the foregoing, the trust agreement may contain other provisions that the corporation considers reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of the trust agreement may be treated as a part of the cost of the operation of the project. The pledge by the trust agreement or resolution shall be valid and binding from the time when the pledge is made; the revenues or other moneys so pledged and then held or thereafter received by the corporation shall immediately be subject to the lien of the pledge without any physical delivery thereof or further act; and the lien of the pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the corporation, irrespective of whether the parties have notice thereof. Neither the resolution nor any trust agreement by which pledge is created need be filed or recorded except in the records of the corporation, and no filing need be made under chapter 10 6 of the General Laws.

SECTION 14. 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 14 of chapter 167E of the General Laws, banking associations, investment companies, executors, trustees and other fiduciaries, and

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all other persons whatsoever who are now or may hereafter be authorized to invest in bonds or other obligations of a similar nature may properly and legally invest funds, including capital in their control or belonging to them; and the bonds shall be obligations which may properly and legally be made eligible for the investment of savings deposits and the income thereof in the manner provided by section 2, of chapter 167F of the General Laws. The bonds shall be securities which may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivision of the commonwealth for any purpose for which the deposit of bonds or other obligations of the commonwealth is now or may hereafter be authorized by law.

SECTION 15. Any holder of bonds or debentures issued under this act or of any coupons appertaining thereto, and the trustee, except to the extent the rights herein given may be restricted by the trust agreement, may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights under the laws of the commonwealth or granted hereunder or under the trust agreement, and may enforce and compel the performance of all duties required by this act or by the trust agreement, to be performed by the corporation or by any officer thereof.

SECTION 16. Insofar as this act is inconsistent with any other general or special law, excluding the state building code, and the municipal zoning ordinance or by-law, this act shall be controlling.

SECTION 17. This act, being necessary for the welfare of the town and its inhabitants, shall be liberally construed to effect its purpose.

SECTION 18. If the town shall modify its charter, or if it shall adopt a new charter, then without amendment of this act, the provisions of this act which refer to specific municipal officials or municipal bodies shall be understood, upon a charter change, to refer to those who under such change exercise the same or equivalent functions.

SECTION 19. This act shall take effect upon its passage.

Approved November 20, 2002.

Chapter 377. AN ACT RELATIVE TO PAYMENT OF CERTAIN MEDICAL EXPENSES OF RETIRED BOSTON FIREFIGHTER CHARLES J. KELLEY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 100B of chapter 41 of the General Laws or any other general or special law to the contrary, the city of Boston may pay the following medical expenses on behalf of retired Boston firefighter Charles J. Kelley: to Brigham and Women's Hospital, as medical provider to Charles J. Kelley, a sum not to exceed \$16,650.08 for services provided to Charles J. Kelley from July 20, 2000 to July 21, 2000.

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

Approved November 20, 2002.

Chapter 378. AN ACT VALIDATING ACTION TAKEN AT THE ANNUAL TOWN ELECTION HELD BY THE TOWN OF HUNTINGTON.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the acts and proceedings taken by the town of Huntington at the annual town election held on May 18, 2002, and all actions taken pursuant thereto are hereby ratified, validated and confirmed, notwithstanding any defect or omission in publishing the warrant for the election.

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

Approved November 26, 2002.

Chapter 379. AN ACT RELATIVE TO NORA O'REILLY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith financial relief to Nora O'Reilly, 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 to the contrary, the commonwealth shall pay, out of funds administered by the division of victim compensation and assistance division within the department of the attorney general, pursuant to chapter 258C of the General Laws, the sum of \$4,000 to Nora O'Reilly of the city of Boston as reimbursement for funeral expenses incurred as the result of the murder of her son on September 29, 1994.

Approved November 26, 2002.

Chapter 380. AN ACT ESTABLISHING A BUILDING RESERVE FUND IN THE CITY OF REVERE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 53 of chapter 44 of the General Laws or any other general or special law to the contrary, the city of Revere may establish a special fund

in the city treasury into which shall be deposited all income derived from investment of the proceeds of bonds and notes issued for the school building program.

SECTION 2. The words "school building program" shall mean the design, construction and equipping of 5 new schools within the city of Revere to accommodate students in grades kindergarten through grade 8 and the renovation or demolition of any structures at any of the existing sites for these schools.

SECTION 3. Any income derived from the investment or reinvestment of the special fund shall remain with and become part of the special fund. The city treasurer shall be the custodian of the special fund and shall make an accounting of the special fund at the close of each fiscal year. All amounts in the special fund shall be applied solely to the payment of debt service associated with the school building program in such amount as the mayor and city council shall determine in any given year.

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

Approved November 26, 2002.

Chapter 381. AN ACT PROVIDING FOR RECALL ELECTION FOR THE ATHOL-ROYALSTON REGIONAL SCHOOL DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. A member of the Athol-Royalston regional school committee may be recalled and removed therefrom by the registered voters of the member towns as provided in this act.

SECTION 2. Any 150 registered voters of the member towns may initiate a recall petition by filing with the secretary of the school committee an affidavit containing the name of the member to be recalled and a statement of the grounds for recall. The secretary shall thereupon deliver to the voters making the affidavit copies of petition blanks demanding the recall, copies of which printed forms the secretary shall keep available. The blanks shall be issued by the secretary and shall contain the signature and official seal of the secretary. The petitions shall be dated, addressed to the regional school committee and contain the names of all persons to whom they are issued, the name of the person whose recall is sought and the grounds for recall as stated in the affidavit, and they shall demand the election of a successor in the office. A copy of the petition shall be entered in a record book to be kept in the office of the secretary. The recall petition shall be signed by at least 10 per cent of the registered voters of each precinct of the regional school district who shall add their signatures and the street and number and precinct of their residences and filed with the secretary within 20 days after the filing of the affidavit. The secretary shall, within 24 hours of receipt of the recall petition, submit the petition to the registrars of voters in the member towns, and the registrars shall, within 5 working days, certify thereon the number of signatures that are names of registered voters of the member towns.

SECTION 3. If the petition shall be found and certified by the secretary to be sufficient, the secretary shall submit the same with the secretary's certificate to the regional school committee within 5 working days and the regional school committee shall, within 5 working days, give written notice of the receipt of the certificate to the member sought to be recalled and shall, if the member does not resign within 7 days thereafter, request the board of selectmen of the member towns to order an election to be held on a date fixed by them not less than 60 days and not more than 90 days after the date of the secretary's certificate that a sufficient petition has been filed; but if any other town election is to occur within 90 days after the date of the certificate, the boards of selectmen of the member towns shall postpone the holding of the recall election to the date of the other election.

SECTION 4. Any member sought to be removed may be a candidate to succeed himself, and unless he requests otherwise in writing, the secretary shall place his name on the ballot without nomination. The nomination of other candidates, the publication of the warrant for the removal election and the conduct of the same, shall all be in accordance with the provisions of law relating to elections, unless otherwise provided in this act.

SECTION 5. The incumbent shall continue to perform the duties of his office until the recall election. If not recalled, he shall continue in office for the remainder of his unexpired term subject to recall as before, except as provided in section 7. If recalled in the recall election, he shall be deemed removed upon qualification of his successor, who shall hold office during the remainder of the unexpired term. If the successor fails to qualify within 5 days after receiving notification of his election, the incumbent shall thereupon be deemed removed and the office vacant.

SECTION 6. Ballots used in a recall election shall submit the following propositions in the order indicated:

For the recall of (name of official)

Against the recall of (name of official)

Immediately at the right of each proposition there shall be a square in which the voter, by making a cross mark, "X", may vote for either of the propositions. Under the propositions shall appear the word "Candidates", the directions to the voters required by section 42 of chapter 54 of the General Laws and, beneath this, the names of candidates nominated in accordance with provisions of law relating to elections. If a majority of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected. If a majority number of the votes on the question are in the negative, the ballots for candidates need not be counted.

SECTION 7. No person shall be subject to recall if his term of office expires within 6 months of the filing of the certificate. If a vacancy occurs in the office after a recall election has been ordered, the election shall proceed as provided in this act. A recall petition shall not be filed against a member within 90 days after such member takes office nor, in the case of a member subjected to recall election and not recalled thereby, until at least 90 days after the recall election.

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

Approved November 26, 2002.

Chapter 382. AN ACT PROVIDING FOR THE WORK FORCE REDUCTION OF THE CITY OF MEDFORD THROUGH AN EARLY RETIREMENT INCENTIVE PROGRAM FOR CERTAIN EMPLOYEES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding chapter 32 of the General Laws or any other general or special law to the contrary and upon the acceptance of this section, on or before November 1, 2003 by the legislative and executive authorities of the city of Medford, the provisions of this act providing for an early retirement incentive program shall apply to an eligible employee who: (i) shall be an employee of the city of Medford and an active member in service of the city of Medford or shall be an employee of the Medford public schools on the date of the acceptance of this section and an active member in service of the retirement system; (ii) shall be eligible to receive a superannuation retirement allowance in accordance with subdivision (1) of section 5 or subdivision (1) of section 10 of said chapter 32 upon the effective retirement date specified in his written application to the retirement system; (iii) shall have filed a written application with said retirement system in accordance with the seventh paragraph of this section; and (iv) shall be classified in Group 1, Group 2 or Group 4 in accordance with clause (g) of subdivision (2) of section 3 of said chapter 32. Members of the teachers' retirement system shall not be eligible to receive any additional benefit provided pursuant to this section.

For the purposes of this act, "legislative authority" shall mean the city council subject to the charter of the city of Medford and "executive authority" shall mean the mayor of the city of Medford. The early retirement incentive program shall be administered by the city of Medford retirement board which shall promulgate regulations to implement the program.

Notwithstanding said chapter 32 to the contrary, the normal yearly amount of the retirement allowance for an eligible employee shall be based on the average annual rate of regular compensation as determined under paragraph (a) of subdivision (2) of section 5 of said chapter 32 and shall be computed according to the table contained in said paragraph (a) based on the age of such member and his number of years and full months of creditable service at the time of his retirement increased either by adding up to 5 years of age or by adding up to 5 years of creditable service or by a combination of additional years of age and service the sum of which shall not be greater than 5; but the executive authority of the city of Medford may limit the amount of additional credit for service or age or a combination of service or age offered.

The executive authority of the city of Medford may limit the total number of employees for whom it will approve a retirement calculated under this act or the total number

of employees within each group classification for whom it will approve a retirement calculated under this act; provided, further, that if participation is limited, the retirement of employees with greater years of creditable service shall be approved before approval shall be given to employees with lesser years of creditable service.

Words used in this act shall have the same meaning as they are used in said chapter 32 unless otherwise expressly provided or unless the context clearly requires otherwise. An eligible employee who retires and receives an additional benefit in accordance with this section shall be deemed to be retired for superannuation under said chapter 32 and shall be subject to all of said chapter 32; provided, however, that for the purposes of this section and notwithstanding subdivision (1) of section 10 of said chapter 32 requiring a member classified in Group 2 to have attained age 55 on the date of his termination of service in order to receive a Group 2 benefit, any employee eligible pursuant to the criteria established in this section, who is classified in Group 2 and who is at least 50 years of age but not yet 55 years of age, shall be eligible for a retirement allowance equal to that prescribed for a member classified in Group 2 upon the application for the additional benefit in accordance with this section.

The total normal yearly amount of the retirement allowance, as determined in accordance with section 5 of said chapter 32, of an eligible employee who retires and receives an additional benefit under the early retirement incentive program in accordance with this section shall not exceed 80 per cent of the average annual rate of his regular compensation received during any period of 3 consecutive years of creditable service for which the rate of compensation was the highest or of the average annual rate of his regular compensation received during the periods, whether or not consecutive, constituting his last 3 years of creditable service preceding retirement, whichever is greater.

Notwithstanding any provision of section 5 of said chapter 32 that requires a retirement date within 4 months of the filing of an application for superannuation retirement in order to receive the retirement benefit provided by this section, an eligible employee shall file his application for retirement not later than a date determined by the executive authority, which shall be not later than December 2, 2003. The retirement date for eligible employees shall be determined by the executive authority and shall be not earlier than the effective date of this act and shall be no later than January 15, 2004; but notwithstanding section 2, the date of retirement for employees of the city of Medford retirement board shall be 30 days after the retirement date determined by the executive authority of the city of Medford.

The executive director of the public employee retirement administration commission shall analyze, study and value the costs and the actuarial liabilities attributable to the additional benefits payable in accordance with the early retirement incentive program established by this section. The executive director shall file a report of his findings to the board, in writing, on or before May 31, 2004, together with copies thereof to the mayor of the city of Medford.

In accordance with section 22D of said chapter 32, the retirement board of the city of Medford shall revise its retirement funding schedule to reflect the costs and the actuarial

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liabilities attributable to the additional benefits payable under the retirement incentive program in accordance with this section. In each of the fiscal years until the actuarial liability determined under this section shall be reduced to zero, it shall be an obligation of the city of Medford to fund such liability and there shall be appropriated to the applicable pension reserve fund in each such fiscal year the amount required by the funding schedule and the updates thereto.

SECTION 2. When the legislative and executive authorities have accepted section 1, the city of Medford shall provide to employees of the retirement board of the city's retirement system the same rights and privileges of the early retirement incentive program as provided in said section 1 under the same terms and conditions of that retirement program.

SECTION 3. The effective retirement date for employees of the city of Medford under this act shall not be earlier than the effective date of this act and not later than January 15, 2004.

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

Approved November 27, 2002.

Chapter 383. AN ACT RELATIVE TO UNDISTRIBUTED BALLOTS.

Be it enacted, etc., as follows:

SECTION 1. Section 109 of chapter 54 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in lines 6 and 7, the words "and ballots not cast".

SECTION 2. Said section 109 of said chapter 54, as so appearing, is hereby further amended by striking out, in lines 10 and 11, the words ", and make such disposition of the undistributed ballots as they may deem proper".

SECTION 3. Said section 109 of said chapter 54, as so appearing, is hereby further amended by adding the following paragraph:-

City and town clerks shall retain in their custody ballots not cast for 30 days or until any contest is determined or claim is withdrawn under section 134, and shall then make such disposition of the ballots not cast as they consider proper.

Approved November 27, 2002.

Chapter 384. AN ACT RELATIVE TO PROPERTY TAX EXEMPTIONS FOR RENTAL PROPERTIES IN THE TOWN OF WELLFLEET DEED RESTRICTED AS TO AFFORDABLE HOUSING.

Be it enacted, etc., as follows:

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SECTION 1. Notwithstanding any general or special law to the contrary upon approval of the town of Wellfleet's affordable accessory dwelling zoning by-law by the attorney general, affordable accessory dwelling units rented under the by-law that are subject to an affordable housing deed restriction shall be exempt from taxation under chapter 59 of the General Laws.

SECTION 2. Such exemption shall be equal to the tax otherwise owed on the property based on the assessed value of the entire property, including any accessory structures multiplied by the square feet of the living space of all accessory structures on the property that are restricted to occupancy by low or moderate income households divided by the total square feet of all structures on the property. For purposes of determining the assessed value of the entire property, if by income approach to value, such assessment shall assume that all housing units are rented at fair market value.

SECTION 3. The date of determination as to the qualifying factors required by this act shall be September 1 of each year.

SECTION 4. This act shall be submitted to the voters of the town of Wellfleet at the next annual or special town election in the form of the following question which shall be placed upon the official ballot to be used at said election:

"Shall an act passed by the general court in the year 2002 entitled 'An Act relative to property tax exemptions for rental properties in the town of Wellfleet deed restricted as affordable housing', be accepted?" If a majority of the votes cast in answer to said question is in the affirmative, then this act shall take effect, but not otherwise.

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

Approved November 27, 2002.

Chapter 385. AN ACT FURTHER PROTECTING CHILDREN.

Be it enacted, etc., as follows:

SECTION 1. Chapter 6 of the General Laws, is hereby amended by inserting after section 172F the following 3 sections:-

Section 172G. Notwithstanding section 172, section 60 or 60A of chapter 119, or any other general or special law to the contrary, operators of camps for children shall obtain all available criminal offender record information and juvenile data as found in the court activity record information from the criminal history systems board of all employees or volunteers prior to employment or volunteer service. Information obtained under this section shall not be disseminated for any purpose other than to further the protection of children.

Section 172H. Notwithstanding section 172 or any other general or special law to the contrary, any entity or organization primarily engaged in providing activities or programs to

children 18 years of age or less that accepts volunteers, shall obtain all available criminal offender record information from the criminal history systems board prior to accepting any person as a volunteer. Any entity or organization obtaining information under this section shall not disseminate such information for any purpose other than to further the protection of children.

Section 172I. Notwithstanding section 172 or any other general or special law to the contrary, taxicab companies that have contracted to provide transportation of pupils pursuant to section 7A of chapter 71 shall submit the names of any employee who may have direct and unmonitored contact with pupils to the appropriate school committee or school superintendent prior to transporting any pupil. The school committee or superintendent shall obtain all available criminal offender record information on such employees from the criminal history systems board pursuant to section 38R of chapter 71 .

SECTION 2. Chapter 71 of the General Laws is hereby amended by striking out section 38R, as appearing in the 2000 Official Edition, and inserting in place thereof the following section:-

Section 38R. The school committee and superintendent of any city, town or regional school district and the principal, by whatever title the position be known, of a public or accredited private school of any city, town or regional school district shall have access to and shall obtain all available criminal offender record information from the criminal history systems board of any current or prospective employee or volunteer of the school department, who may have direct and unmonitored contact with children, including any individual who regularly provides school related transportation to children. Such school committee, superintendent or principal shall periodically, but not less than every 3 years, obtain all available criminal offender record information from the criminal history systems board on all such employees and volunteers during their term of employment or volunteer service. Said school committee, superintendent or principal shall also have access to all criminal offender record information of any subcontractor or laborer commissioned by the school committee of any city, town or regional school district to perform work on school grounds, and who may have direct and unmonitored contact with children.

Access to such information shall be obtained in accordance with sections 167 to 168, inclusive, of chapter 6. A school committee, superintendent or principal obtaining information under this section shall prohibit the dissemination of such information for any purpose other than to further the protection of school children.

SECTION 3. Chapter 265 of the General Laws is hereby amended by inserting after section 26B the following section:-

Section 26C. (a) As used in this section, the term "entice" shall mean to lure, induce, persuade, tempt, incite, solicit, coax or invite.

(b) Any one who entices a child under the age of 16, or someone he believes to be a child under the age of 16, to enter, exit or remain within any vehicle, dwelling, building, or other outdoor space with the intent that he or another person will violate section 13B, 13F, 13H, 22, 22A, 23, 24 or 24B of chapter 265, section 4A, 16, 28, 29, 29A, 29B, 29C, 35A,

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53 or 53A of chapter 272, or any offense that has as an element the use or attempted use of force, shall be punished by imprisonment in the state prison for not more than 5 years, or in the house of correction for not more than 2½ years, or by both imprisonment and a fine of not more than \$5,000.

SECTION 4. Within 90 days of the effective date of this act, operators of camps for children shall obtain all available criminal offender record information and juvenile data as found in the court activity record information for the criminal history systems board for any person then providing volunteer service, as a condition of continued service. Any operator of a camp for children obtaining information under this section shall not disseminate such information for any purpose other than to further the protection of children.

SECTION 5. Within 90 days of the effective date of this act, any entity or organization primarily engaged in providing activities or programs to children 18 years of age or less shall obtain all available criminal offender record information for any person then providing volunteer service, as a condition of continued service. Any entity or organization obtaining information under this section shall not disseminate such information for any purpose other than to further the protection of children.

Approved November 27, 2002.

Chapter 386. AN ACT RELATIVE TO THE TEACHING OF ENGLISH IN PUBLIC SCHOOLS.

Be it enacted, etc., as follows:

SECTION 1. Chapter Seventy-one A of the General Laws as appearing in the 2000 Official Edition is hereby amended by striking sections 1 through 9 and substituting the following:

Section 1. *Findings and Declarations*

The People of Massachusetts find and declare that:

(a) The English language is the common public language of the United States of America and of the Commonwealth of Massachusetts. It is spoken by the vast majority of Massachusetts residents, and is also the leading world language for science, technology, and international business, thereby being the language of economic opportunity; and

(b) Immigrant parents are eager to have their children become fluent and literate in English, thereby allowing them to fully participate in the American Dream of economic and social advancement; and

(c) The government and the public schools of Massachusetts have a moral obligation and a constitutional duty to provide all of Massachusetts's children, regardless of their ethnicity or national origins, with the skills necessary to become productive members of our society. Of these skills, literacy in the English language is among the most important.

(d) The public schools of Massachusetts have done an inadequate job of educating many immigrant children, requiring that they be placed in native language programs whose failure over past decades is demonstrated by the low English literacy levels of those children.

(e) Immigrant children can easily acquire full fluency and literacy in a new language, such as English, if they are taught that language in the classroom as soon as they enter school.

(f) Therefore it is resolved that: all children in Massachusetts public schools shall be taught English as rapidly and effectively as possible.

Section 2. *Definitions*

In this chapter,

(a) "Bilingual education" means a language acquisition process for students in which all or substantial portions of the instruction, textbooks, or teaching materials are in the child's native language other than English.

(b) "English language classroom" means a classroom in which the language of instruction used by the teaching personnel is overwhelmingly the English language, and in which such teaching personnel are fluent and literate in English. English language classrooms encompass both English language mainstream classrooms and sheltered English immersion classrooms.

(c) "English language mainstream classroom" means a standard classroom, one in which the students either are native English language speakers or already have acquired reasonable fluency in English.

(d) "English learner" means a child who does not speak English or whose native language is not English, and who is not currently able to perform ordinary classroom work in English.

(e) "Sheltered English immersion" means an English language acquisition process for young children in which nearly all classroom instruction is in English but with the curriculum and presentation designed for children who are learning the language. Books and instruction materials are in English and all reading, writing, and subject matter are taught in English. Although teachers may use a minimal amount of the child's native language when necessary, no subject matter shall be taught in any language other than English, and children in this program learn to read and write solely in English. This educational methodology represents the standard definition of "sheltered English" or "structured English" found in educational literature.

Section 3. *Census*

Local school committees shall annually ascertain, not earlier than the first day of April, under regulations prescribed by the Department of Education, the number of English learners within their school system in grades Kindergarten through twelve, and shall classify them according to grade level, the language of which they possess a primary speaking ability, and the English learner program type in which they are enrolled, with all such information being made publicly available by school and school district on a website.

Section 4. *English language education*

Subject to the exceptions provided in Section 5 of this chapter, all children in Massachusetts public schools shall be taught English by being taught in English and all children shall be placed in English language classrooms. Children who are English learners shall be educated through sheltered English immersion during a temporary transition period not normally intended to exceed one school year. Local schools shall be permitted but not required to place in the same classroom English learners of different ages but whose degree of English proficiency is similar. Local schools shall be encouraged to mix together in the same classroom English learners from different native-language groups but with the same degree of English fluency. Once English learners acquire a good working knowledge of English and are able to do regular school work in English, they shall no longer be classified as English learners and shall be transferred to English language mainstream classrooms. Foreign language classes for children who already know English shall be completely unaffected, as shall be special educational programs for physically- or mentally-impaired students.

Section 5. *Parental waivers*

(a). The requirements of Section 4 of this chapter may be waived with the prior written informed consent, to be provided annually, of the child's parents or legal guardian under the circumstances specified in this section. Such informed consent shall require that said parents or legal guardian personally visit the school to apply for the waiver and that they there be provided a full description in a language they can understand of the educational materials to be used in the different educational program choices and all the educational opportunities available to the child. If a parental waiver has been granted, the affected child may be transferred to classes teaching English and other subjects through bilingual education techniques, such as two-way bilingual programs, or other generally recognized educational methodologies permitted by law. Individual schools in which 20 students or more of a given grade level receive a waiver shall be required to offer such a class; in all other cases, such students must be permitted to transfer to a public school in which such a class is offered.

(b). The circumstances in which a parental exception waiver may be applied for under this section are as follows:

(1). Children who already know English: the child already possesses good English language skills, as measured by oral evaluation or standardized tests of English vocabulary comprehension, reading, and writing, in which the child scores approximately at or above the state average for his grade level or at or above the 5th grade average, whichever is lower; or

(2). Older children: the child is age 10 years or older, and it is the informed belief of the school principal and educational staff that an alternate course of educational study would be better suited to the child's overall educational progress and rapid acquisition of basic English language skills; or

(3). Children with special individual needs: the child already has been placed for a period of not less than thirty calendar days during that particular school year in an English

language classroom and it is subsequently the informed belief of the school principal and educational staff that the child has such special and individual physical or psychological needs, above and beyond the child's lack of English proficiency, that an alternate course of educational study would be better suited to the child's overall educational development and rapid acquisition of English. A written description of no less than 250 words documenting these special individual needs for the specific child must be provided and permanently added to the child's official school records, and the waiver application must contain the original authorizing signatures of both the school principal and the local superintendent of schools. Waivers granted under this section cannot be applied for until after thirty calendar days of a given school year have passed, and this waiver process must be renewed each and every school year. Any such decision to issue such an individual waiver is to be made subject to the examination and approval of the local school superintendent, under guidelines established by and subject to the review of the local school committee and ultimately the state board of education. The existence of such special individual needs shall not compel issuance of a waiver, and the parents shall be fully informed of their right to refuse to agree to a waiver.

Section 6. Legal standing and parental enforcement

(a) As set forth in Section 4 of this chapter, all school children are to be provided at their assigned school with an English language public education. The parent or legal guardian of any school child shall have legal standing to sue for enforcement of the provisions of this chapter, and if successful shall be awarded reasonable attorney's fees, costs and compensatory damages.

(b) Any school district employee, school committee member or other elected official or administrator who willfully and repeatedly refuses to implement the terms of this chapter may be held personally liable for reasonable attorney's fees, costs and compensatory damages by the child's parents or legal guardian, and shall not be subsequently indemnified for such monetary judgment by any public or private third party. Any individual found so liable shall be barred from election or reelection to any school committee and from employment in any public school district for a period of five years following the entry of final judgment.

(c) Parents and legal guardians who apply for and are granted exception waivers under Section 5(b)(3) of this chapter retain full and permanent legal right to sue the individuals who granted such waivers if they subsequently discover before the child reaches the age of eighteen that the application for waivers was induced by fraud or intentional misrepresentation and injured the education of their child.

Section 7. Standardized testing for monitoring education progress

To ensure that the educational progress of all students in learning English together with other academic subjects is properly monitored, a standardized, nationally-normed written test of academic subject matter given in English shall be administered at least once each year to all public schoolchildren in grades 2 and higher who are English learners. This requirement shall not be construed as barring the administration of this same exam to other students. A nationally-normed test of English proficiency shall similarly be administered at least once each year to all Massachusetts schoolchildren in grades Kindergarten and higher

who are English learners. Only English learners classified as severely learning disabled may be exempted from these tests. The particular tests to be used shall be selected by the Board of Education, and it is intended that the tests shall usually remain the same from year to year. The national percentile scores of students shall be confidentially provided to individual parents, and the aggregated percentile scores and distributional data for individual schools and school districts shall be made publicly available on an internet web site; the scores for students classified as English learners shall be separately sub-aggregated and made publicly available there as well, with further sub-aggregation based on the English learner program type in which they are enrolled. School enrollment by race, ethnicity, and English learner program type shall also be made publicly available. Although administration of these tests are required solely for monitoring educational progress, public officials and administrators may utilize these test scores for other purposes as well if they so choose.

Section 8. *Community-Based English Tutoring*

In furtherance of its constitutional and legal obligation to provide all children with an adequate education, the state shall encourage family members and others to provide personal English language tutoring to such children as are English learners, and support these efforts by raising the general level of English language knowledge in the community. Subject to appropriation by the General Court, commencing with the fiscal year in which this initiative is enacted and for each of the nine fiscal years following thereafter, a sum of five million dollars (\$5,000,000) per year shall be spent for the purpose of providing funding for free or subsidized programs of adult English language instruction to parents or other members of the community who pledge to provide personal English language tutoring to Massachusetts school children who are English learners. Programs funded pursuant to this section shall be provided through schools or community organizations. Funding for these programs shall be administered by the Department of Education, and shall be disbursed at the discretion of the local school committees in each district, under reasonable guidelines established by, and subject to the review of, the Board of Education.

SECTION 2. *Severability*

If a provision of this act or its application to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SECTION 3. *Interpretation*

Under circumstances in which portions of this act are subject to conflicting interpretations, the Findings and Declarations of subsection 1 of section 1 of this act shall be assumed to contain the governing intent of this act.

SECTION 4. *Effective Date*

Except for the testing requirements of subsection 7 of section 1 of this act, which shall be implemented immediately, all other sections of this act shall become effective for all school years that begin following the effective date of this act.

This law was approved by the people at the November 5, 2002 state election under Article XLVIII of the Amendments to the Constitution, The Initiative, Part V, section 1, as amended.

Chapter 387. AN ACT RELATIVE TO EXCAVATION AND TRENCH SAFETY.

Be it enacted, etc., as follows:

SECTION 1. Chapter 82 of the General Laws is hereby amended by striking out section 40D, as appearing in the 2000 Official Edition, and inserting in place thereof the following section:-

Section 40D. Nothing in this section shall affect or impair local ordinances or by-laws requiring a permit to be obtained before excavation in a public way or on private property; but notwithstanding any general or special law, ordinance or by-law to the contrary, to the extent that any permit issued under the provisions of the state building code or state fire code requires excavation by an excavator on a public way or on private property, the permit shall not be valid unless the excavator notifies the system as required pursuant to sections 40 and 40A, before the commencement of the excavation, and has complied with the permitting requirements of chapter 82A.

SECTION 2. The General Laws are hereby amended by inserting after chapter 82 the following chapter:-

**CHAPTER 82A.
EXCAVATION AND TRENCH SAFETY.**

Section 1. An excavator shall not leave an open trench unattended without first making reasonable effort to eliminate any recognized safety hazard that may exist as a result of leaving the open trench unattended. The commissioner of public safety, in conjunction with the director of labor and workforce development, or his designee, shall promulgate rules and regulations governing all construction related excavations and trench safety. The rules and regulations shall include, but not be limited to, a description of recognized safety hazards that may exist as a result of leaving open trenches or excavations unattended, a description of the procedures required or recommended by the department to eliminate safety hazards which may include covering, barricading or otherwise protecting open trenches from accidental entry, and a penalty structure for each violation of the proposed rules and regulations to be imposed by the department empowered with ensuring compliance with the rules and regulations. This penalty structure shall include the imposition of a fine for each violation of the regulations promulgated pursuant to this section. Any such fines collected by the department of public safety or the department of labor and workforce development shall be available for expenditure, without further appropriation, by those departments in an amount not to exceed \$100,000 during each fiscal year for the sole purpose of providing construction safety training for licensed operators of hoisting equipment, police department

officials, fire department officials and building officials. Those departments may also charge a reasonable fee to help defray the costs associated with said training. Any monies collected from the imposition of these fines in excess of \$100,000 shall be transmitted monthly by those departments to the state treasurer who shall then deposit the excess funds into the General Fund. The department of public safety, in conjunction with the department of labor and workforce development, shall file a report detailing the amount of fines imposed, collected and expended pursuant to this section with the house and senate committees on ways and means and with the joint committee on public safety not later than August 15 of each year. The rules and regulations shall not be effective until the department of public safety has received a formal determination from the United States Secretary of Labor that the proposed rules or regulations do not seek to assume responsibility for development and enforcement therein of occupational safety and health standards relating to any occupational safety or health issue with respect to which a federal standard has already been promulgated under 29 U.S.C. section 667 or until the rules and regulations are approved by the United States Secretary of Labor as a state plan for the development of the standards and their enforcement pursuant to 29 U.S.C. section 667(c).

Section 2. Each city, town or public agency shall designate 1 board or officer to issue permits for the excavation of trenches on privately owned land and for the excavation of a public way of a city or town. The permits, when issued, shall include a summary of sections 40 to 40D, inclusive, of chapter 82 and a summary of regulations promulgated by the department of public safety relative to chapter 146. No person shall, except in an emergency, contract for the making of or make a trench, in any public way, public property, or privately owned land until a permit is obtained from the appropriately designated person within the city, town, or public agency that is authorized to issue the permit. The person shall notify the local permitting authority of the exact location of the trench. A person making application for a trench excavation permit shall produce a certificate of insurance with general liability coverage of \$100,000 per person and \$300,000 per claim or provide evidence of self-insurance in equal amounts. The local permitting authority may charge a reasonable fee to cover the administrative costs of the trench excavation permitting process incurred by the municipality in connection with the review and processing of the permits; but, a gas company, as defined in section 1 of chapter 164, or any corporation that is subject to the provisions of chapter 165, 166 or 166A which has already paid a fee in order to attain a permit to excavate a public way of a city or town shall not be responsible for paying an additional fee for the same excavation.

Section 3. A permit to excavate a trench issued pursuant to this chapter may be in any form authorized by the local permitting authority, but shall include the following statements:

(1) A trench shall not be excavated unless the requirements of sections 40 to 40D, inclusive, of chapter 82, and any accompanying regulations, have been met and this permit is invalid unless the requirements have been complied with by the excavator applying for the permit including, but not limited to, the establishment of a valid excavation number with the

underground plant damage prevention system as provided in section 76D of chapter 164.

(2) Trenches may pose a significant health and safety hazard. Pursuant to section 1 of chapter 82, an excavator shall not leave any open trench unattended without first making reasonable efforts to eliminate any recognized safety hazard that may exist as a result of leaving the open trench unattended. Excavators should consult regulations promulgated by the department of public safety in order to familiarize themselves with the recognized safety hazards associated with excavations and open trenches and the procedures required or recommended by the department to eliminate safety hazards which may include covering, barricading or otherwise protecting open trenches from accidental entry.

(3) Persons engaging in any trenching operation shall familiarize themselves with the federal safety standards promulgated by the Occupational Safety and Health Administration on excavations: 29 CFR 1926.650 et. seq., entitled Subpart P "Excavations".

(4) Excavators engaging in any trenching operation who utilize hoisting or other mechanical equipment subject to chapter 146 shall only employ individuals licensed to operate said equipment by the department of public safety pursuant to said chapter 146 and this permit shall be presented to the licensed operator before excavation is commenced.

(5) By applying for, accepting and signing this permit, the applicant hereby attests to the following: (i) that he has read and understands the regulations promulgated by the department of public safety with regard to construction related excavations and trench safety, (ii) that he has read and understands the federal safety standards promulgated by the Occupational Safety and Health Administration on excavations: 29 CFR 1926.650 et. seq., entitled Subpart P "Excavations", and (iii) that he is aware of and has, with regard to the proposed trench excavation on private property or proposed excavation of a city or town public way that forms the basis of his permit application, complied with the requirements of sections 40 to 40D, inclusive, of chapter 82 and with the requirements set forth in this chapter.

(6) This permit shall be posted in plain view on the site of the trench.

Section 4. For purposes of this chapter, a "trench" shall be defined as an excavation which is narrow in relation to its length, made below the surface ground in excess of 3 feet below grade and the depth of which is, in general, greater than the width, but the width of the trench, as measured at the bottom, is no greater than 15 feet and the words "excavator", "excavation" and "emergency" shall have the same meanings as defined in section 40 of chapter 82.

Section 5. The requirements of this chapter are in addition to the requirements set forth in sections 40 to 40D, inclusive, of chapter 82 and not in lieu thereof.

SECTION 3. Within 90 days after the passage of this act, the commissioner of the department of public safety, in conjunction with the director of the department of labor and workforce development or his designee, shall draft, pursuant to chapter 30A, proposed rules and regulations for construction related excavations and trench safety. Said rules and regulations shall include, but not be limited to, a description of recognized safety hazards that may exist as a result of leaving open trenches or excavations unattended, a description of the

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procedures required or recommended by said department in order to make every reasonable effort to eliminate said safety hazards which may include covering, barricading or otherwise protecting open trenches from accidental entry, and a penalty structure for each violation of the proposed rules and regulations to be imposed by the department empowered with ensuring compliance with said rules and regulations. Upon completion of the drafting of these proposed rules and regulations, the commissioner and the director shall, subject to the approval of the governor, petition the United States Secretary of Labor for a formal determination as to whether any of the proposed rules or regulations seek to assume responsibility for development and enforcement of occupational safety and health standards relating to any occupational safety or health issue with respect to which a federal standard has already been promulgated under 29 U.S.C. section 667. If the United States Secretary of Labor determines that the proposed rules or regulations seek to assume responsibility for development and enforcement of occupational safety and health standards relating to any occupational safety or health issue with respect to which a federal standard has already been promulgated, the director and the commissioner shall submit, pursuant to 29 U.S.C. section 667(b) and subject to the approval of the governor, the proposed rules and regulations as a state plan for the development of such standards and their enforcement, and these proposed rules and regulations shall not take effect unless and until they are so approved by the United States Secretary of Labor pursuant to 29 U.S.C. section 667(c).

Approved December 4, 2002.

Chapter 388. AN ACT AUTHORIZING THE DEFERRAL OF CERTAIN SEWER BETTERMENTS IN THE TOWN OF MARION.

Be it enacted, etc., as follows:

The board of selectmen of the town of Marion shall, upon the application of the owner of real property which meets the following qualifications and has been assessed for a sewer betterment, enter into a deferral and recovery agreement on behalf of the town. In order to qualify for the deferral agreement, the property shall have a Title V sewerage system which has been installed or upgraded after January 1, 1995 and which is determined by the board of health of the town not to be a failed system.

The deferral agreement shall: (a) provide the deferral period, which shall not exceed 10 years; (b) provide that the deferral agreement shall terminate and the assessment shall be due before the agreed term if title to the property is conveyed, the Title V system is determined by the board to a failed system, or the property is connected to the sewer; (c) provide that the property owner shall pay interest annually upon the assessment from the time it was made, at the actual borrowing rate; and (d) include the written approval of any joint owner or mortgagee on the property.

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The deferral agreement shall be recorded in the registry of deeds and shall constitute a lien upon the real estate. Nothing in this act shall prohibit the town from requiring the connection of any property to the sewer line in order to protect the public health or welfare.

Approved December 5, 2002.

Chapter 389. AN ACT RELATIVE TO BETTERMENT ASSESSMENTS FOR SEWERAGE FACILITIES IN THE TOWN OF MILLBURY.

Be it enacted, etc., as follows:

Section 5 of chapter 307 of the acts of 1973, as amended by section 2 of chapter 156 of the acts of 1978, is hereby further amended by striking out the third sentence and inserting in place thereof the following sentence:- A copy or duplicate of this certificate shall, within 120 days after its filing with the board of assessors, be recorded in the registry of deeds for Worcester county, or in the case of registered land, filed in the office of the assistant recorder for the Worcester county registry district, unless the owner of the premises assessed pays the assessment before the time for filing as specified in this section.

Approved December 5, 2002.

Chapter 390. AN ACT AUTHORIZING THE CITY OF LOWELL TO PLACE MUNICIPAL CHARGE LIENS ON CERTAIN PROPERTIES IN THE CITY OF LOWELL FOR NONPAYMENT OF ANY LOCAL CHARGES, FEE OR FINE.

Be it enacted, etc., as follows:

SECTION 1. The city of Lowell may impose a lien on property located within the city for any local charge, fee or fine that has not been paid by the due date. This lien shall be known as a municipal charges lien. Before liens are imposed, a vote by the city council shall be taken for each type of charge, fee or fine and an additional initial vote shall be taken to allow the charge, fee or fine to be collected in this manner. For purposes of this act, local charge, fee or fine shall mean any charge, fee or fine imposed by the municipality pursuant to ordinance, local regulation, statute or state regulation.

SECTION 2. A lien authorized under this act shall take effect upon recording of the unpaid municipal charge, fee or fine, by parcel of land and by the name of the property owner assessed for the fine in the northern district of the registry of deeds of Middlesex county.

SECTION 3. If a charge, fee or fine, which is secured by a municipal charges lien, remains unpaid when the assessors are preparing a real estate tax list and warrant to be committed under section 53 or chapter 59 of the General Laws, then the board or officer in

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charge of the collection of the municipal charge, fee or fine shall certify such charge, fee or fine to the assessors, who shall forthwith add such charge, fee or fine to the tax on the property to which it relates and commit it with their warrant to the collector of taxes as part of such tax.

SECTION 4. If the property to which such charge, fee or fine relates is tax exempt, the charge, fee or fine shall be committed as the tax.

SECTION 5. A lien under this section may be discharged by filing in the northern district of the registry of deeds of Middlesex county, a certificate from the tax collector that all municipal charges, fees or fines constituting the lien, together with any interest and costs thereon, have been paid or legally abated.

SECTION 6. All costs of recording or discharging a lien under this section shall be borne by the owner of the property.

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

Approved December 5, 2002.

**Chapter 391. AN ACT AUTHORIZING THE TOWN OF NORWOOD TO GRANT
3 ADDITIONAL LICENSES FOR THE SALE OF WINES AND MALT
BEVERAGES TO BE DRUNK ON THE PREMISES.**

Be it enacted, etc., as follows:

Notwithstanding section 17 of chapter 138 of the General Laws, chapter 376 of the acts of 1998 or any other general or special law, the licensing authority of the town of Norwood may grant 3 additional licenses for the sale of wines and malt beverages to be drunk on the premises under section 12 of chapter 138 to restaurants located in the central business district of the town, as established by zoning by-law from time-to-time. The licenses shall be subject to all of said chapter 138 except said section 17.

Approved December 5, 2002.

**Chapter 392. AN ACT RELATIVE TO THE CIVIL SERVICE STATUS OF THE
POSITIONS OF DIRECTOR OF POLICE SERVICES AND
DIRECTOR OF FIRE SERVICES IN THE TOWN OF ARLINGTON.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the positions of director of fire services and the director of police services in the town of Arlington shall be subject to the provisions of chapter 31 of the General Laws, whether or

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not the positions retain their current titles or are re-titled, by the town manager of the town of Arlington acting in accordance with chapter 502 of the acts of 1953.

SECTION 2. The incumbents in the positions of director of fire services and the director of police services, as of the effective date of this act, shall, notwithstanding any general or special law to the contrary, be considered to be properly and legally appointed to their respective positions and shall be exempt from section 56 of chapter 31 of the General Laws, whether or not their positions are re-titled by the town manager, after the effective date of this act, and the incumbents, as well as the positions themselves, shall in all respects be subject to chapter 31 of the General Laws.

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

Approved December 5, 2002.

Chapter 393. AN ACT RELATIVE TO THE CONCURRENT JURISDICTION OF THE LAND COURT.

Be it enacted, etc., as follows:

SECTION 1. The third paragraph of section 7 of chapter 40A of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the word "court", in line 47, the following words:- and the land court.

SECTION 2. The first paragraph of section 17 of said chapter 40A, as so appearing, is hereby amended by inserting after the word "said", in line 10, the following words:- land court or,- and by inserting after the word "said", in line 13, the first time it appears, the following words:- land court or.

SECTION 3. Section 81B of chapter 41 of the General Laws, as so appearing, is hereby amended by inserting after the word "equity", in line 32, the following words:- and the land court.

SECTION 4. Section 81V of said chapter 41, as so appearing, is hereby amended by inserting after the word "court", in lines 3, 9, and 10, the following words:- or the land court.

SECTION 5. Section 81Y of said chapter 41, as so appearing, is hereby amended by inserting after the word "lies", in line 51, the following words:- and the land court.

SECTION 6. Section 81BB of said chapter 41, as so appearing, is hereby amended by striking out, in lines 7 and 8, the words "pursuant to the provisions of clause (k) of section one of chapter one hundred and eighty-five".

SECTION 7. The first paragraph of section 1 of chapter 185 of the General Laws, as so appearing, is hereby amended by striking out paragraphs (k) to (p), inclusive, and inserting in place thereof the following 10 paragraphs:-

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(k) All cases and matters cognizable under the general principles of equity jurisprudence where any right, title or interest in land is involved, including actions for specific performance of contracts.

(l) Actions under clauses (4) and (10) of section 3 of chapter 214 , where any right, title or interest in real estate is involved.

(m) Actions under clause (8) of said section 3 of said chapter 214 or under section 9 of chapter 109A, where the property claimed to have been fraudulently conveyed or encumbered consists of rights, titles or interest in real estate only.

(n) Proceedings transferred to it under the provisions of section 4A of chapter 211 .

(o) Civil actions of trespass to real estate involving title to real estate.

(p) Actions brought pursuant to the provisions of sections 7 and 17 of chapter 40A.

(q) Actions brought pursuant to sections 81B, 81V, 81Y, and 81BB of chapter 41.

(r) Actions brought pursuant to section 4 or 5 of chapter 249 where any right, title or interest in land is involved, or which arise under or involve the subdivision control law, the zoning act, or municipal zoning, subdivision, or land-use ordinances, by-laws or regulations.

(s) Actions brought pursuant to section 1 of chapter 245 .

The land court department also shall have original jurisdiction concurrent with the probate courts of the following:-

(t) Petitions for partition under chapter 241 .

SECTION 8. Section 26A of chapter 212 of General Laws, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The superior court may, upon the application of either party, order a jury-waived civil action where any right, title or interest in land is involved, including actions for specific performance of contracts, removed to the land court for trial and disposition.

SECTION 9. Chapter 241 of the General Laws is hereby amended by striking out section 2, as so appearing, and inserting in place thereof the following section:-

Section 2. Probate courts and the land court shall have concurrent jurisdiction of all petitions for partition. Any petition for partition may be filed in the probate court for any county where any part of the land included in the petition lies, or in the land court for any land within the commonwealth. The petition may include any or all of the common land within the commonwealth.

SECTION 10. Said chapter 241 is hereby further amended by striking out section 3, as so appearing, and inserting in place thereof the following section:-

Section 3. If a case is begun in a probate court and the land is within the jurisdiction of the probate court in 2 or more counties, the court in which proceedings are first begun shall retain jurisdiction thereof, which shall exclude the jurisdiction of probate courts of other counties; but this shall not prevent the probate court in any other county where a part of the common land lies, not included in the original petition, from making partition thereof.

SECTION 11. Said chapter 241 is hereby further amended by striking out section 4, as so appearing, and inserting in place thereof the following section:-

Section 4. The court may make partition of all or any portion of the land included in the petition of which the parties thereto are co-tenants; but if all of the common land is not included in the petition, the court may, upon request of any party thereto, seasonably filed, cause any other part of the common land to be included, unless a petition for partition thereof is pending in another county or in the land court.

SECTION 12. Section 7 of said chapter 241, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- If the proceedings are at any time amended, either by the inclusion of more land or by adding new parties, a further notice thereof shall be filed forthwith in the registry district where the land lies.

SECTION 13. Section 16 of said chapter 241, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- If the partition is by division, the commissioners shall record a certified copy of the decree in the registry of deeds for each district where any of the land lies, together with so much of the return, as finally confirmed, as relates thereto; or if any part of the land is registered land, they shall in recording the same comply with section 92 of chapter 185 .

SECTION 14. Section 19 of said chapter 241, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- If partition is made by sale, the claimant may recover the share of the proceeds to which he is entitled by action against the persons to whom the proceeds were paid, or, before the payment, by a petition in equity in the court in which the partition was made, to which the commissioner or commissioners and all known claimants of the share shall be made parties defendant.

SECTION 15. Section 25 of said chapter 241, as so appearing, is hereby amended by striking out the first and second sentences and inserting in place thereof the following 2 sentences:- The court in which a petition has been brought under this chapter shall have jurisdiction in equity over all matters relating to the partition, and, in case of sale, over the distribution of the proceeds thereof; also to hear and determine all matters of accounting between the parties to the petition in reference to the common land, and to appoint 1 or more receivers to take possession of the common land or any part thereof, and collect the rents and profits therefrom. The jurisdiction may be exercised upon petition according to the usual course of proceedings in that court.

SECTION 16. Section 31 of said chapter 241, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- The sale shall be made by public auction, after like notice as is required for the sale of land by an administrator, and the evidence thereof may be perpetuated in like manner by returns filed with the court in which the proceedings are had; or the sale may be a private sale, upon the terms as the court orders, if it finds after notice, as provided in section 8, and a hearing, or after receiving the written assent of all parties in interest, that the interests of all parties will be promoted thereby.

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SECTION 17. Section 34 of said chapter 241, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- If the proceeds of a sale, or any share thereof, cannot be paid to the persons entitled thereto, the commissioners shall deposit the same in the name of the judge of probate for the county where the proceedings are had, or, in the case of the land court, the chief justice, in a savings bank or other like institution, or in a savings accounts in a trust company, or in paid-up shares and accounts of and in co-operative banks, or purchase with it in the name of the judge or justice a share account of a federal savings and loan association or a savings and loan association located in the commonwealth, as the court orders, to accumulate for the persons entitled thereto.

SECTION 18. Section 35 of said chapter 241, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- The trustee shall, before entering upon the duties of his trust, give to the judge of probate and his successors or, in the case of the land court, the chief justice and his successors, a bond, with sufficient surety and in a penal sum as the court orders, conditioned for the faithful performance of his duties, and, upon breach of the condition, an action may, by order of the court which holds the bond, be brought for the use of the persons interested in the trust property, as upon a bond of an administrator.

SECTION 19. Section 1 of chapter 245 of the General Laws, as so appearing, is hereby amended by inserting after the word "county", in line 4, the following words:- or in the land court.

SECTION 20. Section 4 of chapter 249 of the General Laws, as so appearing, is hereby amended by inserting after the word "court", in line 4, the following words:- or, if the matter involves any right, title or interest in land, or arises under or involves the subdivision control law, the zoning act or municipal zoning, or subdivision ordinances, by-laws or regulations, in the land court.

SECTION 21. Section 5 of said chapter 249, as so appearing, is hereby amended by inserting after the word "court", in line 2, the following words:- or, if the matter involves any right, title or interest in land, or arises under or involves the subdivision control law, the zoning act, or municipal zoning, or subdivision ordinances, by-laws or regulations, in the land court.

SECTION 22. The failure of this act to refer to or enumerate subject matter jurisdiction already existing and established by law in the land court or in any other department of the trial court shall not be construed to deny, alter, repeal or diminish the subject matter jurisdiction. The failure of this act, in establishing or describing subject matter jurisdiction in the land court, to refer to or include any other department of the trial court, shall not be construed to deny, alter, repeal or diminish the subject matter jurisdiction in the other department to the extent the other department has the subject matter jurisdiction in accordance with existing law.

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SECTION 23. This act shall take effect on January 1, 2003.

Approved December 5, 2002.

Chapter 394. AN ACT RELATIVE TO CREDITABLE SERVICE FOR TOWN MODERATORS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to grant creditable service for town moderators, 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 4 of chapter 32 of the General Laws is hereby amended by striking out, in lines 229 and 230, as appearing in the 2000 Official Edition, the words "alderman city councilor or school committee member" and inserting in place thereof the following words:-alderman, city councilor, school committee member or town moderator.

Approved December 5, 2002.

Chapter 395. AN ACT AUTHORIZING THE DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO CONVEY A CERTAIN PARCEL OF LAND TO THE TAUNTON DEVELOPMENT CORPORATION.

Be it enacted, etc., as follows:

SECTION 1. The commissioner of capital asset management and maintenance, subject to sections 40E to 40G, inclusive, and section 40J of chapter 7 of the General Laws, shall sell and convey by deed a certain parcel of land located in the city of Taunton to the Taunton Development Corporation for municipal industrial development purposes, in accordance with and subject to all terms, conditions, covenants, easements, reservations and restrictions established in this act, the land being described in section 7.

The purchase price payable by the Taunton Development Corporation for the parcel shall be the full and fair market value of the property less any environmental clean up costs as of the time of conveyance to the Taunton Development Corporation, as determined by the commissioner of capital asset management and maintenance based on an independent appraisal. The inspector general shall review and approve the appraisal and the review shall include a review of the methodology utilized for the appraisal. The inspector general shall prepare a report of his review and file the report with the commissioner for submission to the house and senate committees on ways and means and the house and senate chairmen of the

joint committee on state administration in accordance with section 5. The Taunton Development Corporation shall pay the purchase price in full at the time of the conveyance and shall pay all costs associated with the transaction, including without limitation, the costs for the survey, the appraisals and the preparation of the deed.

SECTION 2. If the commissioner of capital asset management and maintenance determines to sell the property described in section 7 to the Taunton Development Corporation, the commissioner shall not be required to comply with section 40H of chapter 7 of the General Laws, but the purchase price and other terms and conditions of the sale shall comply with section 1 and all other applicable requirements of this act.

SECTION 3. Before the sale of property described in section 1, the commissioner of capital asset management and maintenance shall consult with the commissioner of mental retardation to determine what terms and conditions and covenants, easements, reservations and restrictions shall be prescribed as part of any disposition of said property and the validity of any deed or any rental agreement, if any, executed by or on behalf of the commonwealth by the commissioner of capital asset management and maintenance. The provisions shall include, but not be limited to, proper control of the industrial park traffic and noise and environmental impact on the remaining residential group homes of the department of mental retardation, reservation of easements on said property for water, power, sewer and other utilities and access for the residential group homes, implementation of proper protections for the homes present water and sewer and other utility systems, the creation of an appropriate physical barrier between the Taunton Industrial Park and the residential group homes to ensure the privacy and safety of employees and residents thereof.

SECTION 4. The purchase price paid pursuant to section 1 shall be deposited in the General Fund of the commonwealth.

SECTION 5. The commissioner of capital asset management and maintenance, 30 days before the execution of any agreement authorized by this act, or any subsequent amendment thereof, shall submit the agreement or amendment and a report thereon to the inspector general for his review and comment. The inspector general shall issue his review and comment within 15 days of receipt of any agreement or amendment. The commissioner shall submit the agreement and any subsequent amendments thereof, the reports, and the comments of the inspector general, if any, to the house and senate committees on ways and means and the house and senate chairmen of the joint committee on state administration at least 15 days before execution of the agreement.

SECTION 6. After any transfer of the property described in section 7 to the Taunton Development Corporation, the use of the property shall be subject to the covenants, easements, reservations and restrictions established in this act.

SECTION 7. The parcels referred to in section 1 are substantially as shown on the plan entitled "Constitution Drive & Fremont Street, Taunton, MA (Bristol County) prepared for Taunton Development Corporation, Division of Property" prepared by Tibbetts Engineering Corp., which plan is on file in the offices of the department of mental retardation, as the

same may be modified by the commissioner of capital asset management and maintenance in consultation with the commissioner of mental retardation.

SECTION 8. Within the parcel described in section 7 there is a certain parcel of land situated on the east side of Constitution drive in the city of Taunton, the county of Bristol and the commonwealth, being more particularly bounded and described as follows:

Beginning at a point, said point being N 28 degrees 42' 25" E, a distance of 317.96 feet from the northeasterly corner of a non-buildable 1.03 acre lot shown on a plan by Tibbetts Engineering Corp. entitled "Subdivision Plan of Land in Taunton, MA for Taunton Development Corp." scale 1"=200' dated July 12, 2000.

Thence S 88 degrees -47'-43" E, 395.84 feet to a point;

Thence S 22 degrees -14'-47" E, 1,362.15 feet to a point;

Thence S 67 degrees -45'-13" E, 313.14 feet to a point;

Thence along a curve to the right having a radius of 50.00 feet and a arc length of 78.54 feet with a delta of 90 degrees 00'00" to a point;

Thence N 22 degrees -14'-47" W, 1,469.68 feet to the point of beginning.

Containing 522,720 s.f. (12.000 acres) and being shown on a plan entitled, "Easement Plan of Land, Paul A. Dever State School Property, Taunton, MA" prepared for Taunton Development Corporation, dated 04-10-2000, scale 1" = 100'.

This parcel shall be maintained in substantially its present condition but may be used by the public for passive recreational purposes.

SECTION 9. Within the parcel described in section 7 there is a certain parcel identified as recreational area "A". A certain parcel of land situated on the east side of Constitution drive in the city of Taunton, the county of Bristol and the commonwealth of Massachusetts, being more particularly bounded and described as follows:

Beginning at a point, said point being S 79 degrees 54'03" E, a distance of 256.08 feet from the easterly terminus of the northerly sideline of Independence Drive;

Thence N 31-09'-18" E, 1,392.05 feet to a point;

Thence S 58-50'-42" E, 788.51 feet to a point;

Thence S 31-09'-18" W, 1,392.05 feet to a point;

Thence N 58-50'-42" W, 788.51 feet to the point of beginning.

Containing 1,907,642 s.f. (25.20 acres) and being shown on a plan entitled, "Plan of Land, Paul A. Dever State School Property, Taunton, MA" prepared for Taunton Development Corporation, dated 07-10-2000, scale 1" = 100" by Tibbetts Engineering Corp.

This parcel shall be maintained as a recreational area unless and until the Taunton Development Corporation provides to the city of Taunton 25.20 acres or more of contiguous, comparable land within North Taunton, to be approved by a vote of the city council and mayor.

SECTION 10. If, at any time, the parcels described in sections 7, 8 or 9 are not used in conformity with this act or with for any use other than the uses set forth in this act or with any of the terms or restrictions placed on the property pursuant to section 3, then, upon the

recording of notice in the Bristol registry of deeds, title to the parcels shall revert to the commonwealth.

SECTION 11. Notwithstanding any general or special law, rule or regulation to the contrary, any remaining land of the Dever State School located west of Bay street and generally north and north west of the proposed division line of a Plan on file with the city of Taunton dated 7-18-2000 titled "Proposed Parcel A" of Phase IV of Myles Standish Industrial Park under the care, custody and control of the department of mental retardation shall be transferred to the department of environmental management subject to prior consultation with the commissioner of the department of mental retardation and to the following conditions:

A. Any wells and aquifers located on the property shall be authorized and reserved for use as a municipal water supply through a sale, lease, or transfer of rights upon agreement with the proper state authorities. The department of environmental management may conduct testing and perform studies of the land to determine whether and to what extent a water withdrawal well may be installed without causing significant negative environmental impacts to other environmental resources. If the testing and studies indicate that the water withdrawal can occur without causing significant environmental impacts, the department of environmental management may enter into such agreements, leases or license agreements as it considers appropriate to allow the city of Taunton or others to install and operate a water withdrawal well on the premises, and to construct structures and install and operate equipment related to the operation of any well as will allow the water withdrawn from the premises to be appropriately purified and otherwise treated.

B. The department of environmental management shall enter into an interagency agreement with the department of environmental police for the purpose of securing and maintaining an environmental police headquarters on the property, to consist of not less than 3.5 acres of land which shall include a facility for lodging, and a separate facility for equipment storage.

C. The department of environmental management shall enter into an interagency agreement with the department of mental retardation for the purpose of constructing nature/walking trails and or passive recreation amenities for general public use on the property; provided that all trails constructed shall be constructed in such a manner that would allow the participation of individuals with disabilities to the extent possible in the construction of the amenities and shall be constructed in a manner that will allow equal access to individuals with disabilities.

SECTION 12. Conveyance of these parcels is subject to the condition that any areas used by the department of mental retardation as a cemetery shall be maintained in perpetuity as a cemetery and kept in substantially the same condition as at the time of conveyance.

Approved December 11, 2002.

Chapter 396. AN ACT AUTHORIZING THE TOWN OF SOUTHWICK TO SUPPLY WATER TO CERTAIN PROPERTY LOCATED IN THE CITY OF WESTFIELD.

Be it enacted, etc., as follows:

Notwithstanding any general or special law to the contrary, the town of Southwick may supply and sell water to the property of Mitchell Bannish located in the city of Westfield.

Approved December 11, 2002.

Chapter 397. AN ACT FURTHER REGULATING THE USE OF CROSSBOWS IN THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. Section 64 of chapter 131 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the word "crossbow", in line 2, the following words:- , except as provided in section 69.

SECTION 2. Section 69 of said chapter 131, as so appearing, is hereby amended by striking out the third sentence and inserting in place thereof the following 3 sentences:- Nothing in this paragraph shall permit the use of crossbows by any person other than a person who is permanently disabled such that the person cannot operate a conventional bow and arrow, as certified by a licensed physician. Any costs associated with obtaining the medical documentation, re-evaluation of the information or a second medical opinion are the responsibility of the applicant claiming a permanent disability. The issuance of a crossbow permit under this section shall be subject to rules and regulations promulgated by the director.

Approved December 11, 2002.

Chapter 398. AN ACT FURTHER REGULATING THE GRANTING OF TEMPORARY LICENSES FOR THE SALE OF WINE AT CERTAIN AUCTIONS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to regulate forthwith the granting of temporary licenses for the sale of wine at certain auctions, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

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SECTION 1. Chapter 153 of the acts of 1997 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 local licensing authority in a city or town which votes to authorize the granting of licenses for the sale of alcoholic beverages may, with the approval of the alcoholic beverages control commission, grant temporary licenses for the sale of wine at auction not to be drunk on the premises to applicants which are nonprofit charitable corporations organized under chapter 180 of the General Laws and registered with the public charities division of the office of the attorney general. Each such temporary license shall describe the premises to which it applies and shall be granted only for premises which are either the principal place of business or headquarters of the applicant or a location owned or leased by the applicant from which the applicant regularly conducts business and which are legally zoned to allow such sales or which are the premises of a licensee under section 12 or section 15 of chapter 138 of the General Laws. No such temporary license shall be for a duration of more than 10 consecutive calendar days and no holder of a temporary license shall be granted more than 5 licenses in a calendar year. The fee for a temporary license under this section shall not exceed the minimum fee provided for holders of licenses to sell wine. A holder of a temporary license under this section may conduct the above on any day and at any time permitted under said section 12 of said chapter 138. Any wine sold under this section shall be donated at no charge to the license holder and all proceeds from such sales shall be used for the license holder's charitable purposes. The application procedures under section 15A of said chapter 138 shall not apply to temporary licenses under this section, but applications may be granted by the local licensing authority according to the local procedures for the granting of licenses under section 14 of said chapter 138. Local licensing authorities may impose conditions as to the hours of operation of auctions and other necessary and reasonable terms and conditions.

SECTION 2. Said chapter 153 is hereby further amended by striking out section 5 and inserting in place thereof the following section:-

Section 5. This act shall cease to be effective on January 1, 2008.

Approved December 11, 2002.

Chapter 399. AN ACT RELATIVE TO THE TAXATION OF REAL AND PERSONAL PROPERTY.

Be it enacted, etc., as follows:

SECTION 1. Section 52B of chapter 59 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in lines 1 to 3, inclusive, the words "sections thirty-eight D, thirty-eight E, and sixty-one A of chapter fifty-nine and section eight A of chapter fifty-eight A " and inserting in place thereof the following words:- section 8A

of chapter 58A and sections 38D, 38E, 57D and 61A of this chapter.

SECTION 2. Section 57D of said chapter 59, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following 2 paragraphs:-

A notice of preliminary, estimated or actual tax for real estate and personal property shall include an affidavit of address, to be signed and sworn to by the owner of record of such property. The affidavit shall include the following information: name of the owner, street number, street name, city or town, state and zip code. The affidavit shall not be required of those property owners for any parcel for which the owner has been granted, in the previous fiscal year, a residential exemption under section 5C.

The affidavit shall not be required of those owners of parcels subject to chapter 183A.

SECTION 3. Said section 57D of said chapter 59 is hereby further amended by inserting after the second paragraph, as so appearing, the following paragraph:-

Information provided by taxpayers pursuant to this section shall not be a public record and shall be used by the city or town only for either the mailing of legal notices or to contact property owners for other municipal purposes. In no event shall any information provided pursuant to this section be sold, distributed or copied to any individual or organization in any form.

SECTION 4. Said section 57D of said chapter 59 is hereby further amended by striking out the fourth paragraph, as so appearing, and inserting in place thereof the following paragraph:-

If there is any change in the information provided on the affidavit for the owner of record or his agent, the owner shall immediately notify the local board of assessors by mailing a new affidavit.

SECTION 5. Said section 57D of said chapter 59 is hereby further amended by striking out the fifth paragraph, as so appearing, and inserting in place thereof the following paragraph:-

If an owner fails to comply with this section, a city or town may notify the owner of that noncompliance. The owner shall have an additional 30 days from the date of service of the notice of noncompliance within which to file an affidavit or otherwise comply with this section. If an owner fails to file the affidavit within this additional 30-day period or otherwise to comply with this section, the city or town may impose a fine of \$100 per preliminary tax bill on the owner. If an owner fails to pay any fine imposed under this section, a city or town may then determine that the fine constitute a lien upon the real estate and the fine shall thereafter be subject to collection by a city or town through means which are generally available to cities and towns for the collection of outstanding property taxes.

SECTION 6. Said section 57D of said chapter 59 is hereby further amended by inserting after the fifth paragraph, as so appearing, the following paragraph:-

Upon receipt of payment or notification of abatement of any fine imposed under this chapter or upon receipt of the affidavit required by this chapter, any city or town that has determined the fine to constitute a lien upon the property and has initiated proceedings to recover the fine, shall issue a release of lien in recordable form within 30 days of the receipt

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of the payment, notice of abatement or an affidavit required by this section. For good cause shown, a city or town may abate any part or all of a fine that was imposed under this section, if the affidavit required by this section is filed with the city or town as required by this section.

Approved December 11, 2002.

Chapter 400. AN ACT RELATIVE TO LIENS ON BUILDINGS AND LAND.

Be it enacted, etc., as follows:

SECTION 1. Section 12 of chapter 254 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in lines 70 and 71, the words "last performed or furnished labor or labor and materials" and inserting in place thereof the following words:- filed the statement required by section 8.

SECTION 2. Section 14 of said chapter 254, as so appearing, is hereby amended by inserting after the word "after", in line 12, the following words:- the later of the filing of the statement required by section 8 or.

Approved December 13, 2002.

Chapter 401. AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF PLYMOUTH.

Be it enacted, etc., as follows:

Section 2-9-2 of the charter of the town of Plymouth, which is on file in the office of the archivist of the commonwealth, as provided in section 12 of chapter 43B of the General Laws, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- When an alternate representative town meeting member position becomes vacant, the person who received the highest number of votes among the unsuccessful representative town meeting member candidates at the most recent election in the precinct shall fill the vacancy until the next regular election.

Approved December 13, 2002.

Chapter 402. AN ACT AUTHORIZING THE APPOINTMENT OF ALCINO FERNANDES AS A POLICE OFFICER IN THE TOWN OF MILFORD.

Be it enacted, etc., as follows:

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SECTION 1. The personnel administrator of the division of human resources shall certify Alcino Fernandes to be eligible for original appointment to the position of police officer in the town of Milford according to the grade he received on the examination for police officer held in April of 2001, notwithstanding the maximum age requirement for the position. If Alcino Fernandes meets all other requirements for certification as a police officer, the town of Milford may appoint him.

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

Approved December 13, 2002.

Chapter 403. AN ACT AUTHORIZING THE TOWN OF WINCHESTER TO BORROW CERTAIN FUNDS.

Be it enacted, etc., as follows:

SECTION 1. The town of Winchester may borrow from time to time such sums of money as may be necessary for the purpose of paying the costs of flood remediation and prevention improvements with respect to rivers, streams and other bodies of water within the town including the widening, deepening and regrading of rivers, streams and drainage channels; the construction and reconstruction of surface drains and culverts; the enlargement and replacement of bridge openings; the construction and reconstruction removal of dams, walls and dikes; the installation and replacement of valves and sluice gates; the construction and reconstruction of pumping stations; and pumping station equipment, and may issue bonds or notes for such purpose. Each authorized issue shall constitute a separate loan and each such loan shall be payable within 20 years from its date. Any bonds issued by the town pursuant to this act shall have their maturities arranged so that the annual combined payments of principal and interest payable in each year shall be as nearly equal as practicable in the opinion of the selectmen and town treasurer, or in accordance with a schedule providing for a more rapid amortization of principal. Indebtedness incurred under this act shall not be included in determining the limit of indebtedness of the town under section 10 of chapter 44 of the General Laws but, provided in this act, shall otherwise be subject to that chapter.

SECTION 2. In connection with any flood remediation and prevention improvements project, the town may participate in such project with the United States Army Corps of Engineers or any other federal or state agency.

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

Approved December 19, 2002.

Chapter 404. AN ACT PROVIDING FOR RECALL ELECTIONS IN THE TOWN OF NEWBURY.

Be it enacted, etc., as follows:

SECTION 1. A holder of an elected office in the town of Newbury may be recalled therefrom by the qualified voters of the town as provided in this act for any of the following reasons: lack of fitness; neglect of duties; corruption; misfeasance or violation of oath. Exercising discretion in voting or acting on matters before such office holder shall not be a reason for recall.

SECTION 2. Fifteen per cent of the registered voters of the town of Newbury may file with the town clerk an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for such recall. At least 66 names of registered voters shall be from each of the voting precincts into which said town is divided. Upon certification of the required signatures, said clerk shall deliver to the first named voter on the affidavit copies of petition blanks addressed to the board of selectmen demanding such recall, copies of which printed forms the clerk shall keep available. The petition blanks shall be issued by said clerk with his signature and official seal attached thereto. They shall be dated, shall contain the names of all persons to whom they are issued, the name of the person whose recall is sought and the grounds of recall as stated in the affidavit and shall demand the election of a successor to such office. A copy of the petition shall be entered in a record book to be kept in the office of said clerk. The recall petition shall be returned and filed with said clerk within 30 days after the filing of the affidavit and shall have been signed by at least 25 per cent of the registered voters of the town as of the date such affidavit was filed with said clerk. To every signature shall be added the place of residence of the signer, giving the street and number, if any. Said clerk shall, within 72 hours of receipt thereof, submit the petition to the registrars of voters in the town, and said registrars shall certify forthwith the number of signatures thereon which are names of registered voters of the town.

SECTION 3. If the petition shall be found and certified by the town clerk to be sufficient, he shall submit the same with his certificate to the board of selectmen without delay and said board shall give forthwith written notice of the receipt of the certificate to the officer sought to be recalled. If such officer does not resign within 5 days thereafter, said board shall order an election to be held on a date fixed by them not less than 70 nor more than 95 days after the date of said clerk's certificate that a sufficient petition has been filed; but, if any other town election is scheduled to occur within 120 days after the date of the certificate, said board shall postpone the holding of the recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section.

SECTION 4. Any officer sought to be removed may be a candidate to succeed himself and, unless he requests otherwise in writing, the town clerk shall place his name on the ballot without nomination. The nomination of other candidates, the publication of the warrant for the recall election and the conduct of the same shall all be in accordance with the

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provisions of law relating to elections, unless otherwise provided in this act.

SECTION 5. The incumbent shall continue to perform the duties of his office until the recall election. If he is not recalled, he shall continue in office for the remainder of his unexpired term, subject to recall as before, except as provided in section 7. If he is recalled, he shall be deemed removed upon the qualifications of his successor, who shall hold office during the unexpired term. If the successor fails to qualify within 5 days after receiving notification of his election, the incumbent shall thereupon be deemed removed and the office vacant.

SECTION 6. Ballots used in a recall election shall submit the following propositions in the order indicated:

For the recall of (name of officer)

Against the recall of (name of officer)

Immediately at the right of each proposition there shall be a square in which the voter, by making a cross mark (X), may vote for either of said propositions. Under the proposition shall appear the word "candidates" and the directions to voters required by section 42 of chapter 54 of the General Laws and, beneath this, the names of candidates nominated as hereinbefore provided. If $\frac{2}{3}$ of the votes cast upon the question of recall is in the affirmative, then the candidate receiving the highest number of votes shall be declared elected. If more than $\frac{1}{3}$ of the votes cast on the questions is in the negative, then the ballots for candidates need not be counted. If fewer than 25 per cent of the registered voters of the town participated in the election, no votes need be counted and the election shall be deemed to have determined that the incumbent should not be recalled.

SECTION 7. A recall petition shall not be filed against an officer within 6 months after he takes office, nor in the last 6 months of his term, nor in the case of an officer subjected to a recall election and not recalled thereby, until at least 6 months has elapsed after the election at which his recall was submitted to the voters of the town.

SECTION 8. A person who has been recalled from an office or who has resigned from office while recall proceedings were pending against him shall not be appointed to a town office within 2 years after such recall or resignation.

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

Approved December 19, 2002.

**Chapter 405. AN ACT AUTHORIZING THE TOWN OF HINGHAM TO GRANT 3
ADDITIONAL LICENSES FOR THE SALE OF ALL ALCOHOLIC
BEVERAGES TO BE DRUNK ON THE PREMISES.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 17 of chapter 138 of the General Laws, the

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licensing authority in the town of Hingham may grant 3 additional licenses for the sale of all alcoholic beverages to be drunk on the premises, pursuant to section 12 of said chapter 138 to establishments located at the Derby Street Shoppes, in the town of Hingham further described in a deed to Hingham Retail Properties LLC recorded at the Plymouth county registry of deeds in Book 20043, Page 290. The licensing authority shall not approve the transfer of the licenses to any other locations. The licenses shall be subject to all of said chapter 138 except said section 17.

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

Approved December 19, 2002.

Chapter 406. AN ACT EXEMPTING THE POSITION OF CHIEF OF POLICE IN THE TOWN OF CARVER FROM THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The position of chief of police of the town of Carver shall be exempt from chapter 31 of the General Laws.

SECTION 2. Section 1 shall not impair the civil service status of any person holding the position of chief of police of the town of Carver on the effective date of this act.

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

Approved December 19, 2002.

Chapter 407. AN ACT RELATIVE TO STATE HIGHWAYS IN BARNSTABLE COUNTY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 15C of chapter 40 of the General Laws, chapter 61 of the acts of 1992 or any other general or special law to the contrary, before any reconstruction, realignment, or re-engineering on state highways in Barnstable county, not including United States highway route 6 except in the town of Eastham, that pass through recognized historic districts that have registered with the department of highways and provided the department with the approximate boundaries of the historic district, whether or not the work pertains to trees or stone walls abutting thereto, the department shall hold a public hearing during the 25 per cent design phase. Before holding the hearing, the department shall advertise it in a newspaper of general circulation in the area once in each of 2 successive weeks, the last publication not to be less than 7 days before the date of the hearing, as to time, date, place and purpose. The department shall send special notice to each

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municipality and the commission of each historic district in which the work is to be performed. The department shall send the notice by certified mail, return receipt requested.

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

Approved December 19, 2002.

Chapter 408. AN ACT RELATIVE TO PROPERTY TAX EXEMPTIONS FOR RENTAL PROPERTIES IN THE TOWN OF PROVINCETOWN USED AS AFFORDABLE HOUSING.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, residential real estate in the town of Provincetown which is rented to and occupied by a person of low income, at a rental amount not exceeding the standards of the United States Department of Housing and Urban Development for low income persons, shall be exempt from taxation under chapter 59 of the General Laws.

SECTION 2. The exemption shall be equal to the tax otherwise due on the parcel based on the full and fair assessed value, multiplied by the square footage of the housing units rented to and occupied by a person or family of low income, divided by the total square footage of a structure located on the parcel. For rental housing, assessment of such property, if by an income approach to value, shall assume fair market rent for all units. To be eligible for exemption, the housing unit shall be leased to a low income person at rents for the entire fiscal year for which the exemption is sought.

SECTION 3. The date of determination as to the qualifying factors required by this act shall be July 1 of each year for the fiscal year beginning on such July 1.

SECTION 4. This act shall be submitted to the voters of the town at the next annual or special town election, in the form of the following question which shall be placed upon the official ballot to be used at that election: "Shall an act passed by the general court in the year 2002 entitled, 'An Act relative to property tax exemptions for rental properties in the town of Provincetown used as affordable housing', be accepted?" If a majority of the votes cast in answer to that question is in the affirmative, then sections 1, 2 and 3 of this act shall thereupon take effect, but not otherwise.

SECTION 5. Section 4 of this act shall take effect upon its passage.

Approved December 19, 2002.

Chapter 409. AN ACT RELATIVE TO THE RIGHTS OF ADOPTED PERSONS UNDER A CERTAIN INSTRUMENT.

Be it enacted, etc., as follows:

Notwithstanding section 2 of chapter 27 of the acts of 1969, section 8 of chapter 210 of the General Laws shall apply to a trust settlement made under an instrument executed on December 31, 1931 and amended on March 1, 1944 and as otherwise amended.

Approved December 19, 2002.

Chapter 410. AN ACT AUTHORIZING THE TOWN OF MENDON TO CHARGE SENIOR RESIDENTS A REDUCED TRASH FEE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the town of Mendon may, by vote of its board of selectmen, charge a reduced fee for trash pickup and removal for residents 65 years of age or older.

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

Approved December 19, 2002.

Chapter 411. AN ACT DESIGNATING THE MERRIMACK VALLEY REGIONAL TRANSIT AUTHORITY TRANSPORTATION CENTER IN THE CITY OF LAWRENCE AS THE SENATOR PATRICIA McGOVERN TRANSPORTATION CENTER.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to designate forthwith a certain transportation 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:

The Merrimack Valley Regional Transit Authority transportation center, to be built at South Union street and Merrimack street in Lawrence, shall be designated and known as the Senator Patricia McGovern Transportation Center, in honor of Patricia McGovern, former chair of the senate committee on ways and means and state senator for the city of Lawrence. The Merrimack Valley Regional Transit Authority shall erect and maintain suitable markers bearing the designation in compliance with applicable state and federal standards.

Approved December 19, 2002.

Chapter 412. AN ACT RELATIVE TO THE EFFECTIVE DATE OF CERTAIN CIVIL SERVICE LAWS IN THE TOWN OF PLAINVILLE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary or the adoption by the town of Plainville at the election held on April 2, 2001 of civil service laws and rules relative to the position of firefighter, the effective date of such laws and rules shall be December 1, 2001.

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

Approved December 19, 2002.

Chapter 413. AN ACT CHANGING THE BOUNDARY LINE BETWEEN BOXFORD AND NORTH ANDOVER.

Be it enacted, etc., as follows:

The following described line shall be the boundary line between the towns of Boxford and North Andover:

Beginning at a granite bound to be set on the existing town line between the Boxford and the town of North Andover, the bound having a coordinate value of north 3,089,162.83 and east 764,603.25, the bound bearing along the town line S39-02-18E five thousand two hundred twenty-two and sixteen hundredths (5,222.16) feet from Town Bound 'B.H.N.A.', at the corner of the city of Haverhill and the towns of Boxford and North Andover; thence leaving said existing town line N62-29-34E two hundred seventy-five and eighty hundredths (275.80) feet to a granite bound to be set in a stonewall; thence along said stonewall N35-20-01W two hundred ninety-five and forty-two hundredths (295.42) feet to a granite bound to be set at a stone wall intersection; thence along the stonewall N54-47-31E three hundred seventy-six and ninety hundredths (376.90) feet to a drill hole found at an angle point in the stone wall; thence continuing along said stonewall N00-36-42E two hundred and forty-five hundredths (200.45) feet to a granite bound to be set; thence leaving said stonewall N63-36-49E four hundred five and fifty-five hundredths (405.55) feet to a granite bound to be set; thence S36-41-54E seven hundred fifty-five and sixty-seven hundredths (755.67) feet to a granite bound to be set; thence S24-41-52E two hundred thirteen and sixty-nine hundredths (213.69) feet to a granite bound to be set; thence S12-49-54W one hundred and fifty-six hundredths (100.56) feet to a granite bound to be set; thence S49-57-59W one thousand two hundred forty-six and fifty-seven hundredths (1,246.57) feet to a granite bound to be set in the stone wall on the easterly sideline of said Bradford Street; thence along said stone wall on the easterly sideline of said Bradford Street the following eleven (11) courses: thence S17-26-31E fifty-one and twenty hundredths (51.20) feet to a point and thence S04-09-55E eighty-five and eighty-six hundredths (85.86) feet to a point and thence S22-26-20E eighty-six and no hundredths (86.00) feet to a point and thence S37-39-30E one

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hundred sixty-nine and seventy-one hundredths (169.71) feet to a point and thence S39-12-17E three hundred thirty and seventy-two hundredths (330.72) feet to a point and thence S40-01-52E one hundred forty-six and ninety-two hundredths (146.92) feet to a point and thence S40-55-48E three hundred fifteen and eighty-four hundredths (315.84) feet to a point and thence S41-17-49E one hundred seventy-three and thirty hundredths (173.30) feet to a point and thence S43-22-46E forty-seven and four hundredths (47.04) feet to a point and thence S24-12-41E two hundred seventy-two and twenty-nine hundredths (272.29) feet to a point and thence S29-07-54E eighty and eighty-nine hundredths (80.89) feet to a granite bound to be set at a stonewall intersection; thence along the stonewall leaving said easterly sideline of Bradford Street N55-56-24E two hundred forty-five and twelve hundredths (245.12) feet to a point; thence continuing along said stonewall N53-41-35E one hundred thirty-two and ten hundredths (132.10) feet to a granite bound to be set on the said existing town line, said bound having a coordinate value of north 3,087,205.67 and east 766,190.30; thence along said existing town line S39-02-18E twenty-one thousand five hundred eight and sixty-three hundredths (21,508.63) feet to Town Bound 'B.NA.' at the corner of the towns of Boxford and North Andover.

All coordinate values contained in this act are expressed in United States survey feet and are found on the North American Datum of 1983-96, Massachusetts Mainland Zone.
Emergency Letter: December 30, 2002 @ 4:37 P.M. Approved December 24, 2002.

Chapter 414. AN ACT AUTHORIZING THE CITY OF QUINCY TO LEASE CERTAIN PROPERTY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding chapter 40 of the General Laws, the city of Quincy acting by and through its mayor, and upon the approval of the city council, may enter into a lease agreement and lease a certain parcel of land with the building thereon, shown on the Quincy Assessor's Map 6042 as Plot 4 at the corner of Kendall street and Newbury avenue, with an address of 111 Newbury avenue in the city of Quincy to The William R. Caddy Detachment Marine Corps League Building Corporation, a Massachusetts not-for-profit corporation. The lease may be for a term of 50 years.

SECTION 2. Paragraphs (a), (b) and (g) of section 16 of chapter 30B of the General Laws shall apply to the lease authorized by section 1. The parcel described in section 1 may not be assigned to others, or sublet by any lessee, without the prior written approval of the mayor and the city council of the city of Quincy. Any further disposition of the parcel, other than that authorized by this act, shall be subject to chapter 30B and any other general law.

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

Approved December 24, 2002.

Chapter 415. AN ACT RELATIVE TO THE PLUMBING INSPECTOR IN THE TOWN OF MARBLEHEAD.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the position of plumbing inspector in the town of Marblehead shall be exempt from chapter 31 of the General Laws, and any vacancy in the position after the effective date of this act shall be by appointment by the board of selectmen.

SECTION 2. Section 1 shall not impair the civil service status of any person holding the position of plumbing inspector in the town of Marblehead on the effective date of this act.

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

Approved December 24, 2002.

Chapter 416. AN ACT RELATIVE TO SCHOOL COMMITTEE MEMBERS.

Be it enacted, etc., as follows:

Chapter 71 of the General Laws is hereby amended by inserting after section 36 the following section:-

Section 36A. School committee members, within 1 year after their initial election or appointment, shall complete at least 8 hours of orientation concerning the responsibilities of their office at no cost to individual school committee members. The orientation shall include but not be limited to a review of school finance, the open meeting law, public records law, conflict of interest law, special education law, collective bargaining, school leadership standards and evaluations and the roles and responsibilities of school committee members. The orientation shall be provided by the Massachusetts Association of School Committees, Inc. or any other entity approved by the commissioner of education after consulting the association. The Association and any other entity providing such orientation shall offer every year at least 2 orientation sessions at no required cost to eligible school committees. A certificate shall be awarded to each participant upon completion of the orientation and notice thereof shall be filed with the clerk of the city or town where the school committee member resides.

Approved December 24, 2002.

Chapter 417. AN ACT AUTHORIZING THE CITY OF WORCESTER TO LEASE A CERTAIN BUILDING FOR COURTHOUSE USE.

Be it enacted, etc., as follows:

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SECTION 1. The city of Worcester, acting by and through its city manager and city council, may execute and deliver 1 or more instruments to lease to the juvenile court department of the trial court, a portion of the Worcester Memorial auditorium for use as a courthouse by the Worcester division of the juvenile court department of the trial court and by state agencies and departments related to the operation or activities of the trial court. The lease or leases may be for a term of 20 years. Notwithstanding any general or special law to the contrary, but subject to section 4 of chapter 29A of the General Laws, the chief administrative justice of the trial court, with the approval of the chief justice of the supreme judicial court and the commissioner of capital asset management and maintenance, may act on behalf of the commonwealth to enter into any lease or leases authorized by this act.

SECTION 2. Paragraphs (a), (b) and (g) of section 16 of chapter 30B of the General Laws shall apply to any lease or leases authorized by section 1. The parcel described in section 1 may not be assigned to others, or sublet by any lessee, without the prior written approval of the city manager and city council. Any further disposition of the parcel, other than that authorized by this act, shall be subject to said chapter 30B, and any other applicable chapter of the General Laws.

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

Approved December 24, 2002.

Chapter 418. AN ACT AUTHORIZING THE DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO CONVEY CERTAIN LAND IN THE TOWN OF ASHFIELD.

Be it enacted, etc., as follows:

SECTION 1. The commissioner of capital asset management and maintenance may convey, subject to sections 40E to 40J, inclusive, of chapter 7 of the General Laws, by deed approved as to form by the attorney general, a certain parcel of land located in the town of Ashfield used for highway purposes to Bruce and Maria Willard to be used for the construction of a septic system, and subject to such additional terms and conditions as the commissioner may prescribe. No deed shall be valid unless the deed provides that the parcel shall only be used for the purpose of installing a septic system. In addition the deed shall also reserve an easement in favor of the commonwealth to use the land for highway purposes and shall prohibit the erection of any above ground structures on the parcel.

The parcel is shown as "Proposed Easement area" on a "Plan of Proposed Easement in Ashfield, Massachusetts prepared for Bruce Willard, by Almer Huntley, Jr. & Associates, Inc. dated September 24, 2001, bounded and described as follows:

BEGINNING at a point in the northerly line of land now or formerly of Bruce E. Willard and Marcia L. Willard, which point is 334.71 northeasterly of a granite bound at the northwesterly corner of the land of said Willards and 206.52 feet southerly of the centerline

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of the layout of Massachusetts Route 112, thence

North 38°= 26' 52" West a distance of 66.00 feet to a point, thence turning and running

North 51°= 33' 08" East a distance of 115.00 feet to a point, thence turning and running

South 38°= 26' 52" East a distance of 66.00 feet to a point, thence turning and running

South 51°= 33' 08" West a distance of 115.00 feet along the other land now or formerly of Bruce R. Willard and Marcia L. Willard, to the point of beginning.

SECTION 2. The conveyance of the parcel described in section 1 shall be for the full and fair market value of the land based upon 1 or more professional appraisals commissioned by the commissioner of the division of capital asset management and maintenance. The commissioner shall prior to the conveyance authorized by this act submit the appraisal or appraisals, and a report thereon to the inspector general. The inspector general shall review and approve the appraisal or appraisals, and the review and approval shall include an examination of the methodology utilized for the appraisal or appraisals. The inspector general shall prepare a report of his review and approval of the appraisal or appraisals and file the report with the commissioner. The commissioner shall prior to the execution of the conveyance file copies with the house and senate committees on ways and means and with the chairmen of the joint committee on state administration.

All money paid to the commonwealth for the conveyance authorized by said section 1 shall be deposited in the General Fund of the commonwealth.

SECTION 3. The recipient of the parcel described in section 1 shall assume the cost of any appraisal or appraisals, surveys and any other expenses incurred by the commonwealth relating to the conveyance as deemed necessary by the commissioner of capital asset management and maintenance.

Approved December 24, 2002.

Chapter 419. AN ACT RELATIVE TO THE SOUNDING OF CERTAIN WARNING DEVICES IN THE TOWN OF CONCORD.

Be it enacted, etc., as follows:

Notwithstanding chapter 160 of the General Laws or any other general or special law or rule or regulation to the contrary, no railroad corporation, including the Massachusetts Bay Transportation Authority, shall permit a locomotive engine passing on its railroad in the town of Concord to sound a whistle at any grade crossing in the town that is otherwise protected by the following safety features: (i) flashing lights in each direction which are automatically activated by an approaching train; (ii) 2 gates, 1 on each side of the crossing, both of which

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are automatically lowered by an approaching train and both of which extend across approximately ½ the width of the lanes of traffic so that the entire width of the lanes of traffic is blocked when the gates are lowered; (iii) a bell that is automatically activated by an approaching train; (iv) overhead street lights; (v) signs posted before the grade crossing in each direction warning pedestrians and motorists of the crossing ahead; (vi) posted speed limits for traffic which shall not be more than 25 miles per hour; and (vii) not more than 2 lanes of vehicular traffic in each direction at the grade crossing. Notwithstanding this act, a train shall sound its whistle in the event of an emergency.

Approved December 24, 2002.

Chapter 420. AN ACT RELATIVE TO THE DESCENT AND DISTRIBUTION OF PROPERTY.

Be it enacted, etc., as follows:

SECTION 1. Section 4 of chapter 192 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the word "person", in line 3, the following words:- and if he is not under indictment for, or has not been convicted of, murder in the first or second degree, or manslaughter, or accessory before the fact of such crimes, against the deceased.

SECTION 2. Section 13 of said chapter 192, as so appearing, is hereby amended by inserting after the word "suitable", in line 2, the following words:-, if the person is not under indictment for, or has not been convicted of, murder in the first or second degree, or manslaughter, or accessory before the fact of such crimes, against the deceased.

SECTION 3. Section 1 of chapter 193 of the General Laws, as so appearing, is hereby amended by inserting after the word "suitable", in line 3, the following words:- and only if such person is not under indictment for, or has not been convicted of, murder in the first or second degree, or manslaughter, or accessory before the fact of such crimes, against the deceased.

SECTION 4. Section 7 of said chapter 193, as so appearing, is hereby amended by inserting after the word "trust", in line 2, the following words:- or if the executor is under indictment for, or has been convicted of, murder in the first or second degree, or manslaughter, or accessory before the fact of such crimes, against the deceased.

SECTION 5. Said section 7 of said chapter 193, as so appearing, is hereby further amended by inserting after the word "person", in line 7, the following words:-, who is not under indictment for, or has not been convicted of, murder in the first or second degree, or manslaughter, or accessory before the fact of such crimes, against the deceased.

SECTION 6. Section 7A of said chapter 193, as so appearing, is hereby amended by inserting after the word "suitable", in line 4, the following words:- and if such person is

not under indictment for, or has not been convicted of, murder in the first or second degree, or manslaughter, or accessory before the fact of such crimes, against the deceased.

SECTION 7. Section 9 of said chapter 193, as so appearing, is hereby amended by inserting after the word "persons", in line 9, the following words:- , who are not under indictment for, or have not been convicted of, murder in the first or second degree, or manslaughter, or accessory before the fact of such crimes, against the deceased,.

SECTION 8. Section 10 of said chapter 193, as so appearing, is hereby amended by inserting after the word "him", in line 6, the following words:- ; provided, however, that no person shall be appointed as a special administrator who is under indictment for, or has been convicted of, murder in the first or second degree, or manslaughter, or accessory before the fact of such crimes, against the deceased.

SECTION 9. Section 11 of chapter 195 , as so appearing, is hereby amended by inserting after the word "person", in line 11, the following words:- who is not under indictment for, or has not been convicted of, murder in the first or second degree, or manslaughter, or accessory before the fact of such crimes against the deceased.

SECTION 10. Said section 11 of said chapter 195, as so appearing, is hereby further amended by adding the following paragraph:-

If an executor or administrator is indicted for, or convicted of, murder in the first or second degree, or manslaughter, or accessory before the fact of such crimes, against the deceased, the executor or administrator shall not be eligible to serve as executor or administrator of the deceased's estate, and the probate court shall remove him immediately as such from the point of indictment or conviction, whichever occurs first. The court shall appoint a suitable person to act as executor or administrator.

SECTION 11. Chapter 265 of the General Laws is hereby amended by adding the following section:-

Section 46. The court shall prohibit any person charged with the unlawful killing of the decedent from taking from the decedent's estate through its distribution and disposition, including property held between the person charged and the decedent in joint tenancy or by tenancy in the entirety. The court shall consider any person convicted of the unlawful killing of the decedent as predeceasing the decedent for the purpose of distribution and disposition of the decedent's estate including property held between the person charged and the decedent in joint tenancy or by tenancy in the entirety. The bar to succession shall apply only to murder in the first degree, murder in the second degree or manslaughter; it shall not include vehicular homicide or negligent manslaughter in the death of the decedent. No court shall distribute the accused's share of the decedent's assets until a verdict or finding on the charge has been rendered in open court. If the court determines the accused not guilty of the unlawful killing of the decedent, the accused may take by decent or distribution from the decedent's estate under law. The provisions of this section and any order of a court entered pursuant thereto, shall not have any effect on title to real property, except against the person charged with an offense to which this section applies, or that person's heirs and devisees, until a memorandum that recites the name of that person is recorded in the manner provided

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in section 15 of chapter 184, and no order so entered shall divest any person who has given fair consideration for any interest in such property before such recording.

Approved December 24, 2002.

Chapter 421. AN ACT ESTABLISHING A SICK LEAVE BANK FOR KEVIN J. WELCH, AN EMPLOYEE OF THE TRIAL COURT OF THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the trial court, therefore 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 Kevin J. Welch, an employee of the Boston municipal court. Any employee of the trial court may voluntarily contribute one or more sick, personal or vacation days to the sick leave bank for use by Kevin J. Welch. Whenever Kevin J. Welch terminates employment with the trial court or requests to dissolve the sick leave bank, the balance of sick leave shall be transferred to the trial court paid leave bank.

Approved December 24, 2002.

Chapter 422. AN ACT RELATIVE TO CERTAIN MOTOR VEHICLE DEALERS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 140 of the General Laws is hereby amended by striking out section 58 and inserting in place thereof the following section:-

Section 58. (a) Licenses granted under sections 59 and 59A shall be classified in accordance with subsections (b) to (d), inclusive.

(b) *Class 1.* Any person who is a recognized agent of a motor vehicle manufacturer or a seller of motor vehicles made by such manufacturer whose authority to sell the same is created by a written contract with such manufacturer or with some person authorized in writing by such manufacturer to enter into such contract, and whose principal business is the sale of new motor vehicles, the purchase and sale of second hand motor vehicles being incidental or secondary thereto, may be granted an agent's or a seller's license; provided, that with respect to second hand motor vehicles purchased for the purpose of sale or exchange and not taken in trade for new motor vehicles, such dealer shall be subject to all provisions

of this chapter applicable to holders of licenses of Class 2, except subsection (c), and to rules and regulations made under those provisions; and provided further, that such dealer maintains or demonstrates access to repair facilities sufficient to enable him to satisfy the warranty repair obligations imposed by section 7N¼ of chapter 90, and shall remain liable for all warranty repairs made and other obligations imposed by said section 7N¼ of said chapter 90.

(c) *Class 2.* A person whose principal business is the buying or selling of second hand motor vehicles, a person who purchases and displays second hand motor vehicles for resale in retail transactions, and any other person who displays second hand motor vehicles not owned by him pursuant to an agreement in which he receives compensation, whether solely for displaying the vehicles, upon the sale of each vehicle, or otherwise, may be granted a used car dealer's license and shall be subject to the following conditions:

(1) The person shall obtain a bond, or equivalent proof of financial responsibility as described in paragraph (5), and continue in effect a surety bond or other equivalent proof of financial responsibility satisfactory to the municipal licensing authority in the amount of \$25,000 executed by a surety company authorized by the insurance department to transact business in the commonwealth. The bond or its equivalent shall be for the benefit of a person who purchases a vehicle from a Class 2 licensee, and who suffers loss on account of:-

(i) the dealer's default or nonpayment of valid bank drafts, including checks drawn by the dealer for the purchase of motor vehicles;

(ii) the dealer's failure to deliver, in conjunction with the sale of a motor vehicle, a valid motor vehicle title certificate free and clear of any prior owner's interests and all liens except a lien created by or expressly assumed in writing by the buyer of the vehicle;

(iii) the fact that the motor vehicle purchased from the dealer was a stolen vehicle;

(iv) the dealer's failure to disclose the vehicle's actual mileage at the time of sale;

(v) the dealer's unfair and deceptive acts or practices, misrepresentations, failure to disclose material facts or failure to honor a warranty claim or arbitration order in a retail transaction; or

(vi) the dealer's failure to pay off a lien on a vehicle traded in as part of a transaction to purchase a vehicle when the dealer had assumed the obligation to pay off the lien.

(2) Recovery against the bond or its equivalent may be made by any person who obtains a final judgment in a court of competent jurisdiction against the dealer for an act or omission on which the bond is conditioned if the act or omission occurred during the term of the bond. Every bond shall also provide that no suit may be maintained to enforce any liability on the bond unless brought within 1 year after the event giving rise to the cause of action.

(3) The bond or its equivalent shall cover only those acts and omissions described in clauses (i) to (vi), inclusive, of paragraph (1). The surety on a bond shall not be liable for total claims in excess of the bond amount, regardless of the number of claims made against the bond or the number of years the bond remained in force.

(4) A separate bond shall be required for each different name under which the dealer conducts his business and for each city or town in which the dealer has a place of business.

(5) In lieu of the bond required by this section, the municipal licensing authority may allow the dealer to deposit collateral in the form of a certificate of deposit or irrevocable letter of credit, as authorized by the banking laws of the commonwealth, which has a face value equal to the amount of the bond otherwise required. The collateral may be deposited with or executed through any authorized state depository designated by the commissioner. Interest on the certificate of deposit shall be payable to the dealer who has deposited it as collateral, or to a person as the dealer or the certificate may direct.

(6) A surety shall provide to the municipal licensing authority notice of cancellation of the bond within 30 days of the cancellation.

(7) Upon receipt of notification from a surety that a bond has been cancelled, the municipal licensing authority shall notify the licensee that he has 10 days to comply with the bonding requirement. If the licensee does not comply within the 10 day period, the municipal licensing authority shall revoke the Class 2 license and shall notify the registrar who shall suspend or revoke any dealer plate issued to the licensee pursuant to section 5 of chapter 90 .

(8) A municipal licensing authority shall not issue or renew a Class 2 license unless it is satisfied that a bond or equivalent proof of financial responsibility meeting the requirements of this section is in effect during the term under which the license shall be issued or renewed, and that the licensee maintains or demonstrates access to repair facilities sufficient to enable him to satisfy the warranty repair obligations imposed by section 7N¼ of chapter 90. A used car dealer shall remain liable for all warranty repairs made and other obligations imposed by said section 7N¼ of said chapter 90.

(d) *Class 3.* A person whose principal business is the buying of second hand motor vehicles for the purpose of remodeling, taking apart or rebuilding and selling the same, or the buying or selling of parts of second hand motor vehicles or tires, or the assembling of second hand motor vehicle parts may be granted a motor vehicle junk license.

(e) The registrar of motor vehicles, after consulting the office of consumer affairs and business regulation, shall adopt rules and regulations defining sufficient repair facilities for the purposes of subsection (b) and paragraph (8) of subsection (c).

SECTION 2. The regulations adopted by the registrar of motor vehicles under section 58 of chapter 140 of the General Laws, as they were in force on the effective date of this act, shall continue in force until amended as provided in subsection (e) of said section 58 of said chapter 140.

Approved December 24, 2002.

Chapter 423. AN ACT RELATIVE TO THE HEALTH INSURANCE OF CERTAIN EMPLOYEES OF THE CITY OF EVERETT.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, individuals who retired from the service of the city of Everett before April 15, 2003 and are enrolled in a health benefit plan offered by the city as of April 15, 2003, and their spouses and dependents, shall be entitled to continue to receive the same percentage of premium contribution provided by the city as of the date of the individuals' retirement for so long as the retiree remains continuously enrolled in the health benefit plan or its equivalent as offered by the city, notwithstanding any alterations in health insurance plans or health plan premiums by the city.

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

Approved December 24, 2002.

Chapter 424. AN ACT RELATIVE TO A CERTAIN REAL PROPERTY TAX EXEMPTION IN THE TOWN OF WELLESLEY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the proviso in the last sentence of clause (2) of the first paragraph of clause Forty-first A of section 5 of chapter 59 of the General Laws, the town of Wellesley may, by vote of its legislative body, adopt a higher maximum qualifying gross receipts amount for the purposes of that clause, if such maximum qualifying gross receipts amount shall not exceed \$50,000.

SECTION 2. Notwithstanding the computation of interest at the rate of 8 per cent per annum set forth in clause (1) of the third paragraph of clause Forty-first A of section 5 of chapter 59 of the General Laws, the interest rate applicable to the town of Wellesley for the purposes of that clause shall be the monthly 2 year constant maturity treasury rate for the month of July of the applicable fiscal year as published by the Federal Reserve.

SECTION 3. This act shall take effect on July 1, 2003.

Approved December 24, 2002.

Chapter 425. AN ACT RELATIVE TO NUCLEAR POWER PLANTS.

Be it enacted, etc., as follows:

SECTION 1. Section 5K of chapter 111 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by adding the following 3 paragraphs:-

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(F) The department of public health shall stockpile thyroid-blocking agents according to regulations promulgated by the department for cities and towns located within a 10 mile radius of a nuclear power plant. The department may make an assessment against the operator of each nuclear power plant in the commonwealth and electric companies in the commonwealth which own, in whole or in part, or purchase power from the Seabrook nuclear power plant. For purposes of this section, electric companies shall be defined as persons, firms, associations and private corporations which own or operate works or distribute electricity in the commonwealth; but the term electric companies shall not include municipalities or municipal light plants. The department may make a collection based on this assessment directly from the electric companies and deposit the monies into the retained revenue account established by the department and used for nuclear power plant environmental monitoring activities.

(G) The department shall maintain supplies of thyroid-blocking agents according to regulations promulgated by the department for cities and towns located in Barnstable, Dukes and Nantucket counties, as well as in the area known as Cape Ann in Essex county. This section shall take effect in any city or town in which its governing body votes to accept the stockpiling of thyroid-blocking agents. The department may make an assessment against the operator of each existing nuclear power plant in the commonwealth and electric companies in the commonwealth which own, in whole or in part, or purchase power from the Seabrook nuclear power plant. For purposes of this section, electric companies shall be defined as all persons, firms, associations and private corporations which own or operate works or distribute electricity in the commonwealth; but the term electric companies shall not include municipalities or municipal light plants. The department may make a collection based on this assessment directly from the electric companies and deposit the monies directly into the retained revenue account established by the department and used for nuclear power plant environmental monitoring activities.

(H) The department shall procure and maintain adequate supplies of potassium iodide tablets approved by the Federal Food and Drug Administration for use in the emergency planning zones and in the areas known as Cape Ann in Essex county and Cape Cod and the Islands, which surround any nuclear power generating facility established by the Nuclear Regulatory Commission in the event of an occurrence, incident or other abnormal circumstance involving the release of radiation or other radiological hazards that may have a significant adverse effect on the health or safety of the people of the commonwealth. A change in federal law with respect to funding the potassium iodide tablets shall in no event result in a liability to the commonwealth.

Approved December 24, 2002.

Chapter 426. AN ACT RELATIVE TO CERTAIN GROUP LIFE INSURANCE.

Be it enacted, etc., as follows:

SECTION 1. Chapter 175 of the General Laws is hereby amended by inserting after section 132A the following section:-

Section 132A½. A group annuity offered to a resident of the commonwealth under a group annuity contract issued to a group other than one described in section 132A shall be subject to the following requirements:

(a) A group annuity contract shall not be delivered in the commonwealth unless the commissioner finds that:

(1) the issuance of the group annuity contract is not contrary to the best interests of the public;

(2) the issuance of the group annuity contract would result in economies of acquisition or administration; and

(3) the benefits are reasonable in relation to the premiums charged.

(b) The premium for the annuity contract shall be paid either from the contract holder's funds or from funds contributed by the covered persons, or from both.

SECTION 2. Said chapter 175 is hereby further amended by inserting after section 133 the following section:-

Section 133A. Group life insurance offered to a resident of the commonwealth under a group life insurance policy issued to a group other than one described in section 133 shall be subject to the following requirements:-

(a) A group life insurance policy shall not be delivered in the commonwealth unless the commissioner finds that:

(1) the issuance of the group policy is not contrary to the best interests of the public;

(2) the issuance of the group policy would result in economies of acquisition or administration; and

(3) the benefits are reasonable in relation to the premiums charged.

(b) The premium for the policy shall be paid either from the policyholder's funds or from funds contributed by the covered persons, or from both.

(c) An insurer may exclude or limit the coverage on any person as to whom evidence of individual insurability is not satisfactory to the insurer.

Approved December 24, 2002.

Chapter 427. AN ACT RELATIVE TO MAILING TAX BILLS IN THE CITY OF MARLBOROUGH.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 57C of chapter 59 of the General Laws or any other general or special law or rule to the contrary, for fiscal year 2003, an actual real estate

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tax bill issued upon the establishment of the tax rate for the fiscal year, after credit is given for any preliminary tax payments previously made, shall, in the city of Marlborough, be due and payable in 2 installments, the first installment being due and payable on February 1, 2003 or 30 days after the actual real estate bills are mailed, whichever is later, and the second installment being due and payable on May 1, 2003, after which dates, if unpaid, they shall become delinquent.

SECTION 2. If the actual real estate bills issued by the city of Marlborough in fiscal year 2003 are not mailed by January 31, 2003, then such real estate tax bills shall become subject to all of the applicable provisions of said section 57C of said chapter 59.

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

Approved December 24, 2002.

Chapter 428. AN ACT RELATIVE TO ELIGIBILITY FOR EXTENDED FEDERAL UNEMPLOYMENT BENEFITS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to provide to eligible claimants immediate access to extended federal unemployment insurance benefits, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 30A of chapter 151A of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in line 108, the word "one".

SECTION 2. Notwithstanding section 14 of chapter 151A of the General Laws, the experience rate of an employer qualifying for it under subsection (b) of said section 14 of said chapter 151A shall be the rate which appears in the column designated "B" for calendar year 2003.

SECTION 3. Section 1 shall take effect as of March 9, 2002. Section 2 shall take effect on January 1, 2003.

Approved December 28, 2002.

Chapter 429. AN ACT RELATIVE TO CERTAIN TRUST FUNDS AND OTHER MATTERS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the use of certain trust funds and other matters, 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 9 of the General Laws is hereby amended by inserting after section 2B the following section:-

Section 2C. The state secretary may receive and expend grants, gifts, contributions, bequests, and in-kind contributions from individuals, corporations or other business entities, foundations and from state or other governmental bodies for the purpose of furthering, expanding and promoting the archives museum.

The state secretary may also sell, transfer, or license merchandise including images, copies and facsimilies of historic records and other items. All monies received from such activities may be retained and expended by the state secretary for said purposes.

The state secretary is also authorized to form a non-profit corporation for the sole purpose of raising funds that will further, expand and promote the archives museum. Upon its formation, said corporation shall be governed by chapter 180. The board of directors shall consist of 5 members, 3 of whom shall be appointed by the state secretary. The remaining 2 members shall be elected by the appointed board members. Said directors shall not be compensated for the performance of their duties. The directors and officers shall not as a result of their positions with the corporation be considered state employees or special state employees for the purposes of sections 4, 6, 7 and 23 of chapter 268A.

SECTION 2. Section 9 of chapter 258 of the General Laws, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Public employers may indemnify public employees, and the commonwealth shall indemnify persons holding office under the constitution, from personal financial loss, all damages and expenses, including legal fees and costs, if any, in an amount not to exceed \$1,000,000 arising out of any claim, action, award, compromise, settlement or judgment by reason of an intentional tort, or by reason of any act or omission which constitutes a violation of the civil rights of any person under any federal or state law, if such employee or official or holder of office under the constitution at the time of such intentional tort or such act or omission was acting within the scope of his official duties or employment. No such employee or official, other than a person holding office under the constitution acting within the scope of his official duties or employment, shall be indemnified under this section for violation of any such civil rights if he acted in a grossly negligent, willful or malicious manner.

SECTION 3. The fourth paragraph of section 3 of chapter 701 of the acts of 1960, as most recently amended by section 4 of chapter 243 of the acts of 2002, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- The authority shall elect 1 of the members as vice chairman and as secretary and shall also elect a treasurer who need not be a member of the authority.

SECTION 4. Said fourth paragraph of said section 3 of said chapter 701, as most recently amended by said section 4 of said chapter 243, is hereby further amended by striking

out the sixth sentence and inserting in place thereof the following sentence:- Before the issuance of any steamship bonds under this act, each member of the authority shall execute a surety bond to the commonwealth with a surety company authorized to transact business in the commonwealth as a surety in the final sum of \$10,000 and the treasurer shall execute such a bond in the penal sum of \$20,000, conditioned upon the faithful performance of the duties of his office.

SECTION 5. Section 16 of said chapter 701 is hereby amended by striking out the fifth paragraph, as amended by section 12 of said chapter 243, and inserting in place thereof the following paragraph:-

In addition to the service required by the preceding paragraph, the authority may in its discretion provide ferry runs or such transportation between any other port on the mainland, except the town of Fairhaven, and the islands when it shall be deemed necessary or desirable to serve the purposes of this act, and may acquire any business enterprise necessary or convenient for such purpose.

SECTION 6. The first sentence of section 203 of chapter 379 of the acts of 1992 is hereby amended by striking out the figure "2003", inserted by section 12 of chapter 203 of the acts of 2001, and inserting in place thereof the following figure:- 2004.

SECTION 7. Chapter 184 of the acts of 2002 is hereby amended by inserting after section 242 the following section:-

SECTION 242A. Section 48 shall take effect as of July 31, 2002.

SECTION 8. Chapter 243 of the acts of 2002 is hereby amended by striking out section 14 and inserting in place thereof the following section:-

Section 14. The Woods Hole, Martha's Vineyard and Nantucket Steamship Authority may utilize the state pier in the city of New Bedford under the control of the department of environmental management under such terms and conditions as are negotiated by the authority and the department and subject to the current operating agreement between said department and the city of New Bedford.

SECTION 9. Section 52 of chapter 30 0 of the acts of 2002 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- There shall be a special commission to consist of 21 members to review how technology can best be utilized to improve teaching and learning in public education.

SECTION 10. Section 57 of chapter 30 0 of the acts of 2002 is hereby repealed.

SECTION 11. Notwithstanding section 182 of chapter 184 of the acts of 2002 or any other general or special law to the contrary, the commissioner of revenue shall have the authority to (i) extend the tax amnesty program for an additional 2 consecutive months, commencing on January 1, 2003, to be known as the "extended tax amnesty program" and (ii) administer it subject to the terms and conditions provided in said section 182, unless otherwise provided in this act. Any taxpayer, except as otherwise provided for in this act, who abides by this section and said section 182 and has an outstanding total liability of \$25,000 or less, shall pay the full amount of the tax and interest on that liability, in either a

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lump sum or, at the discretion of the commissioner, in installments over the course of fiscal year 2003; provided however, if the taxpayer fails to pay the full liability before June 16, 2003, the commissioner shall retain the payments made and shall apply said payments against the outstanding liability and the provisions of the extended tax amnesty program shall not apply. No amnesty applications previously submitted under the provisions of said section 182 during calendar year 2002 shall be eligible for abatement under the provisions of this act.

During said extended tax amnesty program, the commissioner is authorized to resolve and settle any unpaid use tax liabilities by observing a limited look-back period, as determined by the commissioner, based on the pertinent facts and circumstances of the particular taxpayer, class or industry. Taxpayers, who apply under the provisions of this section and pay the full amount of said use tax and interest thereon on or before February 28, 2003, shall be granted a waiver of all taxes, interest and penalties for any outstanding use tax obligations for periods prior to said limited look-back period and shall be eligible for amnesty for years following such period.

SECTION 12. Notwithstanding item 7006-0067 of section 2 of chapter 184 of the acts of 2002, the division of standards may expend for enforcement of weights and measures laws up to an additional \$300,000 from revenues received from item pricing violations collected through municipal efforts and from measure fees and fines collected from cities and towns.

SECTION 13. Notwithstanding any general or special law to the contrary, the commissioner of the department of education is hereby authorized to expend an amount not to exceed \$600,000 from the Capital Needs Investment Trust for legal costs of the department of education during fiscal years 2003 and 2004. Said \$600,000 shall be considered part of the \$3,000,000 set aside in clause (c) of section 165 of chapter 184 of the acts of 2002. Nothing in this section shall change the requirements in said section 165 to expend funds specified for the purposes of subclauses (3), (5) and (6) of clause (b) of the first paragraph of section 357 of chapter 159 of the acts of 2000.

SECTION 14. Section 10 shall take effect on August 30, 2002.

SECTION 15. Sections 7 and 13 shall take effect as of July 1, 2002.

Approved December 30, 2002.

Chapter 430. AN ACT RELATIVE TO THE CITY CHARTER OF THE CITY OF LAWRENCE.

Be it enacted, etc., as follows:

SECTION 1. Paragraph (d) of subsection 3.5 of section 1 of chapter 425 of the acts of 1983 is hereby amended by adding the following clause:-

(iv) a committee on housing to which shall be referred all housing matters.

SECTION 2. Paragraph (d) of subsection 3.8 of said section 1 of said chapter 425 is hereby amended by striking out, in line 3, the figure "3.7 (b)" and inserting in place thereof the following figure:- 3.8 (b).

SECTION 3. Said subsection 3.8 of said section 1 of said chapter 425 is hereby amended by striking out paragraph (e).

SECTION 4. Said subsection 3.8 of said section 1 of said chapter 425 is hereby amended by striking out paragraph (f) and inserting in place thereof the following paragraph:-

(f) Publication, Exception

If a measure required to be published in full by section 3.8 (d) exceeds in length 8 octavo pages of ordinary print, then, in lieu of such publication, the same may be made available for distribution to any person who may request the same at the office of the city clerk provided that notice of such publication and a summary of the contents thereof shall be published as otherwise provided in said section.

SECTION 5. Paragraph (b) of subsection 4.1 of said section 1 of said chapter 425 is hereby amended by striking out, in line 2, the words "10:00 o'clock in the morning" and inserting in place thereof the following words:- 7 o'clock in the evening.

SECTION 6. Said section 1 of said chapter 425 is hereby further amended by striking out subsection 4.7 and inserting in place thereof the following subsection:-

4.7 Communications to City Council

The mayor, yearly, by a personal appearance for the purpose of a state of the city address to be given at the first city council meeting in February of each year, shall keep the city council informed as to the condition and needs of the city, and from time to time as in his judgment the needs of the city require, recommend to the city council for action by it such measures as may be necessary or desirable.

SECTION 7. Subsection 4.9 of said section 1 of said chapter 425 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Every measure relative to the affairs of the city adopted by the city council except (a) measures relating to the internal affairs of the city council, (b) memorial resolutions, and (c) emergency measures shall be presented to the mayor for his approval.

SECTION 8. Paragraph (a) of subsection 4.10 of said section 1 of said chapter 425 is hereby amended by adding the following sentence:- The mayor shall notify the city council president in writing of an absence of the mayor from the city for a period of 3 or more successive working days.

SECTION 9. Paragraph (a) of subsection 4.11 of said section 1 of said chapter 425 is hereby amended by striking out, in line 4, the word "sixty" and inserting in place thereof the following figure:- 90.

SECTION 10. Said subsection 4.11 of said section 1 of said chapter 425 is hereby further amended by striking out paragraph (c) and inserting in place thereof the following paragraph:-

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The mayor elected under either section 4.11 (a) or (b) shall have all of the powers of the mayor. A mayor elected under section 4.11 (a) shall serve for the balance of the term which remained unexpired at the time of his election. A mayor elected under section 4.11 (b) shall serve until the date of the next regular city election and the person elected at the election to the office of mayor shall forthwith be sworn and shall, in addition to the term for which he was elected, serve for the balance of the then unexpired term of the mayor.

SECTION 11. Subsection 5 of said section 1 of said chapter 425 is hereby amended by adding the following subsection:-

Section 5.11. Compensation. The city council shall, by ordinance, establish an annual salary for the members of the school committee. An ordinance increasing the salary shall not be effective unless adopted by a $\frac{2}{3}$ vote during the first 18 months of the term for which school committee members are elected and the new salary schedule shall not be effective until the commencement of the term of office of the next school committee to be elected.

SECTION 12. The second paragraph of subsection 6.5 of said section 1 of said chapter 425 is hereby amended by striking out, in line 5, the words "and a" and inserting in place thereof the following word:- , a.

SECTION 13. Said second paragraph of said subsection 6.5 of said section 1 of said chapter 425 is hereby further amended by striking out, in line 8, the word "community" and inserting in place thereof the following words:- planning and.

SECTION 14. Subsection 7.3 of said section 1 of said chapter 425 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- At least once in every year an outside audit of the books and accounts shall be made.

SECTION 15. The second paragraph of subsection 8.1 of said section 1 of said chapter 425 is hereby amended by striking out, in line 1, the word "fourth" and inserting in place thereof the following word:- sixth.

SECTION 16. Paragraph (b) of subsection 9.1 of said section 1 of said chapter 425 is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- The hearing shall be held by the city council or by the school committee, as the case may be, within 45 days following the certification of the signatures by the registrars of voters.

SECTION 17. Paragraph (c) of subsection 9.2 of said section 1 of said chapter 425 is hereby amended by striking out the second and third sentences and inserting in place thereof the following 3 sentences:- The supplemental initiative petition shall be signed by a number of voters which is at least equal to 12 per cent of the total number of persons registered to vote at the preceding city election. The signatures on the supplemental initiative petition may include the same voters who signed the original petition. If the number of signatures to a supplemental initiative petition is deemed to be sufficient by the registrars of

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voters, the city council shall call a special election to be held on a Tuesday fixed by it not less than 65 nor more than 90 days following the date that the registrars certify the petition.

SECTION 18. Paragraph (c) of subsection 9.7 of said section 1 of said chapter 425 is hereby amended by striking out the third and fourth sentences and inserting in place thereof the following 2 sentences:- If the officer does not resign his office within 5 days following delivery of the notice, the city council shall order an election to be held not less than 65 nor more than 90 days after the date of the registrars certificate of the sufficiency of the petition. If, however, another city election is to occur between 65 and 90 days after the date of the certificate, the city council shall hold the recall election on the date of such other election.

SECTION 19. Paragraph 6 of subsection 2 of section 2 of said chapter 425 is hereby amended by striking out, in line 2, the figure "\$100.00" and inserting in place thereof the following figure:- \$50.00.

SECTION 20. The first paragraph of subsection 3.1 of said section 2 of said chapter 425 is hereby amended by striking out the third sentence.

SECTION 21. Paragraph C of subsection 8.1 of said section 2 of said chapter 425 is hereby amended by adding the following subparagraph:-

5. Periodic Review. The personnel director shall, in every year ending in a zero, review the classification plan and submit a report with recommendations to the mayor and the city council concerning any proposed amendments or revisions to the classification plan which he believes are necessary or desirable.

SECTION 22. Subsection 9.1 of said section 2 of said chapter 425 is hereby amended by adding the following paragraph:-

C. Periodic Review. The personnel director shall, in every year ending in a zero, review the compensation plan and submit a report with recommendations to the mayor and the city council concerning any proposed amendments or revisions to the compensation plan which he believes are necessary or advisable.

Approved January 1, 2003.

Chapter 431. AN ACT EXEMPTING THE POSITION OF AUDITOR IN THE CITY OF HAVERHILL FROM THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The position of auditor in the city of Haverhill shall not be subject to chapter 31 of the General Laws.

SECTION 2. Section 1 shall not impair the civil service status of the person holding, on a permanent basis, the position of auditor in the city of Haverhill on the effective date of this act.

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

Approved January 1, 2003.

Chapter 432. AN ACT AUTHORIZING PHILIP M. AKSTIN TO TAKE THE CIVIL SERVICE EXAMINATION FOR THE POSITION OF FIREFIGHTER IN THE CITY OF HAVERHILL NOTWITHSTANDING THE MAXIMUM AGE REQUIREMENT.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law or rule or regulation to the contrary regulating the maximum age of applicants for appointment as firefighter, Philip M. Akstin of the city of Haverhill shall be eligible to take the next open competitive examination for appointment to the position of firefighter in the city if he meets all other requirements, in which case he shall be eligible for certification and appointment to the fire department of the city of Haverhill.

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

Approved January 1, 2003.

Chapter 433. AN ACT RELATIVE TO THE RETIREMENT ALLOWANCE OF LOUIS CATON OF THE TOWN OF DARTMOUTH.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 7 of chapter 32 of the General Laws, the involuntary disability retirement allowance provided to retired police officer Louis Caton of the town of Dartmouth under said section 7 shall be increased to an amount equal to the retirement allowance to which he would have been entitled if he had continued in service as a police officer of the town until the retirement date of August 1999.

SECTION 2. The Bristol county retirement board shall amend the retirement allowance of retired police officer Louis Caton of the town of Dartmouth to comply with this act. The town of Dartmouth shall be liable to the Bristol county retirement system for all costs and liabilities imposed upon that system by this act.

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

Approved January 1, 2003.

Chapter 434. AN ACT RELATIVE TO THE RETIREMENT OF CERTAIN EMPLOYEES OF THE CITY OF REVERE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 4 of chapter 32 of the General Laws or any other general or special law to the contrary, any employee of the city of Revere, whose employment was terminated in 1981 or 1982 due to a reduction in force and subsequently was reinstated to his former position on or before October 1, 1986 shall be credited with active service for such period of unemployment for the purposes of said chapter 32 if the employees pay into the Retirement System Annuity Savings Fund, in 1 sum or in installments, as said board shall determine, an amount equal to any retirement allowance or accumulated regular deductions received by the employees under said chapter 32.

The employees shall also pay into the annuity savings fund, in 1 sum or installments, as the board shall determine, an equal amount or amounts which would have been deducted from the regular compensation of the employees for the period of time of their forced unemployment had the employees been members in service during that period. In addition to the payment of the amount required by the preceding sentence, the employees shall also pay into said annuity savings fund an amount of interest such that upon the completion of such payments the value of their accumulated payments under this paragraph together with regular interest thereon, shall equal the value of their accumulated regular deductions for such period which would have resulted if such deductions had actually been made from regular compensation during the aforementioned period.

Upon the completion of the payments required hereunder, the retirement board of the city of Revere or the teachers' retirement board shall grant to the employees creditable service for the period of their forced unemployment, but no such credit shall be granted until such payments are completed.

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

Approved January 1, 2003.

Chapter 435. AN ACT REQUIRING THE POSTING OF SECURITY FOR THE SEIZURE AND IMPOUNDMENT OF ANIMALS.

Be it enacted, etc., as follows:

Chapter 272 of the General Laws is hereby amended by adding the following section:-

Section 104. (a) As used in this section the word "Authority" shall mean an organization or authorized agent thereof that seizes or impounds an animal pursuant to the General Laws.

(b) If an animal is lawfully seized or impounded pursuant to the General Laws relating to cruelty to animals or animal fighting, the owner, custodian or person claiming an

interest in the animal, shall be given a show cause hearing within 30 days after application for the complaint.

(c) If an animal is lawfully seized and impounded, the authority may file a petition with the court requesting that the person from whom an animal is seized or a person claiming an interest in the seized animal, be ordered to post a security. The authority shall serve a copy of the petition on the person from whom the animal was seized, or if the person cannot be found, by posting of copy at the place where the animal was taken into custody. The authority shall also serve a copy of the petition on the district attorney. The court may order that person to post a security.

(d) The security shall be in an amount sufficient to secure payment for all reasonable expenses to be incurred by the authority having custody of the seized animal for a temporary period of at least 30 days. The amount of the security shall be determined by the court upon the recommendation of the authority. Reasonable expenses shall include, but shall not be limited to, estimated medical care, shelter, and board.

(e) When security is posted in accordance with this section, the authority may draw from the security the actual reasonable costs incurred for medical care, shelter, and board.

(f) If the court orders the posting of security, the security shall be posted with the clerk within 10 business days of the show cause hearing. The court shall order the immediate forfeiture of the seized animal to the authority if the person fails to post security as ordered. The court may waive the security requirement or reduce the amount of the security for good cause shown.

(g) Posting of the security shall not prevent the authority from disposing of the seized or impounded animal before the expiration of the period covered by the security, if the court rules in favor of the authority.

(h) The authority may humanely dispose of the animal at the end of the period for which expenses are covered by the security, if the court orders the disposition. If the disposition order is denied, the court may require the owner or custodian or any other person claiming interest in the animal, to provide additional security to secure payment of reasonable expenses and to extend the period of time pending adjudication by the court of the charges against the person from whom the animal was seized.

(i) The owner or custodian of an animal humanely killed pursuant to this section shall not be entitled to recover damages or the actual value of the animal if the owner or custodian failed to post security.

(j) The court may direct a refund to the person who posted the security in whole or part for any expenses not incurred by the authority. The court may direct a refund to the person who posted security upon acquittal of the charges.

Approved January 1, 2003.

Chapter 436. AN ACT PROVIDING FOR AN EARLY RETIREMENT INCENTIVE FOR CERTAIN EMPLOYEES OF THE JOSEPH B. DEVLIN MEDICAL INSTITUTION AND THE LYNN CONVALESCENT HOME.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding chapter 32 of the General Laws or any other general or special law to the contrary, the provisions of this act providing for an early retirement incentive program shall apply to an eligible employee who: (i) was employed by the Lynn Convalescent Home or the Joseph B. Devlin Medical Institution, municipal long term care facilities located in the city of Lynn, for the 6 month period preceding the date of closure of the facility in which the employee was employed; (ii) shall be eligible to receive a superannuation retirement allowance in accordance with subdivision (1) of section 5 of subdivision (1) of section 10 of said chapter 32 upon the effective retirement date specified in his written application to the retirement system; (iii) shall have filed a written application to the retirement system no earlier than the date of closure but within 60 days following the date of closure of the facility in which the employee was employed; and (iv) shall be classified in Group 1, Group 2 or Group 4 in accordance with clause (g) of subdivision (2) of section 3 of said chapter 32. The early retirement incentive program shall be administered by the city of Lynn Retirement Board.

For purposes of this chapter, "date of closure" shall be the date the facilities cease operations.

Notwithstanding said chapter 32 to the contrary, the normal yearly amount of the retirement allowance for an eligible employee shall be based on the average annual rate of regular compensation as determined under paragraph (a) of subdivision (2) of section 5 of said chapter 32 and shall be computed according to the table contained in said paragraph (a) based on the age of such member and his number of years and full months of creditable service at the time of his retirement increased either by adding up to 5 years of age or by adding up to 5 years of creditable service or by a combination of additional years of age and service the sum of which shall not be greater than 5; provided, however, that the city may limit the amount of additional credit for service or age or a combination of service or age offered.

Words used in this act shall have the same meaning as they are used in said chapter 32 unless otherwise expressly provided or unless the context clearly requires otherwise. An eligible employee who retires and receives an additional benefit in accordance with this section shall be deemed to be retired for superannuation under said chapter 32 and shall be subject to all of said chapter 32; provided, however, that for the purposes of this section and notwithstanding subdivision (1) of section 10 of said chapter 32 requiring a member classified in Group 2 to have attained age 55 on the date of his termination of service in order to receive a Group 2 benefit, any employee eligible pursuant to the criteria established in this section, who is classified in Group 2 and who is at least 50 years of age but not yet 55 years

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of age, shall be eligible for a retirement allowance equal to that prescribed for a member classified in Group 2 upon the application for the additional benefit in accordance with this section.

The total normal yearly amount of the retirement allowance, as determined in accordance with section 5 of said chapter 32, of an eligible employee who retires and receives an additional benefit under the early retirement incentive program in accordance with this section shall not exceed 80 per cent of the average annual rate of his regular compensation received during any period of 3 consecutive years of creditable service for which the rate of compensation was the highest or of the average annual rate of his regular compensation received during the periods, whether or not consecutive, constituting his last 3 years of creditable service preceding retirement, whichever is greater.

Notwithstanding section 5 of said chapter 32 that requires a retirement date within 4 months of the filing of an application for superannuation retirement in order to receive the retirement benefit provided by this section, an eligible employee shall file his written application to the retirement system no earlier than the date of closure but within 60 days following the date of closure of the facility in which said employee was employed.

The executive director of the public employee retirement administration commission shall analyze, study and value the costs and the actuarial liabilities attributable to the additional benefits payable in accordance with the early retirement incentive program established by this section for the Lynn retirement system. The executive director shall file a report of his findings to the Lynn retirement board, in writing on or before December 31, 2003, together with copies thereof to the mayor.

In accordance with section 22D of said chapter 32, the Lynn retirement board shall revise its retirement funding schedule to reflect the costs and the actuarial liabilities attributable to the additional benefits payable under the retirement incentive program in accordance with this section. In each of the fiscal years until the actuarial liability determined under this section shall be reduced to zero, it shall be an obligation of the city to fund such liability and there shall be appropriated to the applicable pension reserve fund in each such fiscal year the amount required by the funding schedule and the updates thereto.

SECTION 2. For purposes of this act, only those eligible employees in section 1, and no other employee of the city of Lynn, shall be deemed to be affected by the early retirement program.

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

Approved January 1, 2003.

Chapter 437. AN ACT RELATIVE TO A CERTAIN LICENSE TO CONSTRUCT A PIER.

Be it enacted, etc., as follows:

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Notwithstanding chapter 91 of the General Laws or any other general or special law to the contrary, the license granted to Richard W. Angle and Jean H. Angle by the department of public works dated October 11, 1948, and approved by the governor and council on October 21, 1948, to construct and maintain a stone pier and a pile and timber pier in Wings Cove at their property in the town of Marion shall be in full force and effect.

Approved January 1, 2003.

Chapter 438. AN ACT MAKING CORRECTIVE CHANGES IN CERTAIN GENERAL AND SPECIAL LAWS.

Be it enacted, etc., as follows:

SECTION 1. Section 49 of chapter 7 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out subsection (c) and inserting in place thereof the following subsection:-

(c) The executive director shall, with the approval of the commission:

(i) plan, direct, coordinate and execute administrative functions in conformity with the policies and directives of the commission;

(ii) employ an actuary, a general counsel and other employees as necessary, prescribe their duties and fix their compensation; provided, however, that the salaries of such employees shall not exceed the sum annually approved therefor by the commission; and

(iii) report to the commission on all operations under his control and supervision.

SECTION 2. Section 3E of chapter 21 of the General Laws, as appearing in section 8 of chapter 236 of the acts of 2002, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The department shall administer a program of zero interest loans to cities and towns for the acquisition of open space land utilizing monies in the Open Space Acquisition Revolving Fund established under section 2HHH of chapter 29.

SECTION 3. Chapter 29 of the General Laws is hereby amended by striking out section 2BBB, inserted by section 16 of chapter 177 of the acts of 2001.

SECTION 4. Said chapter 29 is hereby further amended by striking out sections 2DDD and 2EEE, inserted by section 9 of chapter 236 of the acts of 2002.

SECTION 5. Said chapter 29 is hereby further amended by inserting after section 2FFF the following 3 sections:-

Section 2GGG. Notwithstanding any general or special law to the contrary, the division of medical assistance and the department of public health shall deposit all monies collected as civil monetary penalties from nursing homes participating in the Medicaid program authorized by Title XIX of the Social Security Act into a separate expendable trust

fund which shall be designated and known as the Commonwealth of Massachusetts Civil Monetary Penalties Fund. Monies collected as civil monetary penalties from nursing homes shall include both monies collected from Medicaid-only facilities, known as nursing facilities, and the commonwealth portion of funds collected from dually participating facilities, known as skilled nursing facilities or nursing facilities, for noncompliance with sections 1919(b), 1919(c) and 1919(d) of the Social Security Act and monies collected from individuals pursuant to sections 1919(b)(3)(B)(ii)(I), 1919(b)(3)(B)(ii)(II) and 1919(g)(2)(A)(i) of the Social Security Act. The department may expend monies from this fund without further appropriation in accordance with this section. The department shall administer the fund in accordance with law including, without limitation, section 1919(h)(2)(A)(ii) of the Social Security Act. The department shall expend monies in the fund for measures to protect the health and property of nursing home residents in nursing home facilities found by the department or the secretary of health and human services to be deficient including, without limitation, the following: (i) nursing facility staff training and education; (ii) technical assistance for troubled facilities; (iii) dissemination of best practice models for quality of care issues, such as malnutrition and dehydration; (iv) state operation of facilities pending correction of deficiencies or closure; (v) reimbursement of facility residents for lost personal funds or property; and (vi) costs of relocating residents from 1 facility to another. No expenditure shall cause the fund to be in deficit at the end of the fiscal year.

Section 2HHH. There shall be set up on the books of the commonwealth a separate fund to be known as the Open Space Acquisition Revolving Fund. There shall be credited to the fund all revenues or other financing sources directed to the fund by appropriation, any income derived from the investing of all amounts credited to the fund and the monies from the repayment of loans from the fund. Monies credited to the fund may be expended by the department of environmental management, without further appropriation, for loans to cities and towns for the acquisition of open space under section 3E of chapter 21.

Section 2III. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Agricultural Resolve and Security Fund, the funds of which shall be expended for the purpose of fostering agriculture in the commonwealth, as the term "agriculture" is defined pursuant to section 1A of chapter 128, and for furthering other purposes of the department of food and agriculture as set forth in any general or special law. These purposes may include, but shall not be limited to, agricultural education, support for sustainable agriculture and pollution prevention, agricultural integrated pest management programs, agricultural land preservation, control of animal diseases and emergency preparedness.

The Agricultural Resolve and Security Fund shall receive monies from: (1) gifts, grants and donations from public or private sources; (2) federal reimbursements and grants-in-aid; and (3) any interest earned from the fund. The state treasurer shall receive, deposit and invest funds held in such a manner as to ensure the highest interest rate available consistent with the safety of the fund. The books and records of the fund shall be subject to

an annual audit by the state auditor. The department may expend such funds, subject to appropriation, and no expenditure from the fund shall cause it to be in deficiency at the close of a fiscal year. The commissioner of food and agriculture shall report annually to the house and senate committees on ways and means and the joint committee on natural resources and agriculture on income received into the fund and the sources of that income, any expenditures from the fund and their purposes and fund balances.

SECTION 6. Section 2 of chapter 29 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in lines 2, 3 and 7, the words "general fund" and inserting in place thereof, in each instance, the following words:- General Fund.

SECTION 7. The first paragraph of section 7H of chapter 29 of the General Laws, as so appearing, is hereby amended by inserting after the first sentence the following sentence:- In the first year of the term of office of a governor who has not served in the preceding year, the governor shall recommend the budget within 8 weeks after the convening of the general court.

SECTION 8. Section 23 of chapter 32A of the General Laws, as so appearing, is hereby amended by striking out, in lines 8 and 9, the words "office, and if" and inserting in place thereof the following words:- office; provided, however, that.

SECTION 9. Section 2A of chapter 38 of the General Laws, as so appearing, is hereby amended by striking out, in line 1, the word "As" and inserting in place thereof the following word:- (a) As.

SECTION 10. Said section 2A of said chapter 38, as so appearing, is hereby further amended by striking out, in line 74, the word "There" and inserting in place thereof the following word:- (b) There.

SECTION 11. Chapter 58 of the General Laws is hereby amended by striking out section 18C, inserted by section 2 of chapter 268 of the acts of 1990.

SECTION 12. Section 81R of chapter 112 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in line 86, the words "Metropolitan Transit" and inserting in place thereof the following words:- Massachusetts Bay Transportation.

SECTION 13. Section 201 of chapter 112 of the General Laws, as so appearing, is hereby amended by striking out, in line 2, the figures "197 to 202" and inserting in place thereof the following figures:- 202 to 210.

SECTION 14. Said section 201 of said chapter 112 of the General Laws, as so appearing, is hereby further amended by striking out the definition of "Board" and inserting in place thereof the following definition:-

"Board", the board of registration of dietitians and nutritionists established in section 11D of chapter 13.

SECTION 15. Said section 201 of said chapter 112, as so appearing, is hereby further amended by striking out, in line 7, the figures "196 to 202" and inserting in place thereof the following figures:- 202 to 210.

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SECTION 16. Chapter 129 of the General Laws is hereby amended by striking out section 39E, inserted by chapter 335 of the acts of 2002, and inserting in place thereof the following section:-

Section 39F. A person accompanied by and engaged in the raising or training of a service dog, including a hearing, guide or assistance dog, shall have the same rights, privileges and responsibilities as those afforded to an individual with a disability under the Americans with Disabilities Act, 42 U.S.C. sections 12101 et seq.

SECTION 17. Section 46 of chapter 151A of the General Laws is hereby amended by striking out subsection (h), inserted by section 16 of chapter 347 of the acts of 2002, and inserting in place thereof the following subsection:-

(i) Nothing in this chapter shall prohibit the commissioner from participating with the commissioner of revenue in a program which permits employing units subject to this chapter to file with the department of revenue a consolidated return which shall include, but need not be limited to, unemployment insurance, unemployment health insurance, workforce training, income tax withholding and wage reporting information, together with the required payment.

SECTION 18. Section 101 of chapter 159 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in line 3, the words "Metropolitan Transit" and inserting in place thereof the following words:- Massachusetts Bay Transportation.

SECTION 19. Section 6B of chapter 159B of the General Laws, as so appearing, is hereby amended by striking out, in lines 12 and 13, the words ", pursuant to section twenty-nine A of chapter two hundred and sixty-six".

SECTION 20. Section 94 of chapter 161 of the General Laws, as so appearing, is hereby amended by striking out, in lines 1 and 2, and in lines 3 and 4, the words "Metropolitan Transit" and inserting in place thereof, in each instance, the following words:- Massachusetts Bay Transportation.

SECTION 21. Section 22 of chapter 161A of the General Laws, as so appearing, is hereby amended by striking out, in line 4, the words "Metropolitan Transit" and inserting in place thereof the following words:- Massachusetts Bay Transportation.

SECTION 22. Section 67 of chapter 171 of the General Laws, as so appearing, is hereby amended by striking out, in lines 95 and 96, the words "has its principal office is located outside the commonwealth a" and inserting in place thereof the following words:- is, if its principal office is located outside the commonwealth, a.

SECTION 23. Chapter 175 of the General Laws is hereby amended by striking out section 47U, inserted by section 2 of chapter 345 of the acts of 2000.

SECTION 24. Said chapter 175 is hereby further amended by inserting after section 47W the following section:-

Section 47X. An individual policy of accident and sickness insurance issued pursuant to section 108 that provides hospital expense and surgical expense insurance and any group

blanket policy of accident and sickness insurance issued pursuant to section 110 that provides hospital expense and surgical expense insurance, delivered, issued or renewed by agreement between the insurer and the policyholder, within or without the commonwealth, shall provide benefits for residents of the commonwealth and all group members having a principal place of employment within the commonwealth for the expenses incurred in the medically necessary diagnosis and treatment of speech, hearing and language disorders by individuals licensed as speech-language pathologists or audiologists under chapter 112, if such services are rendered within the lawful scope of practice for such speech-language pathologists or audiologists regardless of whether the services are provided in a hospital, clinic or private office; provided, however, that such coverage shall not extend to the diagnosis or treatment of speech, hearing and language disorders in a school-based setting. The benefits provided by this section shall be subject to the same terms and conditions established for any other medical condition covered by such individual or group blanket policy.

SECTION 25. Section 172 of chapter 175 of the General Laws, as most recently amended by section 3 of chapter 314 of the acts of 2002, is hereby amended by striking out the eighth paragraph and inserting in place thereof the following paragraph:-

A contract by which a public insurance adjuster agrees, engages and undertakes to represent an insured shall provide clearly and conspicuously in writing that such contract may be canceled without recourse within 3 calendar days after the date of receipt of a copy of the written contract by the named insured or his designee. The contract shall also provide that it may be revoked by the insured who signed it or his designee at any time after the 3 calendar days, subject to the public insurance adjuster's assertion of a lien for his agreed percentage fee upon insurance proceeds offered or secured through his efforts as the insured's representative. A contract shall contain the following written notice in at least 10-point bold type:

YOU MAY CANCEL THIS CONTRACT WITHOUT ANY PENALTY OR FURTHER OBLIGATION BY CAUSING A WRITTEN NOTICE OF YOUR CANCELLATION TO BE DELIVERED IN PERSON, BY TELEGRAM OR FACSIMILE TRANSMISSION, BY OVERNIGHT EXPRESS DELIVERY OR BY CERTIFIED OR REGISTERED MAIL TO THE ADDRESS OF THE PUBLIC INSURANCE ADJUSTER SPECIFIED IN THIS CONTRACT, WITHIN 3 CALENDAR DAYS OF THE DATE THAT YOU RECEIVE THIS CONTRACT. THIS CONTRACT THEREAFTER MAY BE REVOKED BY THE INSURED WHO SIGNED IT, OR HIS DESIGNEE, AT ANY TIME, SUBJECT TO THE PUBLIC INSURANCE ADJUSTER'S ASSERTION OF A FEE LIEN UPON INSURANCE PROCEEDS OFFERED OR SECURED THROUGH HIS EFFORTS AS THE INSURED'S REPRESENTATIVE. IF YOU CANCEL THIS AGREEMENT YOU SHALL REMAIN LIABLE FOR REASONABLE AND NECESSARY EMERGENCY OUT-OF-POCKET EXPENSES OR SERVICES WHICH WERE PAID FOR OR INCURRED BY THE PUBLIC INSURANCE ADJUSTER DURING THE 3-DAY PERIOD TO PROTECT THE INTERESTS OF THE INSURED.

SECTION 26. Chapter 176A of the General Laws is hereby amended by striking out section 8U, inserted by section 3 of said chapter 345 of the acts of 2000.

SECTION 27. Said chapter 176A is hereby further amended by inserting after section 8X the following section:-

Section 8Y. Any contract between a subscriber and the corporation under an individual or group hospital service plan that provides hospital expense and surgical expense insurance, delivered, issued or renewed by agreement between the insurer and the policyholder, within or without the commonwealth, shall provide benefits for residents of the commonwealth and all group members having a principal place of employment within the commonwealth for the expenses incurred in the medically necessary diagnosis and treatment of speech, hearing and language disorders by individuals licensed as speech-language pathologists or audiologists under chapter 112, if such services are within the lawful scope of practice for such speech-language pathologists or audiologists regardless of whether the services are provided in a hospital, clinic or private office; provided, however, that such coverage shall not extend to the diagnosis or treatment of speech, hearing and language disorders in a school-based setting. The benefits provided by this section shall be subject to the same terms and conditions established for any other medical condition covered by such individual or group hospital service plan.

SECTION 28. Chapter 176B of the General Laws is hereby amended by striking out section 4U, inserted by section 4 of said chapter 345 of the acts of 2000.

SECTION 29. Said chapter 176B is hereby further amended by inserting after section 4X the following section:-

Section 4Y. Any subscription certificate under an individual or group medical service agreement which provides hospital expense and surgical expense insurance, delivered, issued or renewed by agreement between the insurer and the policyholder, within or without the commonwealth, shall provide benefits for residents of the commonwealth and to all group members having a principal place of employment within the commonwealth for the expenses incurred in the medically necessary diagnosis and treatment of speech, hearing and language disorders by individuals licensed as speech-language pathologists or audiologists under chapter 112, if such services are rendered within the lawful scope of practice for such speech-language pathologists or audiologists regardless of whether the services are provided in a hospital, clinic or private office; provided, however, that such coverage shall not extend to the diagnosis or treatment of speech, hearing and language disorders in a school-based setting. The benefits provided by this section shall be subject to the same terms and conditions established for any other medical condition covered by such individual or group medical service agreement.

SECTION 30. Chapter 176G of the General Laws is hereby amended by striking out section 4N, inserted by section 6 of chapter 355 of the acts of 2000.

SECTION 31. Said chapter 176G is hereby further amended by inserting after section 4P the following section:-

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Section 4Q. Any group health maintenance contract, except contracts providing supplemental coverage to Medicare or to other government programs, delivered, issued or renewed by agreement within or without the commonwealth shall provide to a member or enrollee coverage for the cost of human leukocyte antigen testing or histocompatibility locus antigen testing that is necessary to establish the member's or enrollee's bone marrow transplant donor suitability. The coverage shall cover the costs of testing for A, B or DR antigens, or any combination thereof, consistent with rules, regulations and criteria established by the department of public health pursuant to section 218 of chapter 111.

SECTION 32. Section 16 of chapter 176 P of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the word "that", in line 2, the following word:- it.

SECTION 33. Section 1 of chapter 258C of the General Laws, as so appearing, is hereby amended by striking out the definition of "Division" and inserting in place thereof the following definition:-

"Division", the division of victim compensation and assistance within the department of the attorney general, established in section 11K of chapter 12 .

SECTION 34. Chapter 425 of the acts of 2000 is hereby amended by striking out section 2 and inserting in place thereof the following section:-

Section 2. Section 2 of chapter 180 of the special acts of 1917 is hereby amended by adding the following sentence:- The controller of accounts shall have all the powers and duties imposed by law on purchasing agents and shall act as the chief procurement officer for the city.

SECTION 35. Section 2 of chapter 26 of the acts of 2001 is hereby amended by striking out, in line 2, the figure "12" and inserting in place thereof the following figure:- 42.

SECTION 36. Chapter 74 of the acts of 2002 is hereby amended by striking out section 10 and inserting in place thereof the following section:-

Section 10. Said section 401 of said chapter 110A, as so appearing, is hereby further amended by inserting after the word "organization", in line 52, the following words:- , a limited liability company, a limited liability partnership.

SECTION 37. Section 2 of chapter 28 of the acts of 2002 is hereby amended by inserting after the word "Brockton" the following word:- , Everett.

SECTION 38. Item 1599-0041 of section 2 of chapter 184 of the acts of 2002 is hereby amended by striking out the words "extended care foundation" and inserting in place thereof the following words:- Extended Care Federation.

SECTION 39. Item 2000-2013 of section 2 of chapter 236 of the acts of 2002 is hereby amended by striking out the figure "2DDD" and inserting in place thereof the following figure:- 2HHH.

SECTION 40. Item 6006-9980 of section 2 of chapter 246 of the acts of 2002 is hereby amended by striking out the figure "51" and inserting in place thereof the following figure:- 52.

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SECTION 41. Item 6037-0017 of said section 2 of said chapter 246 is hereby amended by striking out the figure "6033-1969" and inserting in place thereof the following figure:- 6036-9698.

SECTION 42. Section 11 of said chapter 246 is hereby amended by striking out the word "Section" and inserting in place thereof the following words:- Item 6034-9605 of section.

SECTION 43. Section 19 of said chapter 246 is hereby amended by striking out the words "striking out, in lines 18 and 19, the words 'Tanzio road' and inserting in place thereof the following words:- 'Malburn street',- and by".

SECTION 44. Section 25 of said chapter 246 is hereby amended by striking out the figure "49" and inserting in place thereof the following figure:- 48.

SECTION 45. Section 28 of said chapter 246 is hereby amended by striking out the word "four", each time it appears, and inserting in place thereof, in each instance, the following figure:- 27.

SECTION 46. Section 55 of said chapter 246 is hereby amended by striking out, in lines 4 and 5, the words "paragraph c of section 2 of chapter 811 of the acts of 1985, section 143 f chapter" and inserting in place thereof the following words:- clause (c) of section 2 of chapter 811 of the acts of 1985, section 143 of chapter.

SECTION 47. Chapter 300 of the acts of 2002 is hereby amended by striking out sections 61 to 63, inclusive, and inserting in place thereof the following 3 sections:-

Section 61. Section 38C of chapter 3 of the General Laws are hereby repealed.

Section 62. Section 61 shall take effect on January 1, 2005.

Section 63. Sections 9 and 10 shall apply to taxable years ending after September 10, 2001.

SECTION 48. Section 35 shall take effect as of July 1, 2001.

SECTION 49. Section 36 shall take effect as of June 28, 2002.

Approved January 1, 2003.

Chapter 439. AN ACT AUTHORIZING COHASSET WATER COMMISSIONERS TO SERVE IN OTHER TOWN OFFICES.

Be it enacted, etc., as follows:

SECTION 1. Section 14 of chapter 128 of the acts of 1886, as amended by section 6 of chapter 489 of the acts of 1946, is hereby further amended by striking out, in lines 2 to 4, inclusive, the words "(none of whom during their service shall hold any other regular, elective or appointive town office)".

SECTION 2. Said section 14 of said chapter 128 is hereby further amended by inserting after the first sentence the following sentence:- Water commissioners during their

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service shall not hold any other elective office.

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

Approved January 1, 2003.

Chapter 440. AN ACT ESTABLISHING A TUITION GRANT PROGRAM FOR CERTAIN PUBLIC SCHOOL PARAPROFESSIONALS.

Be it enacted, etc., as follows:

Section 19 of chapter 15A of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by adding the following paragraph:-

The board of higher education shall, subject to appropriation, establish a program to provide grants to residents of the commonwealth who are working as paraprofessionals in public schools of the commonwealth while pursuing a bachelor's degree at a public college or university in the commonwealth in order to become a certified teacher in the commonwealth. Eligibility shall be limited to persons (a) who have worked as a paraprofessional in the public schools of the commonwealth for a minimum period of 2 years before receipt of such grant, or who are paraprofessionals who have worked in public schools for a lesser time, and (b) who are enrolled in and pursuing courses of study that will lead to certification as a teacher in bilingual education, special education, math, science or foreign languages, and (c) who commit to teach and actually teach for such period as the board of higher education may determine in the public schools of the commonwealth upon graduation and certification under section 38G of chapter 71. The board of higher education shall establish guidelines governing implementation of the program. Such guidelines shall include, but not be limited to, the following: (i) the level of academic achievement grant recipients must maintain while participating in the grant program; (ii) the financial responsibilities of grant recipients should they fail to complete their teacher certification; and (iii) the duties and obligations of grant recipients upon completion of certification, including the minimum number of years that they shall be required to work as a teacher in a public school of the commonwealth. Such grants shall be used to defray the cost of tuition and fees at a public college or university in the commonwealth.

Approved January 1, 2003.

Chapter 441. AN ACT RELATIVE TO THE MASSACHUSETTS VETERANS SHELTER IN THE CITY OF WORCESTER.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith the commissioner of capital asset management and maintenance to

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lease a certain building in the city of Worcester, 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 386 of the acts of 1996 is hereby repealed.

SECTION 2. The commissioner of capital asset management and maintenance, with the approval of the adjutant general of the military division, may, notwithstanding sections 40E to 40J, inclusive, of chapter 7 of the General Laws, but subject to section 3 and such other terms and conditions as may be determined by the commissioner in consultation with the adjutant general, execute and deliver on behalf of the commonwealth 1 or more instruments to lease the 3-story building at 69 Grove street in the city of Worcester, known as the Massachusetts veterans' shelter, to Massachusetts Veterans, Inc. for a term not to exceed 30 years for the purpose of operating and maintaining a veterans' shelter. As a condition of the lease, the military division, acting through the adjutant general, shall retain the right to re-occupy the premises upon 30 days written notice to Massachusetts Veterans, Inc., should such re-occupation become necessary to enable the military division to adequately perform its duties in a state or national emergency.

The lease price to be paid by Massachusetts Veterans, Inc. shall be the full and fair market value of the building for use as a veteran's shelter based upon 1 or more professional appraisals commissioned by the division reduced by any diminution in value resulting from the military division's right of re-occupation and reduced by any credit authorized by section 3 and certified by the inspector general pursuant to said section 3. The inspector general shall review and approve the appraisal or appraisals, and the review and appraisal shall include an examination of the methodology utilized for said appraisal or appraisals. The commissioner shall, 30 days prior to the execution of any lease or leases authorized by this act or any subsequent amendment thereof, submit the lease or leases and any amendments thereto and a report thereon to the inspector general. The inspector general shall prepare a report of his review and approval of the appraisal or appraisals, lease or leases, or amendments and file the report with the commissioner, and copies of the same shall be filed with the house and senate committees on ways and means and with the chairmen of the joint committee on state administration at least 15 days before execution. The report shall also include a list of those credits that have been certified by the inspector general under section 3 as credits to be applied against the lease price. The lease price paid by Massachusetts Veterans, Inc. for any lease or leases, or any amendments thereof, authorized by this act shall be deposited in the General Fund.

SECTION 3. For purposes of this section only, the following words shall, unless the context shall clearly indicate a different meaning or intent, have the following meanings:-

"Renovations", work required to restore or modernize most or all of a facility in order that the facility may be effectively utilized for its presently designated functional purpose for an extended period of time or to comply with current code requirements.

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"Repairs", work required to restore a facility or system to such condition that it may continue to be approximately and effectively utilized for its designated purpose for an extended period of time by overhaul, reprocessing or replacement of constituent parts or materials which have deteriorated by action of the elements or wear and tear in use.

"Long-term capital improvement", reconstruction, remodeling, rehabilitation, extension, or enlargement of a facility that substantially enhances the effective utilization of the facility for its designated functional purpose in such a manner that the tangible and functioning benefits added by said reconstruction, remodeling, rehabilitation, extension or enlargement have not dissipated significantly since their addition and are not likely to dissipate significantly over an extended period of time.

The Massachusetts Veterans, Inc. shall receive a credit against full and fair market value that shall be equal to the value of any renovations, repairs or long-term capital improvements performed by said organization on the 3-story building located at 69 Grove street in the city of Worcester and known as the Massachusetts veterans' shelter from the date of said organization's initial occupation of the premises in 1991 until the expiration date of the lease agreement signed with the division of capital asset management and maintenance under authorization granted to the division by chapter 386 of the acts of 1996. The credits shall be applied against the lease price to be paid by the organization, as initially determined by the appraisal required in section 1, following the execution of its new lease agreement with the division as authorized by this act. If the new lease agreement includes a lease term of 10 years or more, the credits authorized by this section shall only be applied against the lease price during the first 10 years of the new lease agreement. The application of any additional credits against the lease price beyond the first 10 years of the new lease agreement shall require the prior approval of the general court.

Before any such credits may be applied against the lease price, Massachusetts Veterans, Inc. shall submit a detailed list of those renovations, repairs and long-term capital improvements for which it is seeking a lease credit to the office of the inspector general. The list shall include the revenue source used by Massachusetts Veterans, Inc. to fund said renovations, repairs and long-term capital improvements and shall be accompanied by documentation sufficient to show that said renovations, repairs or long-term capital improvements were actually completed at the premises described in this section and during the time required in this section. The inspector general shall review said list and said documentation and determine which proposed credits meet the definitions and requirements set forth in this section. Only those proposed credits certified by the inspector general as meeting the definitions and requirements shall be applied as credits against the lease price. In no instance shall any prior renovation, repair or long-term capital improvement funded in whole or part by a state appropriation, including, but not limited to, funds expended from item 1410-0251 of the annual general appropriation act, be certified as a credit against the lease price by the inspector general. In no instance shall the net lease price during the first 10 years of the lease agreement, after application of the credits, be in an amount less than \$100 per month.

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SECTION 4. Massachusetts Veterans, Inc. shall be responsible for all costs associated with any appraisal, survey, or other expense incurred by the commonwealth relating to the lease or leases authorized by section 2, and for any costs, liabilities or expenses of any kind for the development, improvement, maintenance or operation of the property as may be determined by the commissioner.

SECTION 5. Massachusetts Veterans, Inc. shall carry such comprehensive liability insurance, in an amount deemed adequate by the commissioner of the division of capital asset management and maintenance in consultation with the adjutant general, to protect the commonwealth and Massachusetts Veterans, Inc. against personal injury or property damage occurring within the building during the term of any lease or leases authorized by this act.

SECTION 6. If the building ceases to be used at any time for the purpose described in this act, the building, together with any improvements thereon, shall revert to the commonwealth. Any further disposition of the property shall be subject to sections 40E to 40J, inclusive, of chapter 7 of the General Laws and shall have the prior approval of the general court.

Approved January 1, 2003.

Chapter 442. AN ACT PROVIDING FOR RECALL ELECTIONS IN THE TOWN OF MONTAGUE.

Be it enacted, etc., as follows:

SECTION 1. A holder of an elective office in the town of Montague may be recalled therefrom by the registered voters of the town as herein provided, for reason of lack of fitness, incompetence, neglect of duties, corruption, malfeasance, misfeasance or violation of oath.

SECTION 2. Twenty registered voters of the town may file an affidavit with the town clerk containing the name of the officer sought to be recalled and a statement of the grounds for recall. The town clerk shall thereupon deliver to the voters copies of printed form petition blanks addressed to the board of selectmen demanding the recall. The blanks shall be issued under the signature and official seal of the town clerk. They shall be dated, and shall contain the names of all persons to whom they are issued, the name of the person whose recall is sought, and the grounds of recall as stated in the affidavit. In addition, the petitions shall demand the election of a successor to the office. A copy of the petition shall be entered in a record book to be kept in the office of the town clerk. The recall petition shall be returned and filed with the town clerk within 20 days after the filing of the affidavit, with signatures, names and street addresses of at least 20 per cent of the registered voters of the town. Within 24 hours of receipt, the town clerk shall submit the petition to the registrars

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of voters in the town, and the registrars shall forthwith certify thereon the number of signatures which are names of registered voters of the town.

SECTION 3. If the petition shall be found and certified by the town clerk to be sufficient, it shall be submitted with his certificate 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 days, the board of selectmen shall forthwith order an election to be held on a date fixed by them not less than 64 nor more than 80 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 the certificate, the board of selectmen shall postpone the holding of the recall election to the date of such other election. If a vacancy occurs in the office after a recall election has been ordered, the election shall nevertheless proceed as provided in this act.

SECTION 4. An officer sought to be removed may be a candidate to succeed himself in an election to be held to fill such vacancy, and unless the officer requests otherwise in writing, the town clerk shall place said name on the ballot without nomination. The nomination of other candidates, the publication of the warrant for the removal election, and the conduct of the same, shall all be in accordance with the provisions of the law relating to elections, unless otherwise provided in this section.

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

SECTION 6. Ballots used in a recall election shall submit the following propositions in the order indicated:

For the recall of (name of officer)

Against the recall of (name of officer)

Immediately at the right of each proposition there shall be a designated place for voters to vote for either of the propositions. Under the proposition shall appear the word "Candidates", the directions to voters required by section 42 of chapter 54 of the General Laws, and beneath this, the names of candidates nominated as hereinbefore provided.

If a majority of votes on the question is against the recall, the ballots for candidates need not be counted or take any action relative thereto. If a majority of the votes cast upon the question of recall is in favor of the recall, the officer shall be recalled and the ballots for candidates shall be counted. The candidate receiving the highest number of votes shall be declared elected.

SECTION 7. No recall petition shall be filed against an officer within 3 months after he takes office, 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 sub-

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mitted to the voters of the town.

Approved January 1, 2003.

Chapter 443. AN ACT INCREASING THE PENALTY FOR PASSING A SCHOOL BUS.

Be it enacted, etc., as follows:

The first paragraph of section 14 of chapter 90 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the fifth and sixth sentences and inserting in place thereof the following 4 sentences:- Any person who violates the preceding sentence shall be punished by a fine of not less than \$250; and for a second offense by a fine of not less than \$500 nor more than \$1,000; and for a third or subsequent offense by a fine of not less than \$1,000 nor more than \$2,000. A second conviction or third or subsequent conviction as set forth in the preceding sentence shall be reported forthwith by the court or magistrate to the registrar who shall revoke immediately the license or right to operate of the person so convicted and no appeal, motion for a new trial or exceptions, shall operate to stay the revocation of the license or right to operate; provided, however, that no license or right to operate shall be issued by the registrar to any person convicted of a second such offense until 6 months after the date of revocation following said conviction or to any person convicted of a third or subsequent such offense until 1 year after the date of revocation following said conviction; and provided, further, that if the prosecution against such person has terminated in his favor the registrar shall forthwith reinstate his license or right to operate. No person shall operate a motor vehicle within a distance of 100 feet behind a school bus. Every school bus shall have the words "keep back 100 feet" prominently displayed on the back of the bus, in type large and dark enough so that the words are legible at a distance of 100 feet.

Approved January 1, 2003.

Chapter 444. AN ACT RELATIVE TO THE "SCHOOL-TO-WORK" PROGRAM.

Be it enacted, etc., as follows:

Subsection 4 of section 1 of chapter 152 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the second paragraph the following paragraph:-

Students participating in a work-based experience as part of a school-to-work program who receive personal injuries arising out of and in the course of such participation at or with particular employers, shall, for purposes of this chapter, be deemed employees of

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such employers. For the purposes of this paragraph, "school to work program" shall mean workplace based education and training programs designed to improve the knowledge and skills of high school students by integrating academic and occupational learning to prepare students for gainful employment and increase their opportunities for post secondary education.

Approved January 1, 2003.

Chapter 445. AN ACT AUTHORIZING THE TOWN OF LYNNFIELD TO ESTABLISH A CAPITAL FACILITIES MAINTENANCE FUND.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the town of Lynnfield may establish and maintain a special account known as the Capital Facilities Maintenance Fund, and may raise and appropriate money therefore.

The town may appropriate to the fund by majority vote at an annual or special town meeting in any year.

Appropriations made by the town into the fund in any fiscal year shall not exceed 10 per cent of the amount raised in the preceding year by taxation of real estate and tangible personal property and the aggregate amount of the fund at any time shall not exceed 10 per cent of the equalized valuation of the town as defined in section 1 of chapter 44 of the General Laws.

The fund shall be maintained by the town as a separate account. The treasurer of the town shall be the custodian of the fund and may invest the funds in such separate account in the manner authorized by sections 54 and 55 of chapter 44 of the General Laws. Interest earned on the fund shall be credited to and become a part of the separate account.

The town may appropriate by a $\frac{2}{3}$ vote at any annual or special town meeting any principal or interest of the fund for the maintenance, repair or improvement of the capital facilities of the town or for any other lawful purpose.

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

Approved January 1, 2003.

Chapter 446. AN ACT PROVIDING FOR THE OFFICE OF TOWN CLERK, COLLECTOR AND TREASURER IN THE TOWN OF DEERFIELD TO BE AN APPOINTED OFFICE.

Be it enacted, etc., as follows:

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SECTION 1. Section 1 of chapter 676 of the acts of 1972 is hereby amended by striking out the second and third sentences and inserting in place thereof the following 3 sentences:- Beginning on July 1, 2003 and each July 1 thereafter, the board of selectmen shall appoint a town clerk, collector and treasurer who shall serve for a term of 1 year or until July 1 following and until a successor is appointed and qualified, and who shall receive a salary as the town may from time to time determine. The person elected to the position of town clerk, collector and treasurer as of May 1, 2002 shall continue to hold the position through June 30, 2003 or until such later time as a successor is appointed.

SECTION 2. Upon the appointment and qualification of the town clerk, collector and treasurer in accordance with this act, the term of office of the person holding the elected position of town clerk, collector and treasurer shall cease and terminate.

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

Approved January 1, 2003.

Chapter 447 . AN ACT RELATIVE TO THE SALARIES OF CERTAIN PUBLIC OFFICIALS IN THE CITY OF MEDFORD.

Be it enacted, etc., as follows:

Section 1 of chapter 605 of the acts of 1986 is hereby amended by striking out subsection 4 and inserting in place thereof the following subsection:-

Section 4. Notwithstanding chapter 43 of the General Laws or any other general or special law to the contrary, the salary for the office of mayor and for the members of the city council shall be the same for those positions as existing on June 30, 2003. The salaries may be increased at the recommendation of the mayor and the approval of the city council if the salaries of each of the following officers of the city of Medford are increased: administrative aide to mayor (director of budgets and personnel); finance director/auditor, director of community development, city clerk, city treasurer/collector, city solicitor and the chief assessor/appraiser. Any salary increase for the office of mayor and for members of the city council shall not exceed the average percentage by which the salaries for the aforesaid officers has been increased. The term "mayor" shall be exclusively reserved for that elected position as provided in this act and the presiding member of the city council shall be known as the president of the council.

Approved January 1, 2003.

Chapter 448. AN ACT RELATIVE TO MEMORIALS FOR FIREFIGHTING AND LAW ENFORCEMENT PERSONNEL.

Be it enacted, etc., as follows:

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Chapter 138 of the acts of 1991 is hereby amended by striking out section 376 and inserting in place thereof the following section:-

Section 376. The superintendent of the bureau of state office buildings may accept on behalf of the commonwealth a memorial to law enforcement personnel and a memorial to firefighting personnel killed in the line of duty in the commonwealth. The superintendent shall approve the design and materials used to construct the memorials, and the memorials shall be in keeping with the historical nature of the state house grounds. The memorials shall be placed in an area which is deemed suitable by the superintendent. The cost of the construction of the memorials shall be paid by general contributions from the members of law enforcement agencies and firefighting agencies within the commonwealth, or from other interested individuals and groups.

Approved January 1, 2003.

Chapter 449. AN ACT ESTABLISHING A CITIZENS ADVISORY BOARD ON USES OF THE RUMNEY MARSH AREA.

Be it enacted, etc., as follows:

SECTION 1. There shall be in the department of the metropolitan district commission a citizens advisory board relative to the uses of the lands under the control and jurisdiction of the metropolitan district commission within the Rumney Marsh reservation of critical environmental concern.

SECTION 2. The citizens advisory board shall consist of members appointed by the commission, including an appointee by the executive officer of each abutting city or town, a member of the conservation commission of each abutting city or town, a member of local historical commissions, an appointee from the Friends of Rumney Marsh, Inc., a representative of the Friends of Belle Isle Marsh, Inc., and a balance of active user groups from abutting cities or towns.

Approved January 1, 2003.

Chapter 450. AN ACT RELATIVE TO HANDICAP PARKING RESTRICTIONS.

Be it enacted, etc., as follows:

SECTION 1. Paragraph (b) of clause (23) of section 21 of chapter 40 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- The cross hatch area abutting

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a handicapped parking space shall, for the purposes of this section, be considered a handicapped parking space.

SECTION 2. Clause (24) of said section 21 of said chapter 40, as so appearing, is hereby amended by striking out the second and third paragraphs and inserting in place thereof the following 2 paragraphs:-

An ordinance or by-law made under this section shall prohibit or regulate the leaving of unauthorized vehicles within parking spaces, including the cross hatch areas, designated for use by disabled veterans or handicapped persons as authorized by clause (23) or in such a manner as to obstruct a curb ramp designed for use by a handicapped person as a means of egress to a street or public way.

The penalty for a violation of an ordinance or by-law made under this section shall be not less than \$100 nor more than \$300 and shall provide for the removal of the vehicle in accordance with section 22D. This penalty shall not be a surchargeable offense under section 113B of chapter 175.

Approved January 1, 2003.

Chapter 451. AN ACT RELATIVE TO THE APPOINTMENT OF RETIRED POLICE OFFICERS IN THE TOWN OF READING.

Be it enacted, etc., as follows:

SECTION 1. The town manager of the town of Reading may appoint, as he deems necessary, retired Reading police officers as special police officers for the purpose of performing police details or any police duties arising therefrom or during the course of police detail work, regardless of whether or not related to the detail work. The retired police officers shall have been regular Reading 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. A special police officer shall pass a medical examination by a physician or other certified professional chosen by the town to determine that he is capable of performing the essential duties of a special police officer, the cost of which shall be borne by the special police officer before performing police details.

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 shall, when performing the duties under section 1, have the same power to make arrests and perform other police functions as do regular police officers of the town of Reading.

SECTION 4. Special police officers 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.

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SECTION 5. Special police officers shall also 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 Reading, 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.

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

SECTION 7. Special police officers appointed under this act shall be subject to section 100 and section 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 before the incapacity. In no event shall payment under said section 111F of said chapter 41 exceed, in any calendar year, the limitation on earning 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 a special 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 a higher age limit but in no event shall the benefits 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 eligible for any benefits pursuant thereto.

SECTION 8. Appointment as a special police officer shall entitle any individual appointed as such to assignment to any detail.

SECTION 9. Retired Reading 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 January 1, 2003.

Chapter 452. AN ACT AUTHORIZING THE APPOINTMENT OF SPECIAL POLICE OFFICERS AT THE CRANE RESERVATION IN THE TOWN OF IPSWICH.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the town

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of Ipswich may, upon written application of The Trustees of Reservations, appoint as special police officers employees of The Trustees of Reservations at the Crane Reservation in the town. Every special police officer appointed under this act shall have the power of police officers to preserve order and enforce the laws and ordinances of the commonwealth and the town solely within the boundaries of the Crane Reservation.

SECTION 2. Any individual appointed as a special police officer pursuant to this act shall be an employee of The Trustees of Reservations and not the town of Ipswich. The Trustees of Reservations shall be wholly responsible for the employment of such officers, including any and all liability that may arise out of that employment. The Trustees of Reservations shall be responsible for all necessary training of such officers. The Trustees of Reservations shall submit a monthly report to the chief of police of the town, detailing the activities of the special police officers. The chief and The Trustees of Reservations shall jointly develop and implement the parameters of the report.

SECTION 3. Every special police officer appointed under this act may serve for a term of 1 calendar year from the time of appointment, but in no event may he serve beyond the term of his employment with The Trustees of Reservations. The appointment may be renewed annually, upon written application of The Trustees of Reservations to the town of Ipswich. The town shall keep a record of all such appointments, and any appointment so made may be revoked by the town at any time.

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

Approved January 1, 2003.

Chapter 453. AN ACT CHANGING A PART OF THE HARBOR LINE ON THE MERRIMACK RIVER ALONG THE WATERFRONT OF THE CITY OF HAVERHILL.

Be it enacted, etc., as follows:

SECTION 1. The harbor line established by chapter 313 of the acts of 1902 along a part of the northerly waterfront of the city of Haverhill on the Merrimack river is hereby changed and established as follows:-

Beginning at the southeasterly corner of the stone abutment at the northerly end of the Boston and Maine railroad bridge in the line established by Chapter one hundred four (104) of the Acts of eighteen hundred eighty-three (1883);

thence running $S20^{\circ}=04'16''E$ a distance of thirty-seven and fifty-two hundredths feet (37.52') to a point in the river;

thence turning and running $N70^{\circ}=26'49''E$ a distance of two hundred fifty-eight and six hundredths feet (258.06') to a point in the river being approximately forty feet south of the face of the concrete floodwall;

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thence turning and running N67°=29'47"E a distance of three hundred seven and seventy hundredths feet (307.70') to a point in the river being approximately thirty feet south of the face of the concrete floodwall;

thence a turning and running N66°=38'40"E one thousand thirteen and thirty-four hundredths feet (1013.34') to a point in the river being approximately thirty feet south of the face of the concrete floodwall;

thence turning and running N72°=34'26"E a distance of seven hundred sixteen and ninety-nine hundredths feet (716.99') to a point in the river being approximately thirty feet south of the face of the concrete floodwall;

thence turning and running N67°=51'30"E a distance of four hundred forty and seventy-seven hundredths feet (440.77') to a point along the westerly line of Bridge Street and being approximately thirty feet south of the face of the concrete floodwall;

thence turning and running N10°=40'24"W a distance of twenty-five and fifteen hundredths feet (25.15') along the westerly line of Bridge Street to a point in the harbor line established by Chapter 313 of the Acts of nineteen hundred two (1902).

The above described line is shown on a plan on file with the Essex County Registry of Deeds titled "Plan of Relocated Massachusetts Harbor Line Merrimack River Haverhill, MA", scale 1"=100', May 9, 2000.

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

Approved January 1, 2003.

Chapter 454. AN ACT RELATIVE TO CREDIT UNIONS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 171 of the General Laws is hereby amended by inserting after section 75A the following section:-

Section 75B. (a) For purposes of this section, the word "company" shall mean an insurance company licensed pursuant to chapter 175 and the word "affiliate" shall mean a credit union service organization as established pursuant to 12 U.S.C. section 1786a(e)(1) or by section 6A of chapter 171 and by regulations promulgated thereunder by the commissioner.

(b) A credit union shall have the power to sell, either directly or indirectly through an affiliate established for the purpose or a third party agreement, and acting either as an agent licensed pursuant to section 163 of chapter 175 or a broker licensed pursuant to section 166 of said chapter 175, insurance products as a company, for which the credit union, affiliate or third party acts as agent or broker, is authorized to issue in the commonwealth. No credit union exercising the power shall assume or guarantee the payment on any premiums on the products or guarantee the truth of any statement contained in the application therefor. The sales shall be conducted in accordance with conditions and limitations that the

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commissioner shall promulgate by regulation which shall reflect the substance of conditions established by the National Credit Union Administration and other federal regulatory agencies governing the sale of insurance products. The conditions and limitations shall be in addition to and consistent with said chapter 175 and regulations promulgated thereunder by the commissioner of insurance with respect to the licensing of insurance agents and brokers and the sale of insurance products. The conditions and limitations shall include, but not be limited to, the following:

(1) No credit union, except a credit union licensed as an agent for the Savings Bank Life Insurance Company of Massachusetts and only to the extent of the authority granted under the license, shall undertake to act directly or indirectly as an insurance agent or broker, in any manner permitted by this section, until the commissioner approves a general plan of operation submitted by the credit union that conforms with the regulations promulgated pursuant to this section. The plan shall include a detailed description of the complaint resolution procedure, including credit union personnel designated for its enforcement, required pursuant to paragraph (9).

(2) Officers, tellers and other employees of a credit union who are not licensed as insurance agents may refer a member of the credit union to a licensed insurance agent of the credit union only when the member initiates an inquiry relative to the availability or acquisition of insurance products. No such officer, teller or other employee shall be further or additionally compensated for making the referrals.

(3) The solicitation or sale of insurance products shall be permitted at the main office of a credit union, or at any branch thereof established pursuant to chapter 171 or 12 U.S.C. section 1752(9), or at any other credit union office, not including an electronic branch established pursuant to chapter 167B. The solicitation or sale shall be conducted on the premises of a credit union in a distinctly designated area which is separate and apart from any physical setting in which services for insured deposit account transactions or transactions involving applications for the extension of credit are conducted. The commissioner may waive the requirement for the physical separation of credit union and insurance services only upon a demonstration by a credit union that space considerations, such as the size or design of the credit union premises, preclude such separation. The commissioner may allow for such use of a common area for both purposes if, subject to notice and hearing at the commissioner's discretion, the waiver application demonstrates physical constraints that are consistent with criteria the commissioner shall establish for the waivers. In any instance where a waiver is granted, a credit union employee, licensed as an insurance agent, shall not, in any manner involving the application by a member for an extension of credit by the credit union, act as the representative of the credit union both with respect to the application and with respect to the solicitation and sale of insurance products to the member, whether or not the insurance is required for the extension of credit. It shall be the responsibility of a credit union to institute procedures to eliminate member misunderstanding or confusion as to the distinction between insurance products and other credit union functions, and to prevent any

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misrepresentation thereof. Notwithstanding the foregoing, any premises constructed, purchased, leased or acquired by a credit union on and after the effective date of this section for the conduct of its authorized business, including the solicitation and sale of insurance, shall not be eligible for the waiver provided for herein, unless the acquisition results from a merger or consolidation pursuant to chapter 171.

(4) (A) A credit union is hereby prohibited from tying the availability and extension of credit by a credit union to the purchase of insurance products from the credit union.

(B) No solicitation for the sale of insurance in conjunction with any application for the extension of credit shall be permitted until the application has been approved, approval and the disclosures required by this section have been provided to the applicant in writing, and the receipt of both the approval and disclosures has been acknowledged in writing by the applicant. The date, time and method of the communication of the approval and disclosures to the applicant, together with the applicant's acknowledgment of the receipt thereof, shall be made a permanent part of the credit union record of the extension of credit. This paragraph shall not apply in situations where a credit union contacts a member in the course of direct or mass marketing of insurance products to a group of persons in a manner that bears no relation to a member's loan application or credit decision.

(C) In the instance of an application to a credit union for an extension of credit to be secured by a mortgage on real estate and in which it is necessary for the applicant to obtain a policy insuring said premises against loss and designating the credit union as loss payee, (i) the credit union shall make the initial disclosure of the necessity of insurance in its letter of commitment to the applicant approving the requested extension of credit; (ii) the credit union shall not, in any manner, solicit the applicant member to purchase the required insurance from the credit union until the commitment has been accepted by the applicant member; and (iii) the credit union shall not reject any policy, so long as it satisfies the required insurance, because the policy was issued by a company other than that for which the credit union acts as agent in the sale of insurance products.

(5) Rebates shall be regulated pursuant to section 183 of chapter 175.

(6) A credit union, through its licensed insurance agents or brokers, shall disclose in writing to a member who is a potential insurance purchaser that: (i) the insurance products which are available are not deposits of the credit union, are not protected by the national credit union share insurance fund or any other type of deposit insurance, are not an obligation of or guaranteed by the credit union, and may be subject to risk; (ii) any insurance required as a condition of the extension of credit by the credit union need not be purchased from the credit union but may, without affecting the approval of the application for an extension of credit, be purchased from an agent or insurance company of the member's choice; and (iii) the member may file any complaints with the office of consumer affairs and business regulations as hereinafter provided. The disclosures required by this section shall be provided in writing, and receipt thereof shall be acknowledged in writing by the member.

(7) Credit union member information security and confidentiality shall be regulated pursuant to chapter 175I and the federal Fair Credit Reporting Act.

(8) No credit union engaged in the direct sales of insurance products shall discriminate against an applicant member or allow an affiliate established for the purpose or a third party acting on its behalf to discriminate against an applicant for any insurance products offered by it based upon the race, color, national origin or residence of the applicant, or on such other basis as the commissioner may determine. No credit union offering insurance products at its main office or any branch thereof established pursuant to chapter 171 or 12 U.S.C. section 1752(9), shall refuse to offer the same at every such branch of the credit union.

(9) A credit union engaged in the direct sale of insurance products, or an affiliate or third party acting on its behalf, and whether acting as insurance agent or broker, shall forthwith forward copies of all member complaints relative to its insurance sales activities to the office of consumer affairs and business regulation established by section 1 of chapter 24A. The director of the office shall cause a record of all complaints received to be maintained and shall, depending upon the nature of the complaint, refer any complaint for resolution to the appropriate banking or insurance regulator in the division of banks and loan agencies or the division of insurance. The commissioner, in conjunction with the commissioner of insurance, shall establish a procedure for the prompt resolution of member complaints. Regulations promulgated by the commissioner under this section shall include provisions for investigation and resolution by a credit union of member complaints and for the requirement to forward all complaints so received to the office of consumer affairs and business regulation.

(c) Any violations of the provisions contained in this section shall be subject to chapter 167, including, but not limited to, sections 2A to 2G, inclusive, and to applicable chapter 175 and chapter 176D, including, but not limited to, penalties, cease and desist orders, and suspension or loss of license.

(d) This section shall not apply to the authority granted by the seventh and ninth paragraphs of section 75 of chapter 171 and section 12G of chapter 255.

(e) The commissioner shall promulgate regulations necessary to carry out this section.

(f) Notwithstanding any other law to the contrary, the commissioner, in his discretion, may furnish to the commissioner of insurance information, reports and statements relating to the sale of insurance by credit unions under his supervision which are licensed by the division of insurance pursuant to section 209 of chapter 175.

SECTION 2. Chapter 175 of the General Laws is hereby amended by striking out sections 209, 210 and 211, as appearing in the 2000 Official Edition, and inserting in place thereof the following 3 sections:-

Section 209. The commissioner may issue a license pursuant to section 163 and section 166 to a bank or credit union chartered by the commonwealth pursuant to chapter 168, 170, 171 or 172, and to a bank or credit union chartered by the United States, to act as an insurance agent or broker pursuant to this chapter and in accordance with the provisions of section 2A of chapter 167F and section 75B of chapter 171, respectively, for the solicitation and sale of insurance products as the company, for which such bank or credit union

acts as agent or broker, is authorized to issue in the commonwealth.

Section 210. The commissioner, in conjunction with the commissioner of banks, shall establish a procedure for the prompt resolution of consumer complaints relative to the activities of a bank or credit union as a licensed insurance agent or broker.

Section 211. The commissioner may, in his discretion, furnish to the commissioner of banks and to federal bank regulatory agencies information relating to the insurance activities of any bank or federal bank, as those terms are defined in section 1 of chapter 167, and to federal credit union regulatory agencies information relating to the insurance activities of any credit union or federal credit union, as those terms are defined in section 1 of chapter 171, which are licensed pursuant to section 209.

SECTION 3. The commissioner of banks and the commissioner of insurance shall jointly file a report with the committee on banks and banking and the committee on insurance of the general court delineating the number of applications for insurance agent or broker licenses filed by state and federally chartered credit unions directly or through affiliates, subsidiary corporations or pursuant to third party agreements, the number of applications approved, the names and addresses of the licensees, the business names and addresses of insurance agencies for which the credit unions act as agents or brokers, and other related information as the commissioners may determine to be necessary. The report shall also include the number of applications filed for the waiver provided for in section 2, the names of the applicants, the addresses of the premises for which the waiver is sought, and the disposition of the applications, including the reasons therefor. The report shall be filed 1 year after the effective date of this act, and annually thereafter for a period of 3 years.

SECTION 4. Any license issued under chapter 178A of the General Laws for a bank or its officers or employees to act as agent for the Savings Bank Life Insurance Company of Massachusetts shall continue in force until its stated expiration date after the effective date of this act, at which time the license may be renewed by the Savings Bank Life Insurance Company of Massachusetts and the issuance or renewal of the license shall not be subject to section 75B of chapter 171 of the General Laws.

SECTION 5. Nothing in this act shall be construed so as to prohibit a bank or credit union from selling annuity products pursuant to state or federal law.

SECTION 6. The regulations required by section 75B of chapter 171 of the General Laws, inserted by section 1 of this act, and the procedures for promoting the prompt resolution of consumer complaints as provided for by said section 75B of said chapter 171 and section 210 of chapter 175 of the General Laws, shall be promulgated not later than December 31, 2002. The provisions of this act allowing the sale of insurance products by credit unions shall not be in effect until the regulations and procedures required by section 75B of chapter 171 are so promulgated.

Approved January 1, 2003.

Chapter 455. AN ACT RELATIVE TO THE COLLECTION AND DISSEMINATION OF CERTAIN REPORTS BY THE DIVISION OF BANKS.

Be it enacted, etc., as follows:

SECTION 1. Section 114C of chapter 140 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the second paragraph.

SECTION 2. Section 13 of chapter 140D of the General Laws is hereby repealed.

SECTION 3. Section 23 of chapter 167B of the General Laws is hereby repealed.

SECTION 4. Section 24 of said chapter 167B, as appearing in the 2000 Official Edition, is hereby amended by striking out the third paragraph.

SECTION 5. Chapter 183 of the General Laws is hereby amended by striking out section 61, as so appearing, and inserting in place thereof the following section:-

Section 61. A mortgagee holding a first mortgage or lien on a dwelling house located in the commonwealth of 4 or fewer separate households occupied or to be occupied in whole or in part by the mortgagor who requires advance payments, deposits or other security by the mortgagor for the payment of real estate taxes on mortgaged property, shall pay interest to the mortgagor on any amount so paid or deposited in advance. Interest shall be paid at least once a year at a rate and in a manner to be determined by the mortgagee. Mortgagees showing a net loss from the investment of the amounts so paid or deposited may file with the commissioner of banks a request for an exemption from the requirement that the interest be paid to mortgagors.

Approved January 1, 2003.

Chapter 456. AN ACT RELATIVE TO THE ANNUAL REPORT ON THE BANKING INDUSTRY.

Be it enacted, etc., as follows:

Chapter 167 of the General Laws is hereby amended by striking out section 13, as appearing in the 2000 Official Edition, and inserting in place thereof the following section:-

Section 13. All annual reports submitted to the commissioner by banks shall be on a form which he shall prescribe. Each report shall contain a declaration signed by the president, or by an officer designated by the board of directors or trustees of the bank to make the declaration, that the report is true and correct to the best of his knowledge and belief. The correctness of the report shall be attested by the signatures of at least 3 directors or trustees of the bank, other than the officer making the declaration, with the declaration that the report has been examined by them and to the best of their knowledge and belief is true and correct.

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Annually, on or before July 1, the commissioner shall make a report to the general court containing aggregate statements of the condition, as of the preceding December, of all savings banks, co-operative banks, savings and loan associations, credit unions, trust companies, and, private, foreign, or other banks under his supervision, with other information relative to the affairs of the banks as the commissioner considers to be in the public interest.

The reports required by this section shall be printed and shall include the locations of the main offices and branches, the names of the operating officers and directors or trustees of each bank, and such suggestions as the commissioner considers expedient relative to the general conduct and condition of banks under his supervision. Such report shall include a list of banks where the call provided for in section 38 of this chapter and in section 4 of chapter 167A exceeds the amount loaned to the Massachusetts Housing Partnership Fund pursuant thereto.

Approved January 1, 2003.

Chapter 457. AN ACT AUTHORIZING THE REHOBOTH WATER DISTRICT TO HOLD ITS ANNUAL DISTRICT MEETINGS AT THE DIGHTON-REHOBOTH REGIONAL HIGH SCHOOL BUILDING.

Be it enacted, etc., as follows:

SECTION 1. The Rehoboth Water District, with the approval of the Dighton-Rehoboth Regional School District, may hold its annual district meetings, or any adjournments thereof, at the Dighton-Rehoboth high school building in the town of Dighton.

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

Approved January 1, 2003.

Chapter 458. AN ACT ESTABLISHING A SICK LEAVE BANK FOR COLLEEN McDONALD, 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 or rule or regulation to the contrary, the trial court of the commonwealth shall establish a sick leave bank for Colleen McDonald, an

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employee of the Quincy division of the district 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 Colleen McDonald. When Colleen McDonald terminates employment with the trial court or requests to dissolve the sick leave bank, the balance of sick leave shall be transferred to the trial court paid leave bank.

Approved January 1, 2003.

Chapter 459. AN ACT RELATIVE TO THE ANNUAL OBSERVANCE OF PHILANTHROPY DAY.

Be it enacted, etc., as follows:

Chapter 6 of the General Laws is hereby amended by inserting after section 15KKKK, inserted by chapter 107 of the acts of 2001, the following section:-

Section 15LLLL. The governor shall annually issue a proclamation setting apart November 15 as Philanthropy Day and recommending that those public and private organizations and individuals strongly influencing and promoting philanthropic activities within the commonwealth be recognized and that the day be observed in an appropriate manner by the people.

Approved January 1, 2003.

Chapter 460. AN ACT PROVIDING FOR AN INCREASE IN THE MEMBERSHIP OF THE BOARD OF SELECTMEN OF THE TOWN OF GROTON TO 5 MEMBERS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the board of selectmen of the town of Groton shall consist of 5 members. At the 2003 annual town election the town shall elect 2 members in addition to the 1 member otherwise to be elected. The 2 new seats shall be separately contested with the candidate receiving the highest number of votes to serve a term of 2 years and the candidate receiving the next highest number of votes to serve a term of 1 year. Thereafter, all members of the board of selectmen shall serve terms of 3 years. Selectmen in office on the effective date of this act shall serve until the expiration of their terms.

SECTION 2. This act shall be submitted to the voters of the town of Groton at a special town election to be held no later than 70 days before the date of the 2003 annual town election in the form of the following question which shall be placed on the official ballot to be used for the election:

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"Shall an act passed by the general court in the year 2002 entitled 'An Act providing for an increase in the membership of the board of selectmen for the town of Groton to 5 members' be accepted?"

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

SECTION 3. Section 2 of this act shall take effect upon its passage.

Approved January 1, 2003.

Chapter 461. AN ACT EXEMPTING THE POSITION OF DEPUTY POLICE CHIEF IN THE TOWN OF NORWELL FROM THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The position of deputy chief of police in the town of Norwell shall be exempt from chapter 31 of the General Laws.

SECTION 2. This act shall not impair the civil service status of the person holding the position of deputy chief of police in the town of Norwell on the effective date of this act.

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

Approved January 1, 2003.

Chapter 462. AN ACT AUTHORIZING THE TOWN OF ROCHESTER TO PAY A CERTAIN UNPAID BILL.

Be it enacted, etc., as follows:

SECTION 1. The town treasurer of the town of Rochester may pay from available funds to LaFleur Electrical Co., Inc. the sum of \$26,314 for services rendered, notwithstanding the failure of the town to comply with the appropriate provisions of law relative to competitive bidding in the awarding of the contract.

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

Approved January 1, 2003.

Chapter 463. AN ACT PROVIDING FOR THE ANNUAL OBSERVANCE OF THOMAS PAINE DAY.

Be it enacted, etc., as follows:

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Chapter 6 of the General Laws is hereby amended by inserting after section 150000, inserted by chapter 154 of the acts of 2002, the following section:-

Section 15PPPP. The governor shall annually issue a proclamation setting apart January 29 as Thomas Paine Day, in honor of one of America's founding fathers, a patriot and the author of the influential "Common Sense", and recommending that the day be observed in an appropriate manner by the people.

Approved January 1, 2003.

Chapter 464. AN ACT ESTABLISHING THE POSITION OF DEPUTY CHIEF OF POLICE IN THE TOWN OF WALPOLE.

Be it enacted, etc., as follows:

SECTION 1. The town of Walpole may establish the position of deputy chief of police, which shall be exempt from chapter 31 of the General Laws.

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

Approved January 1, 2003.

Chapter 465. AN ACT DESIGNATING CERTAIN BRIDGES, OVERPASSES AND CONNECTOR ROADS IN THE CITY OF MARLBOROUGH.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding chapter 477 of the acts of 1996, the connector road from exit 23C off interstate highway route 495 to a road known as or formerly known as Crane Meadow road in the city of Marlborough shall be designated and known as the Joseph A. Ferrecchia Boulevard, in honor of Joseph A. Ferrecchia and his service as mayor of the city of Marlborough. The department of highways shall erect and maintain a suitable marker bearing such designation in compliance with the standards of the department.

SECTION 2. Notwithstanding chapter 477 of the acts of 1996, the South bridge spanning interstate highway route 495 at the Crane Meadow's road connector in the city of Marlborough shall be designated and known as the Veterans of Foreign Wars Post 638 Bridge, in honor of the veterans of foreign wars. The department of highways shall erect and maintain a suitable marker bearing such designation in compliance with the standards of the department.

SECTION 3. Notwithstanding chapter 477 of the acts of 1996, the North bridge spanning interstate highway route 495 at the Crane Meadow's road connector in the city of

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Marlborough, shall be designated and known as the American Legion - Post 132 Bridge, in honor of the American legion. The department of highways shall erect and maintain a suitable marker bearing such designation in compliance with the standards of the department.

SECTION 4. The bridge on Forest street in the city of Marlborough spanning interstate highway route 495 shall be designated and known as the Disabled American Veterans - Chapter 82 Bridge, in honor of the disabled American veterans. The department of highways shall erect and maintain a suitable marker bearing such designation in compliance with the standards of the department.

SECTION 5. The overpass on state route 20 in the city of Marlborough spanning interstate highway route 495 shall be designated and known as the Italian-American Veterans - Post 45 Overpass, in honor of the Italian-American veterans. The department of highways shall erect and maintain a suitable marker bearing such designation in compliance with the standards of the department.

SECTION 6. The overpass on Elm street in the city of Marlborough spanning interstate highway route 495 shall be designated and known as the AMVETS - Post 1980 Overpass, in honor of the AMVETS. The department of highways shall erect and maintain a suitable marker bearing such designation in compliance with the standards of the department.

SECTION 7. The overpasses on state route 290 in the city of Marlborough spanning interstate highway route 495 shall be designated and known as All Women Veterans Overpass, in honor of women veterans. The department of highways shall erect and maintain a suitable marker bearing such designation in compliance with the standards of the department.

Approved January 1, 2003.

Chapter 466. AN ACT PROVIDING FOR INCREASED ORGAN DONATIONS THROUGH EDUCATION AND ACCESS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to increase organ donations forthwith through education and access, 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 8D of chapter 90 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by adding the following 3 paragraphs:-

The registrar shall provide to federally-designated organ procurement organizations serving the commonwealth access to names, dates of birth and other pertinent information

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of licensed drivers who have registered with the registry of motor vehicles as organ donors for the sole purpose of identifying those drivers as organ donors. Such access shall be provided, after referral of the potential donor by a hospital, critical access hospital or medical examiner to an organ procurement organization in accordance with federal regulations, in a manner and form to be determined by the registrar following consultation with federally-designated organ procurement organizations, which may include electronic transmission. The registrar shall, upon transmission of the information, notify the surviving spouse or next of kin at the donor's address of the information transmitted. On any form used by the registry for organ donation, there shall be a disclaimer notice that informs the donor that certain information shall be provided to federally-designated organ procurement organizations upon the donor's death.

The registrar shall include, in the required driver education and training course as provided for in section 8 and in section 13D of chapter 71, an information session on organ donation. The information session shall include educational materials to be provided by federally-designated organ procurement organizations serving the commonwealth.

The registrar shall make available in all registry branches educational materials as provided by federally-designated organ procurement organizations serving the commonwealth.

SECTION 2. Chapter 112 of the General Laws is hereby amended by inserting after section 84B the following section:-

Section 84C. Every licensed funeral director, his agent or servant, when discussing preplanning conferences with potential clients, shall make available to those clients information and education regarding organ donation.

Approved January 1, 2003.

Chapter 467. AN ACT RELATIVE TO THE MASSACHUSETTS TECHNOLOGY DEVELOPMENT CORPORATION.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 40G of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in line 16, the word "forty F" and inserting in place thereof the following:- 23A or 40F.

SECTION 2. Said section 1 of said chapter 40G, as so appearing, is hereby further amended by inserting after the word "foregoing", in line 43, the following words:- , specifically including debt of and partnership interest in, as a general or limited partner, any general or limited liability partnership organized under the laws of the commonwealth, and debt of and membership interest in any limited liability company organized under the laws of the commonwealth.

SECTION 3. Section 2 of said chapter 40G, as so appearing, is hereby amended by inserting after the second paragraph the following paragraph:-

The purposes of the MTDC shall include, but not be limited to: (a) helping to create primary employment in technology-based enterprises in the commonwealth; (b) fostering the development of such enterprises in the commonwealth through the purchase of qualified securities in order to provide seed capital; and (c) attracting and managing the investment of both public and private capital among the citizens of the commonwealth to stimulate long-term economic development and to realize appropriate financial returns that enable the MTDC to be self-sufficient.

SECTION 4. Section 3 of said chapter 40G, as so appearing, is hereby amended by striking out, in line 71, the word "one hundred and fifty-six B." and inserting in place thereof the following:- 156B;

(v) participate as a general partner or limited partner in a limited partnership; and to participate as a member or manager in a limited liability company.

SECTION 5. The fourth paragraph of section 4 of said chapter 40G, as so appearing, is hereby amended by striking out clause (4) and inserting in place thereof the following clause:-

(4) the enterprise has the reasonable potential to create a substantial amount of primary employment within the commonwealth;

SECTION 6. Said section 4 of said chapter 40G, as so appearing, is hereby further amended by striking out, in line 68, the words "five hundred thousand dollars" and inserting in place thereof the following figure:- \$1,000,000.

SECTION 7. Said section 4 of said chapter 40G, as so appearing, is hereby further amended by striking out, in line 70, the words "one million dollars" and inserting in place thereof the following figure:- \$2,000,000.

SECTION 8. Said section 4 of said chapter 40G, as so appearing, is hereby further amended by striking out, in lines 73 and 74, the words "and the other findings set forth above are made as to the additional investment" and inserting in place thereof the following words:- . If the additional investment does not meet all the conditions set forth in clauses (1) to (9), inclusive, in the fourth paragraph for initial investments, the additional investment may only be made if the board of directors, after considering the purposes of this chapter, makes a good faith determination that its fiduciary responsibility to protect the initial investment in an entity requires that the additional investment be made. From time to time, the board of directors may adjust these limits to reflect changes in annual inflation of the dollar.

SECTION 9. The fifth paragraph of said section 4 of said chapter 40G, as so appearing, is hereby amended by striking out clauses (2), (3) and (4) and inserting in place thereof the following clause:-

(2) At least 50 per cent of all MTDC investments shall be made in enterprises that will:

(a) locate in, or provide substantial employment to residents of, economic target areas as defined in section 3D of chapter 23A or municipalities that satisfy the criteria for economic target areas;

(b) provide substantial employment opportunities to unskilled or semi-skilled individuals;

(c) provide substantial employment opportunities for individuals undertaking job retraining as a consequence of technological change or corporate restructuring; or

(d) provide a service that primarily benefits residents of low and moderate income communities.

SECTION 10. Said section 4 of said chapter 40G, as so appearing, is hereby further amended by striking out the last paragraph.

SECTION 11. Section 4B of said chapter 40G, as so appearing, is hereby amended by striking out, in line 13, the words "twenty percent", and inserting in place thereof the following words:- 40 per cent.

SECTION 12. Said section 4B of said chapter 40G, as so appearing, is hereby further amended by striking out, in line 37, the word "share" and inserting in place thereof the following word:- start.

SECTION 13. Said section 4B of said chapter 40G, as so appearing, is hereby further amended by striking out, in lines 48 to 57, inclusive, the words "and such employment, as far as feasible, may be expected to be for residents of target areas as defined by chapter forty F, and offer employment opportunities to unskilled and semi-skilled individuals; provided, further, that such purchases shall not be subject to, and shall not be taken into account in otherwise applying the following limitations on investments under this chapter; requires not more than twenty percent of the assets of MTDC at any time to be invested in direct investments, and requires at least fifty percent of all MTDC investments for the previous year to be made in enterprises that will locate in target areas as defined in said chapter forty F" and inserting in place thereof the following words:- , but such purchases shall not be subject to the requirements of clause (2) of the fifth paragraph of section 4.

SECTION 14. Section 5 of said chapter 40G, as so appearing, is hereby amended by striking out, in lines 10 to 12, inclusive, the words ", provided that all such investments could be made by the MTDC directly and all of the requirements of section five shall be complied with".

SECTION 15. Section 6 of said chapter 40G, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following 2 sentences:- The report shall contain the number of additional jobs created and the number of persons hired as a result of the activities of the corporation who were recipients of programs provided for in chapter 115, 117A, or 118. The report shall detail the corporation's experience over the previous year in meeting the requirements of clause (2) of the fifth paragraph of section 4.

SECTION 16. Section 10 of said chapter 40G, as so appearing, is hereby amended by striking out, in lines 13 to 17, inclusive, the words "expiration of three years from the date

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of purchase of such qualified security, or, in the case of such information made or received by any member or employee of the corporation after the purchase of such qualified security, three years from the date such information was made or received" and inserting in place thereof the following words:- sale of the corporation's qualified security.

Approved January 1, 2003.

Chapter 468. AN ACT RELATIVE TO CREDITABLE SERVICE IN THE ARMED FORCES OF THE UNITED STATES.

Be it enacted, etc., as follows:

SECTION 1. Section 4 of chapter 32 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in lines 132 and 133, the words "and who has completed ten or more years of membership service".

SECTION 1A. Subdivision (1) of said section 4 of said chapter 32, as so appearing, is hereby amended by inserting after paragraph (q) the following paragraph:-

(r) Notwithstanding any general or special law to the contrary, a member in service or member inactive, as defined in section 3, of a retirement system, who served as a volunteer to the Peace Corps, who completes 10 or more years of membership service as a public school teacher or public school guidance counselor, and who retires on or after September 1, 2002, shall receive full credit for the period of such volunteer service but not more than 3 years. Eligibility for the creditable service of members in service of a retirement system shall be conditioned upon payment, in 1 sum or in installments upon such terms as the applicable retirement board may provide, into the annuity savings fund of the applicable retirement system, of an amount equal to the contributions such member in service would have otherwise paid into the retirement system for the period of volunteer service based upon the annual salary the member received in the first year of membership service after that volunteer service.

SECTION 1B. Said subdivision (1) of said section 4 of said chapter 32, as so appearing, is hereby further amended by inserting after paragraph (1½) the following paragraph:-

(1¾) A member of the state retirement system who is eligible to receive a retirement benefit pursuant to this chapter who served as an employee of an educational collaborative prior to 1983 may establish such service as creditable service by depositing in the annuity savings fund of the state retirement system in 1 sum or in installments, upon such terms and conditions as the board may prescribe, an amount equal to 10 per cent of the compensation received by the member during such period plus regular interest to the date of the deposit.

SECTION 2. Section 3 of chapter 71 of the acts of 1996 is hereby amended by striking out the second paragraph, as amended by section 45 of chapter 88 of the acts of 1997, and inserting in place thereof the following paragraph:-

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Members in service of a retirement system eligible for said creditable service under this act shall make application for said creditable service not earlier than the date of becoming eligible and not later than 180 days after being notified by the retirement board of their eligibility after becoming vested in the retirement system, or for currently eligible members, within 180 days of the acceptance of this act by the local legislative body.

Approved January 1, 2003.

Chapter 469. AN ACT RELATIVE TO THE TAX TREATMENT OF PREPAID CALLING ARRANGEMENTS.

Be it enacted, etc., as follows:

SECTION 1. The definition of "Sale at retail" in section 1 of chapter 64H of the General Laws, as amended by section 27 of chapter 186 of the acts of 2002, is hereby further amended by striking out the last sentence and inserting in place thereof the following sentences:- In the case of the sale or recharge of prepaid calling arrangements, the sale or recharge of such arrangements shall be deemed to be within the commonwealth if the transfer for consideration physically takes place at a retail establishment in the commonwealth. In the absence of such physical transfer for consideration at a retail establishment, the sale or recharge shall be deemed a retail sale within the commonwealth if the customer's shipping address is in the commonwealth or, if there is no item shipped, if the customer's billing address or the location associated with the customer's mobile telephone number, as applicable, is in the commonwealth. For purposes of collection of the tax imposed by this chapter on such sales, such sale shall be deemed to occur on the date that the bill is first issued by the vendor in the regular course of its business; provided, however, in the case of prepaid calling arrangements, the sale shall be deemed to occur on the date of the transfer for consideration.

SECTION 2. Said section 1 of said chapter 64H is hereby further amended by inserting after the definition of "Person" the following definition:-

"Prepaid calling arrangement", the right to exclusively purchase telecommunications services, that shall be paid for in advance and enables the origination of the calls using an access number or authorization code, whether manually or electronically dialed.

Approved January 1, 2003.

Chapter 470. AN ACT RELATIVE TO THE ASSESSMENT OF LOCAL TAXES.

Be it enacted, etc., as follows:

Section 5 of chapter 59 of the General Laws, as appearing in the 2000 Official Edi-

tion, is hereby amended by inserting after clause Eighteenth the following clause:-

Eighteenth A, Real property, to an amount determined as hereinafter provided, of a person who by reason of poverty, or financial hardship resulting from a change to active military status, not including initial enlistment is in the judgment of the assessors unable to contribute fully toward the public charges and which property is owned and occupied by him as his domicile or owns the same jointly with a spouse or jointly or as a tenant in common with a person not a spouse and is occupied by him as his domicile provided, that such person has been domiciled in the commonwealth for the preceding 10 years.

Any such person may, on or before December 15 of each year to which the tax relates or within 3 months after the date on which the bill or notice is first sent, whichever is later, apply to the board of assessors for an exemption of such real property from taxation during such year; provided, however, that in the case of real estate owned by a person jointly or as a tenant in common with a person not his spouse, the exemption shall not exceed that proportion of total valuation which the amount of his interest in such property bears to the whole tax due. The board of assessors may grant such exemption provided that the owner or owners of such real property have entered into a tax deferral and recovery agreement with the board of assessors on behalf of the city or town. The agreement shall provide:-

(1) that no sale or transfer of such real property may be consummated unless the taxes which would otherwise have been assessed on such portion of the real property as is so exempt have been paid, with interest at the rate of 8 per cent per annum;

(2) that the total amount of such taxes due, plus interest, thereon, does not exceed 50 per cent of the owner's proportional share of the full and fair cash value of such real property;

(3) that upon the demise of the owner of such real property, the heirs-at-law, assignees or devisees shall have first priority to said real property by paying in full the total taxes which would otherwise have been due, plus interest; provided, however, that if such heir-at-law, assignee or devisee in a surviving spouse who enters into a tax deferral and recovery agreement under this clause, payment of the taxes and interest due shall not be required during the life of such surviving spouse. Any additional taxes deferred, plus interest, on said real property under a tax deferral and recovery agreement signed by a surviving spouse shall be added to the taxes and interest which would otherwise have been due, and the payment of which has been postponed during the life of such surviving spouse, in determining the 50 per cent requirement of clause (2);

(4) that if the taxes due, plus interest, are not paid by the heir-at-law, assignee or devisee or if payment is not postponed during the life of a surviving spouse, such taxes and interest shall be recovered from the estate of the owner; and

(5) that any joint owner or mortgagee holding a mortgage on such property has given written prior approval for such agreement, which written approval shall be made a part of such agreement; and

(6) that the tax deferral and recovery agreement shall not exceed 3 tax years, that the total amount of the taxes due, plus interest, shall be paid in 5 equal payments over a 5-year period, and that the first payment shall be due 2 years after the last day of the tax deferral.

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In the case of each tax deferral and recovery agreement entered into between the board of assessors and the owner or owners of such real property, the board of assessors shall forthwith cause to be recorded in the registry of deeds of the county or district in which the city or town is situated a statement of their action which shall constitute a lien upon the land covered by such agreement for such taxes as have been assessed under this chapter, plus interest as provided hereinafter.

A lien filed pursuant to this section shall be subsequent to any liens securing a reverse mortgage, excepting shared appreciation instruments. The statement shall name the owner or owners 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 such lien. The filing fee for such statement shall be paid by the city or town and shall be added to and become a part of the taxes due.

In addition to the remedies provided by this clause, the recorded statement of the assessors provided for in this clause shall have the same force and effect as a valid taking for nonpayment of taxes under the provisions of section 53 of chapter 60, except that: (1) interest shall accrue at the rate provided in this clause until the conveyance of the property or the death of the person whose taxes have been deferred, after which time interest shall accrue at the rate provided in section 62 of said chapter 60; (2) no assignment of the municipality's interest under this clause may be made pursuant to section 52 of said chapter 60; (3) no petition under section 65 of said chapter 60 to foreclose the lien may be filed before the expiration of 6 months from the conveyance of the property or the death of the person whose taxes have been deferred.

Approved January 1, 2003.

**Chapter 471. AN ACT RELATIVE TO THE RETIREMENT ALLOWANCE OF
DAVID SAN ANTONIO.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 6 of chapter 32 of the General Laws or any other general or special law to the contrary, the retirement board of the city of Methuen shall pay David San Antonio an ordinary disability retirement benefit in an annual sum of \$24,480 payable in monthly pro rata amounts. The remaining provisions of said section 6 of said chapter 32, excepting those in conflict with the benefit amount stated in this act, shall apply to his retirement. This act shall apply prospectively from the effective date of this act.

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

Approved January 1, 2003.

Chapter 472. AN ACT RELATIVE TO THE SOUTH HADLEY HOUSING AUTHORITY.

Be it enacted, etc., as follows:

Notwithstanding section 34 of chapter 121B of the General Laws or any other general or special law to the contrary, the balance of monies from the sale of the property at 14 Bridge street in the town of South Hadley in the amount of \$19,492.46 may be retained by the South Hadley Housing Authority and, subject to approval by the department of housing and community development, shall be used for the maintenance, remodeling or improvement of existing state assisted public housing under the authority's control.

Approved January 1, 2003.

Chapter 473. AN ACT RELATIVE TO THE ENHANCED EMERGENCY TELEPHONE SYSTEM IN THE TOWN OF BRAINTREE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding sections 18A to 18F, inclusive, of chapter 6A of the General Laws or any other general or special law to the contrary, the town of Braintree may modify, change or alter telephone company equipment utilized in the town's enhanced 911 system. The modifications, changes or alterations of equipment shall permit audio monitoring of emergency 911 telephone communications at the fire department headquarters of the town. The emergency 911 communications shall be monitored at a secure location within the fire department headquarters staffed at all times by fire department personnel fully trained in such monitoring. The emergency 911 communications shall be monitored in a manner that prevents any broadcast of them to the general public. The secure location used for monitoring emergency 911 communications shall be restricted to trained fire department personnel when such communications are being monitored. No such modification or change in the town's telephone company equipment or enhanced 911 system shall cause any degradation of the state's 911 system.

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

Approved January 1, 2003.

Chapter 474. AN ACT RELATIVE TO THE COMPENSATION OF ASSESSORS IN THE TOWN OF TEWKSBURY.

Be it enacted, etc., as follows:

Section 14 of chapter 275 of the acts of 1986 is hereby amended by striking out, in lines 6 to 9, inclusive, the words ", and the remaining two members of the board of assessors

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shall receive as compensation a minimum of ten percent of the salary of the town manager".

Approved January 1, 2003.

Chapter 475. AN ACT AUTHORIZING THE APPOINTMENT OF THE POSITION OF TREASURER IN THE TOWN OF NORWOOD.

Be it enacted, etc., as follows:

SECTION 1. Chapter 197 of the acts of 1914 is hereby amended by striking out section 4, as amended by chapter 300 of the acts of 1991, and inserting in place thereof the following section:-

Section 4. The selectmen elected as provided in section 2 shall appoint, as soon as practicable, a person suitably qualified to the office of town treasurer and collector of taxes. The town treasurer and collector of taxes shall enjoy all the powers and rights and be subject to all the duties and liabilities conferred or imposed by law upon town treasurers and collectors of taxes and each of them, whether now existing or hereafter created, and shall hold office for 3 years from the date of his appointment and until his successor is chosen and qualified, except as herein provided. The treasurer and collector of taxes shall receive compensation for his services as the town may determine. In case of a vacancy in the office, the selectmen forthwith shall fill the vacancy for the unexpired term. The town treasurer and collector of taxes shall be sworn to the faithful performance of his duties by the chairman of the board of selectmen, or by the town clerk and accountant, or by a justice of the peace.

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

Approved January 1, 2003.

Chapter 476. AN ACT VALIDATING CERTAIN PROCEEDINGS OF THE MANCHESTER ESSEX REGIONAL SCHOOL DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. The proceedings taken relating to the organization of the Manchester Essex regional school district, including the proceedings of the member towns relating thereto, are hereby validated, ratified and confirmed, and the district is hereby declared to be, and at all times since its organization to have been, a valid regional school district with all rights, powers and duties of regional school districts duly organized under section 15 of chapter 71 of the General Laws.

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

Approved January 1, 2003.

Chapter 477. AN ACT RELATIVE TO APPOINTIVE POWERS OF THE BOARD OF SELECTMEN IN THE TOWN OF SAUGUS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 17 of the acts of 1947 is hereby amended by striking out section 3 and inserting in place thereof the following section:-

Section 3. *Appointive Powers of Selectmen.* - The selectmen shall appoint, and may remove, members of the board of appeals, the board of library trustees, cemetery commissioners, election officers, and the registrars of voters, except the town clerk.

SECTION 2. Said chapter 17 is hereby further amended by striking out section 19 and inserting in place thereof the following section:-

Section 19. *Appointment of Board of Cemetery Commissioners.* - The board of selectmen shall appoint a board of cemetery commissioners to consist of 5 suitably qualified persons. One of the persons shall be appointed for a term of 1 year, 2 for a term of 2 years, and 2 for a term of 3 years; and annually thereafter there shall be appointed by the board of selectmen, a member for a term of 3 years in the place of the member whose term is to expire. The members shall serve until their successors are appointed and qualified. The current serving cemetery commission members shall complete their appointed terms. If for any reason a vacancy occurs in the membership of the board of cemetery commissioners, the vacancy shall be filled forthwith by the board of selectmen for the unexpired term. Upon the appointment and qualification of the members of the board of cemetery commissioners as provided in this section, the members of the then existing board of cemetery commissioners appointed hereunder shall organize for the proper conduct of their duties and shall possess all the powers and rights and be subject to all the duties and liabilities conferred or imposed by law upon boards of cemetery commissioners of towns, but in the performance of their duties they shall be subject to the general supervision and direction of the board of selectmen. They shall be sworn to the faithful performance of their duties by the chairman of the board of selectmen or by a justice of the peace.

Approved January 1, 2003.

Chapter 478. AN ACT EXEMPTING DAVID LAHEY AND STEVEN M. MORIARTY FROM THE MAXIMUM AGE REQUIREMENT AS FIREFIGHTERS IN THE CITY OF METHUEN.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding sections 58, 61A and 61B of chapter 31 of the General Laws or any other general or special law to the contrary, David Lahey and Steven M. Moriarty may have their names certified for original appointment to the position of firefighters in the city of Methuen, notwithstanding having reached the age of 32 before taking any civil service examination in connection with such appointment. In all other respects, David Lahey and Steven M. Moriarty shall be eligible for appointment to the position of fire-

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fighter in the city of Methuen only insofar as they qualify and are selected for employment under chapter 31 of the General Laws, any regulations of the civil service commission and any lawful hiring practices of the city of Methuen.

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

Approved January 1, 2003.

Chapter 479. AN ACT AUTHORIZING THE CITY OF LEOMINSTER TO PROVIDE FOR AN EARLY INCENTIVE RETIREMENT FOR ITS WORKFORCE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding chapter 32 of the General Laws, or any other general or special law to the contrary and upon the acceptance of this section, on or before November 1, 2003 by the legislative and executive authorities of the city of Leominster, the provisions of this act providing for an early retirement incentive program shall apply to an eligible employee who: (i) shall be an employee of the city of Leominster and an active member in service of the city of Leominster or shall be an employee of the Leominster public schools on the date of the acceptance of this section and an active member in service of the retirement system; (ii) shall be eligible to receive a superannuation retirement allowance in accordance with subdivision (1) of section 5 or subdivision (1) of section 10 of said chapter 32 upon the effective retirement date specified in his written application to the retirement system; (iii) shall have filed a written application with said retirement system in accordance with the seventh paragraph of this section; and (iv) shall be classified in Group 1, Group 2 or Group 4 in accordance with clause (g) of subdivision (2) of section 3 of said chapter 32. Members of the teachers' retirement system shall not be eligible to receive any additional benefit provided pursuant to this section.

For the purposes of this act, "legislative authority" shall mean the city council subject to the charter of the city of Leominster and "executive authority" shall mean the mayor of the city of Leominster. The early retirement incentive program shall be administered by the city of Leominster's retirement board who shall promulgate regulations to implement the program.

Notwithstanding said chapter 32 to the contrary, the normal yearly amount of the retirement allowance for an eligible employee shall be based on the average annual rate of regular compensation as determined under paragraph (a) of subdivision (2) of section 5 of said chapter 32 and shall be computed according to the table contained in said paragraph (a) based on the age of such member and his number of years and full months of creditable service at the time of his retirement increased either by adding up to 5 years of age or by adding up to 5 years of creditable service or by a combination of additional years of age and service the sum of which shall not be greater than 5. The executive authority of the city of Leominster may limit the amount of additional credit for service or age or a combination of

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service or age offered.

The executive authority of the city of Leominster may limit the total number of employees for whom it will approve a retirement calculated under this act or the total number of employees within each group classification for whom it will approve a retirement calculated under this act; provided further, that if participation is limited, the retirement of employees with greater years of creditable service shall be approved before approval shall be given to employees with lesser years of creditable service.

Words used in this act shall have the same meaning as they are used in said chapter 32 unless otherwise expressly provided or unless the context clearly requires otherwise. An eligible employee who retires and receives an additional benefit in accordance with this section shall be deemed to be retired for superannuation under said chapter 32 and shall be subject to all of said chapter 32; provided, however, that for the purposes of this section and notwithstanding subdivision (1) of section 10 of said chapter 32 requiring a member classified in Group 2 to have attained age 55 on the date of his termination of service in order to receive a Group 2 benefit, any employee eligible pursuant to the criteria established in this section, who is classified in Group 2 and who is at least 50 years of age but not yet 55 years of age, shall be eligible for a retirement allowance equal to that prescribed for a member classified in Group 2 upon the application for the additional benefit in accordance with this section.

The total normal yearly amount of the retirement allowance, as determined in accordance with section 5 of said chapter 32, of an eligible employee who retires and receives an additional benefit under the early retirement incentive program in accordance with this section shall not exceed 80 per cent of the average annual rate of his regular compensation received during any period of 3 consecutive years of creditable service for which the rate of compensation was the highest or of the average annual rate of his regular compensation received during the periods, whether or not consecutive, constituting his last 3 years of creditable service preceding retirement, whichever is greater.

Notwithstanding section 5 of said chapter 32 that requires a retirement date within 4 months of the filing of an application for superannuation retirement in order to receive the retirement benefit provided by this section, an eligible employee shall file his application for retirement not later than a date determined by the executive authority, which shall be not later than December 2, 2003. The retirement date for eligible employees shall be determined by the executive authority and shall be not earlier than the effective date of this act and shall be not later than January 15, 2004. Notwithstanding section 2, the date of retirement for employees of the city of Leominster retirement board shall be 30 days after the retirement date determined by the executive authority of the city of Leominster.

The executive director of the public employee retirement commission shall analyze, study and value the costs and the actuarial liabilities attributable to the additional benefits payable in accordance with the early retirement incentive program established by this section for each retirement system. The executive director shall file a report of his findings to the board, in writing, on or before May 31, 2004, together with copies thereof to the mayor of

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the city of Leominster.

In accordance with section 22D of said chapter 32, the retirement board of the city of Leominster which administers this section shall revise its retirement funding schedule to reflect the costs and the actuarial liabilities attributable to the additional benefits payable under the retirement incentive program in accordance with this section. In each of the fiscal years until the actuarial liability determined under this section shall be reduced to zero, it shall be an obligation of the city of Leominster to fund such liability and there shall be appropriated to the applicable pension reserve fund in each such fiscal year the amount required by the funding schedule and the updates thereto.

SECTION 2. When the legislative and executive authorities have accepted section 1, the city of Leominster shall provide to employees of the retirement board of the city's retirement system the same rights and privileges of the early retirement incentive program as provided in said section 1 under the same terms and conditions of that retirement program.

SECTION 3. The effective retirement date for employees of the city of Leominster under this act shall not be earlier than the effective date of this act and not later than January 15, 2004.

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

Approved January 1, 2003.

Chapter 480. AN ACT AUTHORIZING THE TOWN OF MILFORD TO ISSUE AN ADDITIONAL LICENSE FOR THE SALE OF WINES AND MALT BEVERAGES NOT TO BE DRUNK ON THE PREMISES.

Be it enacted, etc., as follows:

Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Milford may issue 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. The license shall be subject to all of said chapter 138, except said section 17.

Approved January 1, 2003.

Chapter 481. AN ACT AUTHORIZING THE TOWN OF MILFORD TO ISSUE AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 17 of chapter 138 of the General Laws, the

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licensing authority of the town of Milford may issue 1 additional license for the sale of all alcoholic beverages to be drunk on the premises under section 12 of said chapter 138. The license shall be subject to all of said chapter 138 except said section 17.

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

Approved January 1, 2003.

Chapter 482. AN ACT EXEMPTING DANIEL J. McCARTHY FROM THE MAXIMUM AGE REQUIREMENTS AS A POLICE OFFICER IN THE CITY OF HAVERHILL.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, Daniel J. McCarthy may have his name certified for original appointment to the position of police officer in the city of Haverhill, notwithstanding having reached the age of 32 before taking any civil service examination in connection with such appointment. In all other respects, Daniel J. McCarthy shall be eligible for appointment to the position of police officer in the city of Haverhill, only if he qualifies and is selected for employment under the procedures provided in chapter 31 of the General Laws, any regulations of the civil service commission and any lawful hiring practices of the city of Haverhill.

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

Approved January 1, 2003.

Chapter 483. AN ACT ESTABLISHING A CAPITAL INVESTMENT FUND IN THE TOWN OF HOLBROOK.

Be it enacted, etc., as follows:

Notwithstanding any general or special law to the contrary, the town of Holbrook may establish and maintain a special fund to be known as the Capital Improvement Fund. The town may appropriate to the fund by a majority vote of an annual or special town meeting in any year an amount not to exceed 10 per cent of the amount raised in the preceding year by taxation of real estate and tangible personal property. The aggregate amount of the Capital Investment Fund at any one time shall not exceed 10 per cent of the equalized valuation of the town of Holbrook as defined in section 1 of chapter 44 of the General Laws. Any interest earned on the fund shall be added to and become part of the fund.

The treasurer of the town shall be the custodian of the fund and may deposit the proceeds in national banks or invest the proceeds by deposit in savings banks, co-operative banks or trust companies organized under the laws of the commonwealth or invest the same

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in such securities as are legal for the investment of savings banks under the laws of the commonwealth or in federal savings and loan associations situated in the commonwealth. These funds shall be protected by an insured investment vehicle.

The Capital Investment Fund may be appropriated at any annual town meeting or a special meeting by a $\frac{2}{3}$ vote. The fund may be appropriated for any purpose for which the town would be authorized to borrow money under section 7 or 8 of chapter 44 of the General Laws, including, but not limited to, the payment of capital improvement assessments by regional school districts, and to fund purchases of capital items. Any proposal for appropriation from the fund shall be submitted to the Holbrook capital improvement committee in accordance with the town of Holbrook by-laws regarding capital improvements.

Approved January 1, 2003.

Chapter 484. AN ACT RELATIVE TO THE DISPOSITION OF CERTAIN TAXES COLLECTED BY THE TOWN OF CARVER.

Be it enacted, etc., as follows:

Withdrawal penalty taxes and roll-back taxes collected by the town of Carver under chapters 61, 61A and 61B of the General Laws shall be deposited in the conservation fund of the town and used for the purchase of land.

Approved January 1, 2003.

Chapter 485. AN ACT RELATIVE TO GROUP MARKETING PLANS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for renewal of certain insurance group marketing plans, 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 to the contrary, a group marketing plan approved and in effect, pursuant to section 193R of chapter 175 of the General Laws, during calendar year 2002 may be approved upon renewal, notwithstanding that less than 35 per cent of the members are insured during calendar year 2003.

Approved January 1, 2003.

Chapter 486. AN ACT AUTHORIZING THE CHICOPEE MUNICIPAL LIGHT PLANT TO MAKE CERTAIN PAYMENTS TO THE CITY OF CHICOPEE.

Be it enacted, etc., as follows:

Notwithstanding any charter provision, rule or regulation or any general or special law to the contrary, the Chicopee municipal lighting plant may make, and the city of Chicopee may receive a payment of \$250,000.00 from the Chicopee municipal lighting plant, to be paid over 5 years from the date of enactment, and to be paid into the Reserve for Donations to the New Library Account and used to ensure that the city's new Library will be a state of the art and energy efficient building.

Approved January 1, 2003.

Chapter 487. AN ACT AUTHORIZING THE TOWN OF ACTON TO LEASE A CERTAIN SCHOOL BUILDING FOR RESIDENTIAL PURPOSES FOR 50 YEARS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law, rule or regulation to the contrary, the town of Acton may lease the historic town school building and so much land surrounding and providing access to the building as is set forth in the votes of the school committee and the board of selectmen, for a term of not more than 50 years, for the purpose of preserving the building and adapting it for residential use, including but not limited to low and moderate income housing use.

SECTION 2. The board of selectmen may issue a request for proposals for such purposes, to determine the terms and conditions of such request, to accept any proposal or negotiate changes in any proposal, or to reject all proposals, as it determines to be in the best interests of the town, and to take all other actions as may be necessary or desirable to carry out such project.

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

Approved January 1, 2003.

Chapter 488. AN ACT RELATIVE TO CAPITAL IMPROVEMENTS IN THE TOWN OF PHILLIPSTON.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the town

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of Phillipston may establish and maintain a fund to be known as the Capital Investment Fund, which shall be kept separate and apart from all other accounts of the town.

SECTION 2. The town treasurer shall be the custodian of the Capital Investment Fund and may invest amounts in the fund in accordance with sections 54 and 55 of chapter 44 of the General Laws. The custodian may deposit the proceeds in national banks or invest the proceeds by deposit in savings banks, cooperative banks and trust companies organized under the laws of the commonwealth, or invest the proceeds in securities as are legal for the investment of funds of savings banks under the laws of the commonwealth, or in federal savings and loan associations situated in the commonwealth. These funds shall be protected by an insured investment vehicle. Any earnings, income and interest therefrom shall be credited to the fund.

SECTION 3. The Capital Investment Fund may be appropriated at an annual town meeting or a special town meeting by a $\frac{2}{3}$ vote. The fund may be appropriated for capital projects, equipment acquisition and improvements involving major nonrecurring tangible assets and projects, the construction of municipal buildings and acquisition of land or property which: (i) are purchased or undertaken at intervals of not less than 5 years; (ii) have a useful life of at least 5 years; and (iii) cost over \$25,000. This section shall not apply to citizen petitions placed on the warrant.

SECTION 4. The board of selectmen shall establish and appoint a committee to be known as the capital improvement planning committee under the authority set forth in section 106B of chapter 41 of the General Laws, which shall be comprised of 1 member of the board of selectmen, 1 member of the planning board, 1 member of the finance committee, and also, 2 residents of the town, to be appointed by the board of selectmen, who are not members of the board of selectmen, for a total of 5 voting members. These 2 resident members shall serve 3 year terms except for the original appointments when 1 shall serve 2 years and 1 shall serve 3 years. The committee shall choose its own officers. The members shall be appointed annually, except for the 2 resident town members each to commence July 1. The committee members shall receive no pay for their service.

SECTION 5. All officers, boards and committees, including the selectmen and the school committee, shall by January 15 of each year, provide the capital improvement planning committee, on forms prepared by it, information concerning all anticipated projects subject to review by the capital improvement planning committee and requiring town meeting action during the ensuing 6 years. The capital improvement planning committee shall consider the relative need, impact, timing, and cost of these expenditures and the effect each will have on the financial position of the town.

SECTION 6. The capital improvement planning committee annually shall prepare a report of its recommendations which shall comprise the capital improvement budget for the next fiscal year. The report shall be submitted to the board of selectmen and the town meeting.

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SECTION 7. The capital improvement planning committee shall prepare a capital improvement program, including recommended capital improvement, for the next following 5 fiscal years. The capital improvement program shall be submitted to the board of selectmen and the town meeting.

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

Approved January 1, 2003.

Chapter 489. AN ACT VALIDATING CERTAIN ACTION TAKEN AT THE SPECIAL TOWN MEETING HELD BY THE TOWN OF ADAMS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 23 of chapter 59 of the General Laws, or any other general or special law or by-law to the contrary, the acts and proceedings taken by the town of Adams at the special town meeting held on November 18, 2002, in approving warrant articles involving appropriations from the free cash account, and all actions taken pursuant thereto, are hereby ratified, validated and confirmed to the same extent as if the department of revenue has certified the town's free cash before November 18, 2002.

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

Approved January 1, 2003.

Chapter 490. AN ACT RELATIVE TO THE DISPOSAL OF LOST, ABANDONED, AND STOLEN PROPERTY BY THE MASSACHUSETTS BAY TRANSPORTATION AUTHORITY.

Be it enacted, etc., as follows:

Chapter 161A of the General Laws is hereby amended by inserting after section 5 the following section:-

Section 5B. If money, goods or other property which has been stolen, lost or abandoned comes into the possession of a police officer or other employee of the authority by virtue of his office or employment, the officer or employee shall deliver the same to the person designated by the Massachusetts Bay Transportation Authority to receive the same and he shall thereupon be relieved from further responsibility. If no person proves ownership of such money, goods or other property within 6 months, the authority may cause the same, excepting money unclaimed, to be sold at public auction at such place and time and by such person as the authority may designate. Notice of the time and place of the sale, with a de-

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scription of the property, shall be given by publishing the same once in a newspaper of general circulation published in the city of Boston. The property, if perishable or liable to deteriorate greatly in value by keeping, or the value of which will probably be less than the expense of keeping, may be sold at public auction at such place and at such time within 6 months and by such person as the authority may designate, such notice of the time and place of the sale as said authority may deem reasonable and proper first being given. The proceeds of any sale, together with any unclaimed money, after deducting all reasonable charges and expenses incurred on account of the property, shall be accounted for and paid to the authority. If within 2 years after a sale, the owner claims the property and proves ownership to the satisfaction of the authority, the amount of the unclaimed money or the proceeds of the sale of the property, after deducting reasonable expenses, shall be paid to the person, without appropriation. Nothing in this section shall be construed to supersede or to conflict with any laws pertaining to the handling of evidence in any criminal or civil matters.

Approved January 1, 2003.

Chapter 491. AN ACT PROVIDING FOR A PLAQUE FOR EDWARD COHEN.

Be it enacted, etc., as follows:

There shall be a plaque, located in the vicinity of the governor's office, and designated by the state art commission under sections 19 and 20 of chapter 6 of the General Laws, in memory of Edward Cohen, the President of the American Federation of Labor from 1906 until his death in 1907. The plaque shall describe that, while lobbying governor Curtis Guild, Mr. Cohen was shot by an assassin whose intended victim was the governor.

Approved January 1, 2003.

Chapter 492. AN ACT RELATIVE TO CIVIL COMMITMENT OF SEXUALLY DANGEROUS PERSONS.

Be it enacted, etc., as follows:

Section 1 of chapter 123A of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the word "seventy-four", in line 52, the following words:- or a like violation of the laws of another state, the United States or a military, territorial or Indian tribal authority.

Approved January 1, 2003.

Chapter 493. AN ACT ESTABLISHING THE SHREWSBURY CORPORATION.

Be it enacted, etc., as follows:

SECTION 1. It is hereby declared that in the town of Shrewsbury, unused, underused, substandard, undeveloped or underdeveloped areas exist; that each such area constitutes a menace, injurious and inimical to the health, safety and welfare of the residents of the town; that each such area constitutes an economic liability, substantially impairing or arresting the sound growth of the town and retarding the economic well-being of the commonwealth; that each such area decreases the value of private investments and threatens sources of public revenue; that redevelopment of each such area in accordance with locally approved community and economic development, capital improvement or other plans, including the town's master plan, for the elimination of such conditions and prevention of their recurrence is necessary to retain existing enterprises, attract new commercial, industrial or residential development, and promote the sound and orderly growth of the town; that the existence of such unused, underused, undeveloped or underdeveloped areas makes persons unwilling or unable to do business in the town; that the menace of such unused, underused or underdeveloped areas is beyond remedy and control solely by the regulatory process in the exercise of the police powers, and cannot be dealt with effectively by the ordinary operations of private enterprise without the aids herein provided; that to prevent a recurrence of such conditions in such areas, the improvement of sites for commercial, industrial or residential uses or for necessary public facilities in the areas, the disposition of property for redevelopment incidental to the foregoing, the exercise of powers by the corporation, and any assistance which may be given by the town or any other public body in connection therewith, are public uses and purposes for which public money may be expended; that the acquisition, planning, clearance, development, rehabilitation or rebuilding of such unused, underused, substandard and undeveloped areas for commercial, industrial, residential, institutional and public facility purposes are public benefits for which public funds may be expended for the good and welfare of the town and the commonwealth.

It is hereby further declared that there exists in the town conditions of underemployment which cause hardship to many individuals and families, wastes vital human resources, increases the public assistance burden, impairs the security of family life, impedes the economic and physical development of the town and adversely affects the welfare and prosperity of its people; that obsolete, inefficient or inadequate public facilities and infrastructure are causing injury to the town's economy; that the unaided efforts of private industry have not provided and cannot provide the necessary sites within the development zone due to problems in the assembly of suitable sites, the provision of adequate public facilities and services, the unavailability of private capital for development and the inability of private enterprise alone to plan, finance and coordinate feasible development projects.

It is hereby further declared that there exists in the town of Shrewsbury a dire need to develop or redevelop public facilities and infrastructure to stimulate and support economic growth; that without such public facilities and services the town cannot arrest the decline of,

revitalize, stabilize or expand its economy; that without such public facilities the town cannot develop a sound, vibrant economic base; that the development, management and operation of public facilities in support of economic development are essential to the preservation and enhancement of the town's tax base and economy.

It is hereby further declared that there exists in the town of Shrewsbury a dire need to protect and preserve open space and to develop affordable housing in order to support the objectives of balanced growth; that without sufficient open space and housing affordable to a broad range of incomes, the town cannot develop and sustain a vibrant economic base; and that the protection of open space and the provision of affordable housing are essential to the preservation and enhancement of the town's tax base and economy.

Therefore, a public corporation is necessary to address these and related public purposes. It is the purpose of the corporation created by this act to aid the town, private enterprises and non-profit organizations, and other public agencies in the speedy and orderly development or redevelopment of unused, obsolete, underused or underdeveloped areas, and in the development, operation and management of facilities and infrastructure necessary to support the economic vitality of the town.

SECTION 2. As used in this act, the following words, unless a different meaning clearly appears from the context, shall have the following meanings:-

"Board of selectmen", the duly elected board of selectmen of the town of Shrewsbury.

"Corporation", the Shrewsbury Corporation established under section 3.

"Cost of a project", all costs, whether incurred before or after the issue of bonds or notes hereunder, of acquisition, site development, construction, improvement, enlargement, reconstruction, alteration, machinery, equipment, furnishings, demolition or removal of existing buildings or structures, including the cost of acquiring any lands to which such buildings or structures may be moved, financing charges, interest prior to and during the carrying out of any project, interest for up to 2 years after completion or estimate completion date of any project, planning, engineering and legal service, administrative expense, the funding of notes issued for capital purposes, such reserve for debt service or other capital or current expenses as may be required by a trust agreement or resolution securing notes or bonds, and all other expenses incidental to the determination of the feasibility of any development project or to carrying out a development project or to placing the project in operation.

"Development area", any area located in the town of Shrewsbury that is suitably zoned for the kinds of activities identified in section 3, including but not limited to research and development, commercial, light industrial and business uses, residential uses whether a principal use or an accessory or incidental use carried out in association with an economic development or an open space and preservation project, or under a land disposition agreement with the town.

"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 the property so acquired; (2) a project to be undertaken in furtherance

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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 the purposes of this act; and (4) a project involving a combination of the foregoing types of projects. 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 making any land or improvements acquired in the area of the project available for redevelopment or rehabilitation by private enterprise, including sale, initial leasing or retention by the corporation for industrial, commercial, business, manufacturing or residential uses contemplated by a development plan. 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 as defined by this act, 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.

"Development plans", a plan or study, including, but not limited to, a master plan or comprehensive plan, community development or economic development plan, open space and recreation plan, capital improvements plan, or other plan approved from time to time by the Shrewsbury planning board or board of selectmen, which plan shall guide the type, land use, general location, density and other requirements of a development project carried out by the corporation.

"Preservation project", a development project carried out for the principal purpose of preservation or conservation of land, including but not limited to land in forestry, agricultural, horticultural or recreational use when valued, assessed and taxed under chapter 61, chapter 61A or chapter 61B of the General Laws, or a historically significant property, landmark, site or other cultural resource determined by the board of selectmen, where a limited amount of development or redevelopment is necessary to finance the acquisition of land or improvements or to achieve the town's conservation and community preservation objectives. A development project carried out as a preservation project may include residential, commercial, business, research or industrial uses provided that the land is zoned for such uses.

"Town", the town of Shrewsbury.

"Town manager", the town manager of the town of Shrewsbury.

"Town meeting", town meeting of the town of Shrewsbury acting in a lawfully convened session.

SECTION 3. (a) There is hereby established a body politic and corporate to be known as the Shrewsbury Corporation, or by a name designated by the board of selectmen. The corporation shall be a public instrumentality separate from the town, and is not an authority, board or committee of the town. The corporation is empowered to carry out this act, and the exercise by the corporation of the powers conferred by this act is the performance of essential public and governmental functions.

(b) The purposes of the corporation shall be to correct or address the conditions found to exist in the town as set forth in section 1, promote the common good and general welfare of the town, improve the living standards of the citizens thereof by fostering the improvement of their employment opportunities, preserve and protect open space, historic resources and affordable housing, and to develop, manage and operate public facilities and infrastructure necessary to improve the town's economy, focusing on, but not limited to, areas within the development zone, all in a manner consistent with approved economic development plans as defined in section 2. In furtherance of purposes and in addition to the powers conferred on the corporation by the foregoing provisions, the corporation may:-

- (1) sue and be sued in its own name, plead and beimpleaded;
- (2) adopt bylaws and rules for the regulation of its affairs and the conduct of its business and to alter the same;
- (3) 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 or purposes, any property, both real and personal, from any source, including grants, loans or advances for or in aid of the purposes of the corporation from any federal agency, agency of the commonwealth or any political subdivision thereof;
- (4) sell, convey, mortgage, lease, transfer, exchange or otherwise dispose of, any property, both real and personal, that the objectives and purposes of the corporation may require, subject to limitations prescribed by law;
- (5) borrow money and, from time to time, to make, accept, endorse, execute, and issue bonds, debentures, promissory notes, bills of exchange, and other obligations of the corporation for monies borrowed or in payment for property acquired or for any of the other purposes of the corporation and to secure the payment of obligations by mortgage, pledge, deed, indenture, agreement, or other instrument of trust, or by other lien upon, assignment of, or agreement in regard to all or any part of the property, rights of privileges of the corporation, whether now owned or hereafter to be acquired, said borrowing not to exceed a period of 40 years;
- (6) employ consulting engineers, an executive director, superintendents, managers, and such other employees, agents and consultants as may be necessary in its judgment, and to fix their compensation; employecs of the corporation shall not be considered employees of the town; but the town and the corporation may in writing agree to allow employees of the corporation to participate in employee insurance, retirement or other benefit programs offered to town employees; in which case, any employecs performing non-administrative or managerial work, shall be members of the appropriate municipal bargaining unit;

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(7) make and enter into all contracts and agreements necessary or incidental to the performance of its duties;

(8) receive and accept from any federal agency, the commonwealth or any political subdivision thereof any grants, loans or advances for or in aid of a development project or projects and to receive and accept contributions from any other source of either money, property, labor or other things of value, to be held, used and applied for the purposes for which such grants, loans, advances and contributions may be made;

(9) invest any funds not required for immediate use or disbursement in certificates of deposit or in obligations of the government of the United States or in obligations the payment of the principal of, and interest on, which is guaranteed by the government of the United States; and subject to a specific vote of the board of directors, to invest funds in any fashion in which municipal funds may be invested pursuant to the provisions of chapter 44 of the General Laws;

(10) own and manage real property;

(11) receive assignment of the town's first refusal options in order to continue the forestry, agricultural, horticultural, recreational or open space use of the major portion of any land valued, assessed and taxed under chapter 61, chapter 61A or chapter 61B of the General Laws, where the town has received notification of the owner's intent to sell; but when the corporation accepts assignment of a first refusal option from the town, any development carried out by the corporation in order to finance the cost of acquisition shall be a preservation project as defined in section 2 of this act and all remaining open space shall be protected in perpetuity by a conservation restriction or a donation of the land to the Shrewsbury conservation commission;

(12) make loans to any person, firm, corporation, joint stock company, association or trust located or doing business in the town for the purposes of promoting and developing business, industry, or tourism;

(13) acquire improved and unimproved real estate for the purposes of developing, demolishing, constructing or reconstructing commercial, industrial, residential, institutional, or other establishments thereon, or of 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 of public facilities, as the objects and purposes of the corporation may require; but nothing contained herein shall be construed to grant the corporation the power of eminent domain;

(14) 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;

(15) acquire, subscribe for, own, hold, sell, assign, transfer, mortgage, pledge or otherwise dispose of the bonds, debentures, notes or other securities and evidence of interest in, or indebtedness of, any person, firm, corporation, joint stock company, association or trust, and while the owner or holder thereof, to exercise all of the rights, powers and priv-

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ileges of ownership;

(16) 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;

(17) provide advisory services and technical assistance necessary or desirable to carry out the purposes of this act;

(18) prepare or cause to be prepared plans, designs, drawings, specifications and estimates of cost for the construction, reconstruction, development, redevelopment, rehabilitation, remodeling, alteration or repair of development projects and from time to time modify such plans, designs, drawings, specifications and estimates;

(19) designate property for development and preservation projects, except that when the property is owned by the town, the designation and use shall have the concurrence of the board of selectmen;

(20) procure insurance against any loss in connection with its property, other assets and operations, and in relation to insuring the payment of principal and interest for bonds issued pursuant to section 9, in amounts and from insurers as it considers desirable;

(21) arrange or contract with the town for the planning, replanning, 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 or projects;

(22) manage or lease any development project, whether owned or leased by the corporation, and to enter into agreements with the commonwealth or the town or any agency or instrumentality thereof, or with any person, firm, partnership or corporation either public or private for the purposes of causing any development project to be managed;

(23) prepare and amend plans to advance economic development goals within the entire development zone and defining necessary development projects to achieve these goals;

(24) establish subsidiary or affiliate legal entities convenient or necessary to advance the purposes of this act;

(25) establish and collect fees for the use of any properties owned or leased by the corporation, or for the provision of infrastructure, facilities, services and amenities;

(26) act with respect to one or more development projects as a corporation organized under chapter 121A of the General Laws;

(27) carry out any other public purposes designated by the board of selectmen; but, in no case shall members of any municipal bargaining unit be laid off, or their regular compensation or other contractual benefits be otherwise adversely effected; and no action shall be in conflict with any existing or future municipal collective bargaining agreement;

(28) borrow money for the purposes of aiding in the construction of equipment required by the commonwealth or United States to abate air or water pollution;

(29) borrow money for the purposes of aiding in the construction of public facilities, infrastructure and utilities necessary for economic development;

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(30) apply to the federal government or to the commonwealth for housing and/or economic development assistance grants to carry out the approved economic development projects, to receive and administer such grants, to contract with the commonwealth for financial assistance, to apply for and receive advances for the estimated costs of surveys and plans and administrative expenses in preparation for economic development projects, and to apply for, receive and administer community development action grants, all to the same extent and subject to the same terms and conditions as an urban renewal agency pursuant to sections 53 to 57A, inclusive, of chapter 121B of the General Laws.

(31) do all acts and things necessary or convenient to carry out the powers expressly granted in this act.

(c) The corporation shall not participate in or intervene in any political campaign on behalf of any candidate for public office, or publish or distribute any statements with respect thereto. Notwithstanding any other provision herein contained, neither the directors, officers, nor the corporation, shall participate in any of the 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 the Internal Revenue Code nor shall the corporation be operated at any time for the primary and sole purpose of carrying on a trade or business for profit.

SECTION 4. The principal office of the corporation shall be located in the town of Shrewsbury.

SECTION 5. For the purposes of chapter 30B of the General Laws, the corporation shall be a governmental body. The corporation shall not be subject to section 16 of chapter 30B of the General Laws. Redevelopment or improvement of any property owned by the corporation or leased by the corporation to another party, including design, development, construction and operation, shall be subject to sections 38A to 38O, inclusive, of chapter 30B of the General Laws; section 39M of chapter 30 of the General Laws; and sections 44A to 44M, inclusive, of chapter 149 of the General Laws, when customized improvements exceed the thresholds contained therein, except to the extent that the corporation enters into a ground lease which provides that title to the improvements remain with the lessee. For the purposes of clause Sixth of section 7 of chapter 4 and chapter 66 of the General Laws, the records of the corporation shall be public records. Chapter 31 of the General Laws shall not apply to any person employed or engaged by the corporation under this act. For the purposes of chapter 268A of the General Laws, the corporation shall be considered a municipal agency. The members of the board of directors and employees of the corporation, together with any person who performs professional services for the corporation on a part-time, intermittent, or consultant basis, such as those of an architect, attorney, engineer, planner, or construction, financial, or real estate expert, shall be special municipal employees.

The corporation shall be subject to all local by-laws and regulations of the town, including the zoning by-law, by-laws concerning the protection of foreshores and wetlands in the town, and historic district regulations where applicable. The corporation shall also be

subject to sections 23A to 23C, inclusive, of chapter 39 of the General Laws.

SECTION 6. 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 7. The corporation shall be managed by a board of directors consisting of 7 members appointed by the board of selectmen. The board of directors shall include persons with education and experience in the fields of law, finance, real estate, architecture or planning and local government. Each member shall be sworn by the Shrewsbury town clerk to the faithful performance of his official duties as a director of the corporation. A majority of the 7 members shall constitute a quorum for the transaction of any business, but any action of the board of directors shall require the affirmative vote of a majority of the entire board.

The original members of the board of directors shall be appointed within 60 days following the effective date of this act. Of the members of the board of directors first appointed, 1 shall be appointed to serve for a term of 1 year, 1 for a term of 2 years, 1 for a term of 3 years, 2 for a term of 4 years, and 2 for a term of 5 years. All terms thereafter shall be for 5 years. Upon the expiration of the term of office of any member of the board of directors, or any subsequent member of the board of directors, the successor of the member shall be appointed for a term of 5 years. In the event of a vacancy on the board of directors, a successor member shall be appointed to complete the term of service for the member whose term has not expired. Unless reappointed, a member of the board of directors shall not hold office after the expiration of his term. At its discretion, the board of selectmen may reappoint a member to the board of directors of the corporation.

The first meeting of the corporation shall be called by the chairman pro tem, who shall be designated by the board of selectmen when the initial appointments to the board of directors are made. There shall be elected by and from the board of directors a president, treasurer, secretary/clerk, and any other officers considered necessary by the board.

A member of the board of directors of the corporation may be removed by the board of selectmen for malfeasance, misfeasance, or willful neglect of duty, but only after reasonable notice and a public hearing by the board of selectmen, unless the notice and hearing are in writing expressly waived by the member of the board subject to removal.

The members of the board of directors shall not receive compensation for the performance of their duties hereunder, but each member shall be reimbursed by the corporation for expenses actually incurred in the performance of his duties. Every reimbursement shall be open to public inspection from and after the requisition therefor.

The board of directors shall have the powers to set a fiscal year for the operation of the corporation and to make, amend, or repeal the by-laws in whole or in part.

SECTION 8. The board of directors shall adopt a corporate seal for the corporation and designate the custodian thereof. The board of directors shall cause at all times accurate accounts to be kept of all receipts and expenditures of the funds of the corporation; and shall

make a report annually to the board of selectmen, containing an abstract of such accounts and detailed information of all receipts and expenditures, including prices paid for property acquisition, contracts for construction of facilities and for the leasing thereof, and such other detailed information as may be helpful. The corporation shall cause an audit of its books and accounts to be made at least once in each fiscal year by certified public accountants and the cost thereof shall be treated as a current expense. Except as otherwise provided for 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 thereof to be paid by the corporation.

SECTION 9. 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 40 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 denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within the commonwealth. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be an officer before the delivery of the bonds, the signature or facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until the delivery. The bonds may be issued in coupon or registered form or both, as the corporation may determine, and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest. The corporation may sell the bonds in a manner and for a price, either at public or private sale, as it may determine to be for the best interests of the corporation.

The proceeds of the bonds shall be used solely for the payment of the cost of a development project, and shall be disbursed in a manner and under such restrictions, if any, 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 bonds which shall become mutilated or shall be 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 purpose of construction or reconstructing 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 in respect of the same shall be governed by this act insofar as the same may be applicable.

While any bonds issued by the corporation remain outstanding, the powers, duties or existence of the corporation shall not be diminished or impaired in any way that will affect adversely the interests and rights of the holders of such bonds.

Revenue and revenue refunding bonds issued under this act, unless otherwise authorized by law, shall not constitute a debt of the commonwealth or the town, or a pledge of the faith and credit of the commonwealth or of the town, but the bonds shall be payable solely from the funds herein provided therefore from revenues. In the event that the corporation or the town or commonwealth is not obliged to pay the revenue or revenue refunding bonds, then, 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 and are hereby declared to have all the qualities and incidents of negotiable instruments as defined in section 3-104 of chapter 106 of the General Laws.

SECTION 10. 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 any trust company or bank having the powers of a trust company within the commonwealth. The trust agreement may pledge or assign the revenues to be received, but shall not convey or mortgage any 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 limiting the generality of the foregoing provisions defining defaults and providing for remedies in the event thereof, which may include the acceleration of maturities, and covenants setting for the duties of and limitations on the corporation in relation to the acquisition, construction, improvement, enlargement, alteration, equipping, furnishing, maintenance, operation, repair, insurance and disposition of property, the custody, safeguarding, investment and application of moneys, the use of any surplus bond or note proceeds and the establishment of reserves. The resolution or trust agreement may also contain covenants by the corporation in relation to, among other things: (1) the establishment, revision and col-

lection of such rents and charges for services of facilities furnished or supplied by the corporation as shall provide revenues sufficient with other revenues of the 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 the same shall become due and payable, (iii) payments in lieu of taxes, betterment and special assessments, and (iv) reserves for such purposes; (2) the purpose or 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 of the income and revenues of the corporation.

It shall be lawful for any bank or trust company incorporated under the laws of the commonwealth to act as depository of the proceeds of the bonds or of revenues, and to furnish indemnifying bonds or to pledge securities as required by the corporation. The trust agreement may set forth the rights and remedies of the bondholders and of the trustees, and may restrict the individual right of action by bondholders as is customary in trust agreements or trust indentures securing bonds and debentures of corporations. In addition to the foregoing, 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 thereafter received by the corporation shall immediately be subject to the lien of the pledge without any physical delivery thereof or further act; and the lien of the pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the corporation, irrespective of whether the parties have notice thereof. Neither the resolution nor any trust agreement by which pledge it is created need be filed or recorded except in the records of the corporation, and no filing need be made under chapter 106 of the General Laws.

SECTION 11. Revenue bonds and revenue refunding bonds issued under this act are hereby made securities in which all public officers and public bodies of the commonwealth and its political subdivisions, all insurance companies, trust companies in their commercial departments and within the limits set by section 14 of chapter 167E of the General Laws, banking associations, investment companies, executors, trustees and other fiduciaries, and all other persons whatsoever who are now or may hereafter be authorized to invest in bonds or other obligations of a similar nature may properly and legally invest funds,

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including capital in their control and belonging to them; and the bonds are hereby made obligations which may properly and legally be made eligible for the investment of savings deposits and income thereof in the manner provided by section 2 of said chapter 167E. The bonds are hereby made securities which may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivision of the commonwealth for any purpose for which the deposit of bonds or other obligations of the commonwealth is now or may hereafter be authorized by law.

SECTION 12. 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 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 located within the commonwealth and shall be a trust company or bank having the powers of a trust company. The trust agreement shall contain provisions for protecting and enforcing the rights and remedies of the debenture holder. It shall be lawful for any bank or trust company incorporated under the laws of the commonwealth which may act as a depository under the trust agreement to furnish indemnifying bonds or to 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. In addition to the foregoing, 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 an item 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 condition or things other than those proceedings, conditions or things which are specifically required by this act.

SECTION 13. Any holder of bonds or debentures issued under this act or of any coupons appertaining thereto, and the trustee, except to the extent the rights herein given may be restricted by the trust agreement, may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce 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 14. Notwithstanding any rule at common law or any authorization, limitation or any general or special law, or any provision in their respective charters, agreements of associations, articles or organization, or trust indentures, domestic corporations organized for the purpose of carrying on business within the commonwealth, including without implied limitation any electric or gas company as defined in section 1 of chapter 164 of the General Laws, railroad corporations as defined in section 1 of chapter 166 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 evidence of indebtedness of the corporation and to 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 other general or special law.

SECTION 15. Except as herein provided, rents and charges for services or facilities furnished or supplied by the corporation shall not be subject to supervision or regulation by any department, division, commission, board, bureau or agency of the commonwealth or the town, and if derived from a development project in connection with which revenue bonds have been issued, shall, with all other revenues derived from the development project, except the part thereof necessary to pay the cost of maintenance, repair and operation, and to provide reserves therefore provided for in the resolution authorizing the issuance of the bonds or in the trust agreement, but including the part thereof necessary to provide the reserves for the payment of the principal of and the interest on the revenue bonds provided for in the resolution or trust agreement, and including also the proceeds of sales by the corporation of property for, or in connection with, a development project, be set aside at such regular intervals provided for in the resolution or trust agreement, in a sinking fund which is hereby pledged to and charged with the payment of: (1) the interest upon the bonds as the interest shall fall due, (2) the principal of the bonds as the same shall fall due, (3) the necessary charges of paying agents for paying principal and interest, and (4) the redemption price or the purchase price of bonds retired by call or purchase as therein provided.

SECTION 16. The corporation shall be liable in contract and in tort in the same manner as a municipal corporation. The directors, employees, officers and agents of the corporation shall be liable in contracts and tort, in the same manner as municipal employees under the General Laws. The corporation shall indemnify its employees 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 make reports of its condition not less than annually to the board of selectmen and secretary of state, which report shall be published in a newspaper of general circulation in the town within 60 days of the close of the corporation's fiscal year. The secretary of state shall make copies of the reports available to the commissioner of insurance and to the commissioner of banks, and the corporation shall also furnish such other information as may be required by the secretary of state from time to time.

SECTION 18. Notwithstanding any other general or special law to the contrary, the town, acting by vote of town meeting and upon terms and conditions as determined by the board of selectmen, the town manager, or a board or officer to whom such authority is delegated by town meeting, may convey, by sale or gift, property within a development area, or any interest in such property, to the corporation in aid of the public purposes of the corporation. The town may lease for a term not to exceed 40 years any land or land with improvements owned by the town upon terms and conditions as the town manager shall determine, for public purposes consistent with this act. All leases shall provide that the corporation may not encumber property owned by the town, or the corporation's leasehold interest therein, without approval of the board of selectmen.

The town shall not incur any financial obligation as a result of any action by the corporation, absent a $\frac{2}{3}$ vote of town meeting.

Notwithstanding any general or special law to the contrary, the corporation shall establish a maintenance reserve fund from any lease revenues obtained from development projects carried out on publicly owned property, sufficient to meet the expenses of maintaining the projects in a fully operational state, including, but not limited to, routine and non-routine maintenance and the maintenance of any and all improvements. All leases shall also provide that the lease shall terminate in the event that the corporation ceases to use the land for the declared public purpose described in section 1.

SECTION 19. The town may take actions in aid of the corporation in connection with a development project pursuant to the provisions of section 23 of chapter 121B.

SECTION 20. A development project shall not be undertaken by the corporation until the board of selectmen holds a public hearing relating to the project and authorizes the project by an affirmative vote of a majority of the entire board. Notice of public hearings shall be given to the public through a legal notice in a newspaper having a general circulation in the town, published no later than 2 weeks before the hearing date.

SECTION 21. The real estate and tangible personal property of the corporation shall be deemed public property used for essential public and governmental purposes and shall be exempt from taxation by the commonwealth or any subdivision thereof and from betterments and special assessments; but in lieu of the taxes, betterments, and special assessments, the town may determine a sum to be paid to it annually in any year or period of years, the sum in any year not to be in excess of the amount that would be levied at the then current tax rate upon the average assessed value of the real estate, including buildings and other structures, for the 3 years preceding the acquisition thereof, the valuation for each year being reduced by all abatements thereon.

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The town may, however, agree with the corporation upon the payments to be made, or the corporation may make and the town may accept the payments, the amount of which shall not in either case be subject to the foregoing limitation.

Nothing in this act shall be construed to prevent the taxation, to the same extent and in the same manner as other real estate is taxed, of real estate sold or otherwise transferred by the corporation pursuant to a development project, or the taxation to the same extent and in the same manner as real estate of the commonwealth is taxed, of real estate acquired by the corporation pursuant to a development project and thereafter leased by the corporation; but real estate so acquired by the corporation and sold or leased to an urban redevelopment corporation or other entity operating under chapter 121A, 121B, and 121C of the General Laws shall be taxed under said chapters.

The corporation and the debentures issued under this act, their transfer and the income therefrom, including any profit made on the sale thereof, shall at all times be free from taxation by the commonwealth or any subdivision thereof.

SECTION 22. The corporation is hereby designated as a community-based development organization for purposes of carrying out community or economic development projects with federal financial assistance.

SECTION 23. The corporation is hereby designated as a non-profit organization that may act as a land trust for purposes of carrying out preservation projects as defined in section 2 of this act and for receiving assignment of the town's first refusal options under chapter 61, chapter 61A or chapter 61B of the General Laws.

SECTION 24. The town may raise and appropriate or may borrow funds for the purpose of granting or loaning funds to the corporation to aid the corporation in carrying out any of its public purposes, including, but not limited to, defraying all or part of the development, acquisition and operating costs of any development project, and for the purpose of acquiring land to convey or lease to the corporation for any development project. Indebtedness of the town authorized and issued under this section shall be payable within 40 years from its original date of issue and shall be exempt from the limit of indebtedness prescribed in section 10 of chapter 44 of the General Laws; but the total amount of indebtedness of the town outstanding at any one time under this section and under clauses (1), (2) and (4) of section 20 of chapter 121B of the General Laws shall not exceed 5 per cent of the town's equalized valuation as defined in section 1 of said chapter 44, notwithstanding section 21 of said chapter 121B, and the approval required pursuant to section 22 of said chapter 121B shall be required before the town incurs any indebtedness under this section which will cause the total amount of its indebtedness outstanding under this section and under clauses (1), (2) and (4) of section 20 of said chapter 121B to exceed 2½ per cent of the town's equalized valuation. Notwithstanding the provisions of section 17 of said chapter 44 to the contrary, the town may issue temporary notes for a period not to exceed 10 years in anticipation of money to be derived from the sale of serial bonds or notes authorized by the town under this section, and the town may refund notes from time to time by the issue of other temporary notes from time to time, the period from the date of issue of the original notes to the date of

maturity of the refunding notes shall not exceed 10 years, and the town shall not be required to use revenue funds of the town to pay any portion of the principal amount of any such notes or refunding notes that are refunded. Except as otherwise provided in this section, indebtedness authorized and incurred by the town under this section shall be subject to said chapter 44.

SECTION 25. The vote of the town passed under article 2 at its special town meeting held on September 9, 2002, is hereby approved, ratified and confirmed with respect to the authorization therein for the board of selectmen of the town to convey the property described therein to the corporation in aid of the purposes of the corporation, and the actions of the town authorized by the vote, including the borrowing for the acquisition of the property described therein and the conveyance of all or a portion of the property to the corporation by the board of selectmen, may be carried out by the town pursuant to the authority granted in this act.

SECTION 26. The corporation may, upon the affirmative vote of $\frac{2}{3}$ of its members, 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 27. If the town shall modify its charter, or if it shall adopt a new charter, then without amendment of this act, those provisions of this act which refer to specific municipal officials or municipal bodies shall be understood, upon the charter change, to refer to those who under such change exercise the same or equivalent functions.

SECTION 28. This act, being necessary for the welfare of the commonwealth and the town and its inhabitants, shall be liberally construed to effect the purpose thereof.

SECTION 29. The provisions of this act are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of the court shall not impair any of the remaining provisions.

SECTION 30. This act shall take effect upon its passage.

Approved January 1, 2003.

Chapter 494. AN ACT AUTHORIZING THE REINSTATEMENT OF FREDERICK NASSON AS A MEMBER IN SERVICE OF THE STATE RETIREMENT SYSTEM.

Be it enacted, etc., as follows:

Notwithstanding any general or special law to the contrary, Frederick Nasson shall be eligible to be reinstated as a member in service of the state retirement system as of the effective date of this act, if he repays to the state retirement system an amount equal to the total amount of any retirement allowance received by him together with interest thereon, such

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repayment to be made in 1 sum or in installments as the state board of retirement shall prescribe. Upon such reinstatement, regular deductions shall be made from his regular compensation pursuant to paragraphs (b) and (b½) of subdivision (1) of section 22 of chapter 32 of the General Laws, for purposes of which his date of entry into service shall be the date he waived his retirement allowance. Upon completion of such repayment, said Frederick Nasson shall be entitled to creditable service for all periods for which deductions were made from his regular compensation.

Upon reinstatement as a member in service of the state retirement system, said Frederick Nasson shall be eligible, upon the payment of regular deductions together with interest thereon to establish creditable service with the said system for the period of service during which he previously waived his retirement allowance. Such payment will be made in 1 sum.

In no event shall Frederick Nasson be allowed to retire until he has made the repayments required by the first paragraph of this act in full. Any pension allowance, or other retirement benefit provided hereunder shall be exclusive of and in the alternative to any other pension, allowance, or other retirement benefit, including any provided for under general or special law.

Approved January 1, 2003.

Chapter 495. AN ACT RELATIVE TO ESTABLISHING THE BERKSHIRE COUNTY REGIONAL HOUSING AUTHORITY.

Be it enacted, etc., as follows:

SECTION 1. Chapter 439 of the acts of 1980 is hereby amended by striking out section 1 and inserting in place thereof the following section:-

Section 1. There shall be in Berkshire county, referred to in this act as the county, a public body politic and corporate to be known as the Berkshire County Regional Housing Authority, referred to in this act as the authority. The authority shall be managed, controlled and governed by a board of 9 members of which a simple majority shall constitute a quorum. Two members shall be appointed by the Berkshire regional planning commissioner, referred to in this act as the commission, with 1 of those members appointed for an initial term of 1 year and 1 of those members appointed for an initial term of 3 years. Three members shall be appointed by the mayor of the city of Pittsfield, with 1 member appointed for an initial term of 1 year, 1 member appointed for an initial term of 2 years and 1 member appointed for an initial term of 3 years. Two members shall be appointed by the mayor of the city of North Adams, 1 with an initial term of 1 year and 1 with an initial term of 2 years. Two members shall be appointed by the director of the department of housing and community development, 1 for an initial term of 2 years, and 1 with an initial term of 3 years. Successors shall be appointed in the same manner and by the same appointing entity for terms of 3 years

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from the expiration of the terms of the original appointees. The mayor of cities or the board of selectmen of towns in the county may nominate candidates for the authority and make recommendations to the appointing entities. A vacant seat on the authority shall not remain vacant if there is a qualified person nominated for the seat. The authority's membership shall be diverse and represent towns and cities of the county. No more than 2 members of the authority may reside in the same city or town unless no other qualified persons have been nominated. Approval of an authority member shall not be withheld unreasonably.

Membership in the authority shall be restricted to residents of the county who shall serve until the qualification of their respective successors unless sooner removed. Members may be removed or suspended by the commission in the same manner as removal by the city council or board of selectmen in accordance with section 6 of chapter 121B of the General Laws. A member of the authority who ceases to be a resident of the county shall be removed upon the date of his change of residence by operation of law.

The secretary of the commission shall, as soon as possible after the event occurs, file a certificate with the department and a duplicate certificate with the state secretary, of any appointment, resignation, or removal of a member of the authority. If the state secretary shall find that the authority has been organized and the members thereof appointed according to law, he shall issue to it a certificate of organization, and the certificate shall be conclusive evidence of the lawful organization of the authority and of appointment of the members thereof.

SECTION 2. The third paragraph of section 2 of said chapter 439 is hereby amended by striking out, in lines 2 and 3, the words, "county commissioners, to the department of community affairs" and inserting in place thereof the following words:- Berkshire regional planning commission, to the department of housing and community development.

SECTION 3. The commission may appoint members of the Berkshire County Regional Housing Authority, hereinafter referred to as the authority, as authorized in said chapter 439. The commission shall be held harmless from any liability arising out of the operations or programs of the authority and shall have no power over the operations or policies of the authority.

Approved January 1, 2003.

Chapter 496. AN ACT RELATIVE TO CERTAIN RECORDED MEMORANDA OF LITIGATION INVOLVING REAL PROPERTY.

Be it enacted, etc., as follows:

SECTION 1. Chapter 183 of the General Laws is hereby amended by striking out section 5B, as appearing in the 2000 Official Edition, and inserting in place thereof the following section:-

Section 5B. Subject to section 15 of chapter 184, an affidavit made by a person claiming to have personal knowledge of the facts therein stated and containing a certificate by an attorney at law that the facts stated in the affidavit are relevant to the title to certain land and will be of benefit and assistance in clarifying the chain of the title may be filed for record and shall be recorded in the registry of deeds where the land or any part thereof lies.

SECTION 2. Chapter 184 of the General Laws is hereby amended by striking out section 15, as so appearing, and inserting in place thereof the following section:-

Section 15. (a) A writ of entry or other proceeding that affects the title to real property or the use and occupation thereof or the buildings thereon, shall not have any effect except against the parties thereto, their heirs and devisees and persons having actual non-record notice thereof, until a memorandum containing the names of the parties to the proceeding, the court in which it is pending, the date of the writ or other commencement thereof, the name of the town where the real property liable to be affected thereby lies and a description of the real property sufficiently accurate for identification is recorded in the registry of deeds for the county or district where the real property lies; but this section shall not apply to attachments, levies of execution or proceedings in the probate courts, other than proceedings under equity jurisdiction. No recorded affidavit or other recorded instrument, including any affidavit under section 5B of chapter 183, suggesting that the proceeding has been commenced shall have any effect on the title to real property nor provide any notice thereof, constructive or actual, and any person acquiring an interest in the real property, other than a party to the proceeding, and heir or devisee of the party or any person having actual non-record notice thereof, shall be deemed to be without the notice, and the person's interest shall be exempt from any judgment entered in the proceeding, unless and until the instrument has been endorsed by a justice of the court in which the proceeding is pending in accordance with subsection (b). The memorandum may be dissolved at any time by recording in the registry of deeds a notice of voluntary dissolution duly executed and acknowledged by the party who executed the memorandum, by that party's successor in interest or by an attorney of record for either of the parties.

(b) Any party seeking a memorandum of *lis pendens* under this section shall commence the underlying proceeding by means of a verified complaint or other complaint as is required under the rules of court to include a certification by the claimant made under the penalties of perjury that the complainant has read the complaint, that the facts stated therein are true and that no material facts have been omitted therefrom. The complaint shall name as defendants all owners of record and any party in occupation under a written lease. Upon motion of a party, if the subject matter of the action constitutes a claim of a right to title to real property or the use and occupation thereof or the buildings thereon, a justice of the court in which the action is pending shall make a finding to that effect and endorse the finding upon the memorandum. Notwithstanding the preceding sentence, the court on its own motion may decline to endorse the memorandum of *lis pendens*, if the court does order the temporary equitable relief as will preserve the status quo pending further proceedings. If the memorandum is approved *ex parte*, it shall contain an additional finding that either (1)

the defendant is not then subject to the jurisdiction of the court in that action, or (2) there is a clear danger that the defendant, if notified in advance of the endorsement of the memorandum, will convey, encumber, damage or destroy the property or the improvements thereon. A register of deeds or assistant recorder of the land court shall not accept for recording or registration a memorandum under this section, unless it contains the endorsement and is accompanied by an affidavit stating that the plaintiff or his attorney has served notice of the allowance thereof by certified mail addressed to all parties to the action.

(c) If the memorandum is approved *ex parte*, any party aggrieved thereby may move at any time for dissolution of the memorandum, and the court shall hear the motion forthwith and in any event not later than 3 days after the date on which notice of the motion was given to the claimant. At the hearing the claimant shall have the burden of justifying any finding in the *ex parte* order that is challenged by the party who is aggrieved thereby. A party may also file a special motion to dismiss the claimant's action if that party believes that the action or claim supporting the memorandum of *lis pendens* is frivolous. The special motion to dismiss, unless heard at the time the claimant first applied for a judicial endorsement under subsection (b), shall be heard at the same time as the hearing on the motion to dissolve the memorandum of *lis pendens*. If the court determines that the action does not affect the title to the real property or the use and occupation thereof or the buildings thereon, it shall dissolve the memorandum of *lis pendens*. The special motion to dismiss shall be granted if the court finds that the action or claim is frivolous because (1) it is devoid of any reasonable factual support; or (2) it is devoid of any arguable basis in law; or (3) the action or claim is subject to dismissal based on a valid legal defense such as the statute of frauds. In ruling on the special motion to dismiss the court shall consider verified pleadings and affidavits, if any, meeting the requirements of the Massachusetts rules of civil procedure. If the court allows the special motion to dismiss, it shall award the moving party costs and reasonable attorneys fees, including those incurred for the special motion, any motion to dissolve the memorandum of *lis pendens*, and any related discovery. Nothing in this section shall affect the right of the moving party to any other remedy otherwise authorized by law. All discovery proceedings shall be stayed upon the filing of the special motion pursuant to this section; but the court, on motion and for good cause shown, may order that specified discovery be conducted. The stay of discovery shall remain in effect until notice of entry of the order ruling on the special motion. In the event there are un-adjudicated claims remaining after the dismissal of any claim pursuant to which the memorandum of *lis pendens* was recorded, the court shall order the entry of partial judgment with respect to the claim dismissed pursuant to this section.

(d) Any party aggrieved by a ruling under subsection (c) or by the denial of an *ex parte* motion for a memorandum of *lis pendens*, may appeal pursuant to the first or second paragraphs of section 118 of chapter 231. Thirty days after the entry of an order dissolving a memorandum of *lis pendens*, or of an order or judgment dismissing the claimant's action as provided hereinabove, the order or judgment shall become final unless the party seeking the memorandum has filed an appeal under this paragraph and records notice thereof within

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the 30 day period in the registry of deeds for the county or district in which the real property lies. Attested copies of orders, judgments and notices of appeal shall refer to the book and page of the recorded memorandum and shall be accepted for recording in the registry of deeds. The recording of an attested copy of the order or judgment or of the order of dissolution, in either case without a timely appeal therefrom being filed, or of a judgment dismissing the appeal, or the recording of a voluntary dismissal of the memorandum of lis pendens as provided in subsection (a), shall be conclusive evidence that the action or proceeding which was the subject of the memorandum of lis pendens does not affect the title to the real property or the use and occupation thereof or the buildings thereon.

(e) Nothing in this section shall deprive an owner of registered land from proceeding under section 114 of chapter 185 to challenge the validity of the registration of a memorandum of lis pendens.

(f) For the purposes of this section, a proceeding arising under a statute, ordinance or by-law regulating land use, including without limitation one related to zoning or wetlands regulation, is not a proceeding that affects title to real property or the use and occupation thereof or the buildings thereon.

Approved January 1, 2003.

Chapter 497. AN ACT EXEMPTING DEBT OF THE CITY OF LAWRENCE FOR CERTAIN APPROVED SCHOOL PROJECTS FROM THE STATUTORY LIMIT.

Be it enacted, etc., as follows:

Notwithstanding any general or special law to the contrary, any debt issued by the city of Lawrence pursuant to a loan order passed by its city council to finance the costs of constructing, originally equipping and furnishing public schools placed on a priority list by the board of education is hereby validated, approved and confirmed in all respects, though it is in excess of the statutory debt limit imposed by section 10 of chapter 44 of the General Laws, and all debt issued by the city after the effective date of this act pursuant to any loan order passed by the city council of the city to finance costs of constructing, equipping, renovating, improving and furnishing these public school projects shall be outside of the statutory debt limit imposed by said section 10 of said chapter 44.

Approved January 1, 2003.

Chapter 498. AN ACT RELATIVE TO UREA FORMALDEHYDE FOAM INSULATION.

Be it enacted, etc., as follows:

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SECTION 1. Section 87AAA½ of chapter 112 of the General Laws is hereby repealed.

SECTION 2. Chapter 255 of the General Laws is hereby amended by inserting after section 12H the following section:-

Section 12J. No cause of action shall arise or be maintained against a seller, lessor, real estate broker or salesperson, lender or mortgagee of real property by statute or at common law, for failure to disclose to a buyer or tenant that the real property has been insulated with urea formaldehyde foam insulation.

SECTION 3. Section 9 of chapter 728 of the acts of 1985 is hereby repealed.

SECTION 4. This act shall apply only to transactions entered into after the effective date of this act.

Approved January 1, 2003.

Chapter 499. AN ACT RELATIVE TO CERTAIN LANDS IN THE TOWNS OF PELHAM, BELCHERTOWN, SUNDERLAND AND LEVERETT AND PLACING CERTAIN LAND IN THE TOWN OF DEERFIELD UNDER AN AGRICULTURAL PRESERVATION RESTRICTION.

Be it enacted, etc., as follows:

SECTION 1. The parcels of state land, identified in section 2 and under the care, custody and control of the University of Massachusetts, are hereby dedicated to the purposes and uses of forest and open space protection, management and conservation, environmental education, environmental research and public access for passive recreation and enjoyment. Nothing in this act shall be construed to prohibit the construction, maintenance, repair, use or removal of buildings and facilities, and appurtenant underground utility systems, required for and directly related to environmental education, environmental research and open space conservation or passive recreation on the parcels described in section 2. The university, in consultation with the executive office of environmental affairs, may adopt reasonable rules or regulations for the appropriate use and manner of public access under this act.

SECTION 2. The parcels are identified as follows:- (a) all of the lands, including lands under water, in the towns of Sunderland and Leverett as described in certain deeds recorded in the Franklin district registry of deeds in book 577, page 335; book 577, page 336; and book 577, page 337, and further shown on a plan recorded in the Franklin district registry of deeds in plan book 7, page 18; and (b) all of the lands, including lands under water, in the towns of Pelham and Belchertown as described in certain deeds recorded in the Hampshire district registry of deeds in book 1104, page 118; and book 1104, page 119.

SECTION 3. The executive office of environmental affairs may expend funds or provide services, not to exceed \$500,000, on the parcels described in section 2 for demon-

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stration projects which will pilot approaches to forest management that include protection and enhancement of biodiversity and watershed uses. The executive office of environmental affairs may use these demonstration projects to educate private and public forest owners across the commonwealth in biodiversity and watershed forest management. The University of Massachusetts shall retain care, custody and control of the parcels and all management and maintenance responsibilities and obligations associated therewith.

SECTION 4. The land and buildings owned by the University of Massachusetts located on River road in the town of Deerfield identified by lots number 9, 10, and 12 on Map number 17 of the Deerfield assessor's maps, and lot number 35 on Map number 13 of the Deerfield assessor's maps shall be protected by an agricultural preservation restriction, so called, under the provisions of section 11A of chapter 132A and sections 31, 32, and 33 of chapter 184 of the General Laws. The agricultural preservation restriction shall be held by the department of food and agriculture, and shall contain provisions for the possible construction of facilities that are related to the agricultural programs at the university and are consistent with the preservation and enhancement of agricultural activity on the property. The land and buildings owned by the University of Massachusetts located on River road in the town of Deerfield identified as lot number 36 on Map number 13 of the Deerfield assessor's maps shall be protected by an agricultural preservation restriction and conservation restriction, so-called, under the provisions of sections 31, 32, and 33 of chapter 184 of the General Laws. The agricultural preservation restriction and conservation restriction shall be held jointly by the department of food and agriculture and the department of environmental management, and shall contain provisions of the possible construction of incidental research facilities and conduct of research related to academic programs of the university.

SECTION 5. Notwithstanding any general or special law to the contrary, the University of Massachusetts at Amherst may enter into lease agreements with area farmers for agricultural production on any portion of lot numbers 9, 10, 12, and 35 described in section 4 for the express purpose of enhancing and promoting the agricultural use of the property. The University of Massachusetts Foundation, Inc. is also authorized to enter into the lease agreements on behalf of the University of Massachusetts at Amherst. The University of Massachusetts at Amherst may also enter into agreements with the department of food and agriculture to administer the lease agreements under the state owned farmland stewardship program, so-called, as established by sections 13 to 19, inclusive, of chapter 20 of the General Laws. Revenues from any lease agreements described herein shall be deposited either in a restricted account at the University of Massachusetts at Amherst, or in a restricted account in the University of Massachusetts Foundation, Inc., for the express purpose of enhancing the agricultural programs of the university. The funds shall be expended upon the written approval of the chancellor of the University of Massachusetts at Amherst.

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

Approved January 1, 2003.

Chapter 500. AN ACT DESIGNATING THE OFFICIAL CHILDREN'S BOOK, THE OFFICIAL CHILDREN'S AUTHOR AND CHILDREN'S ILLUSTRATOR AND THE OFFICIAL DONUT OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

Chapter 2 of the General Laws is hereby amended by adding the following 3 sections:-

Section 49. The book "Make Way For Ducklings" by Robert McCloskey shall be the official children's book of the commonwealth.

Section 50. The author Theodor Geisel, better known as Dr. Seuss, shall be the official children's author and children's illustrator of the commonwealth.

Section 51. The Boston Cream Donut shall be the official donut of the commonwealth.

Approved January 1, 2003.

Chapter 501. AN ACT RELATIVE TO GAS COMPANY GATE BOXES.

Be it enacted, etc., as follows:

Chapter 164 of the General Laws is hereby amended by inserting after section 116A the following section:-

Section 116B. Whenever the commonwealth or a city or town undertakes the repair of streets, roads or sidewalks the appropriate gas company shall provide for the maintenance and improvements of its gate boxes located in the streets, roads or sidewalks to be repaired, so that the gate boxes are more easily and immediately accessible. A gas company may apply for funds under chapter 90 to assist in paying the costs of the maintenance and improvement.

Approved January 1, 2003.

Chapter 502. AN ACT PROTECTING WORKERS AND SMALL INVESTORS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 10 of the General Laws is hereby amended by adding the following 2 sections:-

Section 68. There shall be established and set up on the books of the commonwealth a separate fund to be known as Worker and Small Investor Protection Fund. There shall be credited to the fund all civil penalties and fines due the commonwealth collected under chapter 110A and any income derived from investment of amounts credited to the fund. Amounts

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credited to the fund shall be received and held in trust solely for investigations and enforcement of chapter 110A and dissemination of information about the requirements of said chapter. Revenues and expenditures of the fund shall be reported on the Massachusetts management and accounting and reporting system and maintained by the state treasurer. The fund shall not exceed a maximum of \$500,000. Amounts collected in excess of the maximum shall be deposited in the General Fund.

Expenditures from the Worker and Small Investor Protection Fund shall be made without further appropriation but shall be approved in writing by the secretary of the commonwealth for the sole purposes of investigating or enforcing chapter 110A and the dissemination of information about the requirements of said chapter.

Section 69. There shall be established and set up on the books of the commonwealth a separate fund to be known as Securities Fraud Prosecution Fund. There shall be credited to the fund all criminal penalties, fines and settlements not intended to compensate victims of securities fraud due the commonwealth collected under chapter 110A and any income derived from investment of amounts credited to the fund. Amounts credited to the fund shall be received and held in trust for investigations and enforcement of chapter 110A. Revenues and expenditures of the fund shall be reported on the Massachusetts management and accounting and reporting system and maintained by the state treasurer. The Fund shall not exceed a maximum of \$500,000. Amounts collected in excess of the maximum shall be deposited in the General Fund.

Expenditures from the Securities Fraud Prosecution Fund shall be made without further appropriation but shall be approved in writing by the secretary of the commonwealth for the sole purposes of investigating or enforcing chapter 110A and the dissemination of information about the requirements of said chapter.

SECTION 3. Paragraph (e) of subdivision (2A) of section 23 of chapter 32 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out clause (xiii) and inserting in place thereof the following 2 clauses:-

(xiii) acts as treasurer-custodian of the PRIT Fund and shall have the custody of the funds and securities of said fund.

(xiv) put a mechanism in place to monitor current market conditions to detect and immediately notify the board of potential high-risk corporate investments, so that the board can take action, when possible, to prevent investment losses.

SECTION 4. Section 407A of chapter 110A of the General Laws, as so appearing, is hereby amended by striking out, in line 10, the words "exceed ten thousand dollars for each violation" and inserting in place thereof the following words:- exceed \$25,000 for each violation and any fine collected shall be deposited in the Worker and Small Investor Protection Fund, established by section 68 of chapter 10.

SECTION 5. Section 409 of said chapter 110A, as so appearing, is hereby amended by striking out, in line 5, the words "five thousand dollars" and inserting in place thereof the following figure:- \$100,000.

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SECTION 6. Said section 409 of said chapter 110A, as so appearing, is hereby further amended by striking out, in line 6, the words "three years" and inserting in place thereof the following words:- 10 years in the state prison.

SECTION 7. Subsection (a) of said section 409 of said chapter 110A is hereby amended by adding the following paragraph:-

Fines collected under this subsection shall be immediately sent to the state treasurer for deposit in the Securities Fraud Prosecution Fund, established by section 69 of chapter 10.

Approved January 1, 2003.

Chapter 503. AN ACT EXEMPTING THE POSITION OF DEPUTY CHIEF OF POLICE IN THE CITY OF METHUEN FROM THE CIVIL SERVICE LAWS.

Be it enacted, etc., as follows:

SECTION 1. The position of deputy chief of police in the city of Methuen shall be exempt from chapter 31 of the General Laws.

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

Approved January 1, 2003.

Chapter 504. AN ACT DESIGNATING CERTAIN LANDS IN THE TOWNS OF PHILLIPSTON, ROYALSTON AND TEMPLETON FOR CONSERVATION AND PUBLIC RECREATIONAL PURPOSES IN CONJUNCTION WITH THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to preserve open space and ensure preservation of wildlife, 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 parcels of land of the commonwealth, identified in section 2 and under the care, custody and control of the department of mental retardation are hereby dedicated in consultation with the division of capital asset management and maintenance to the purposes and uses of forest and open space protection, management and conservation, environmental education, environmental research and public access for passive recreation

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and enjoyment and shall be held solely for these purposes and uses. Expressly exempted from this act shall be that certain portion of the land currently used by the department of mental retardation for operation of the Templeton Development Center, its buildings, agricultural fields and associated amenities as shown on a certain plan to be developed jointly by the department of environmental management and the department of mental retardation; to be kept on file by both departments. The department of mental retardation, in consultation with the department of environmental management, may develop reasonable rules or promulgate regulations for the appropriate conduct and manner of public access under this act consistent with the terms and conditions of a certain memorandum of understanding executed by both the department of environmental management and the department of mental retardation on April 8, 2002.

SECTION 2. The parcels are hereby identified as follows:

(a) all of the lands, including lands under water, in the towns of Phillipston, Royalston and Templeton as described in certain deeds recorded in the Worcester District Registry of Deeds in book 1658, page 632; book 1658, page 639; book 1600, page 295; book 1658, page 636; book 1658, page 631; book 1658, page 628; book 1600, page 313; book 1600, page 292; book 1600, page 299; book 1658, page 632; book 1600, page 312; book 1915, page 98; book 1600, page 297; book 1600, page 310; book 1600, page 308; book 1600, page 302; book 1600, page 303; book 1600, page 293; book 1600, page 315; book 1600, page 300; book 1600, page 304; book 1658, page 637; book 2000, page 355; book 1600, page 305; book 1600, page 307; book 1600, page 298; book 1608, page 632; book 1600, page 300; book 1145, page 479; book 1019, page 539; book 2487, page 59; book 1600, page 313; book 2503, page 2; book 2596, page 493; book 4952, page 389; book 2499, page 61; book 2764, page 399; book 2487, page 188; book 2289, page 336 and book 2289, page 337.

Approved January 1, 2003.

Chapter 505. AN ACT AUTHORIZING THE DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO CONVEY A CERTAIN PARCEL OF LAND IN THE CITY OF WALTHAM.

Be it enacted, etc., as follows:

SECTION 1. The commissioner of the division of capital asset management and maintenance may, subject to sections 40E to 40J, inclusive, of chapter 7 of the General Laws, sell and convey by deed a parcel of state owned land located in the city of Waltham to an individual or entity subject to the requirements of section 2 and to such additional terms and conditions as the commissioner may prescribe in consultation with the department of mental retardation.

The parcel contains approximately 31,260 square feet of land and is the premises taken by the commonwealth by a taking dated April 28, 1920 and recorded with the Middle-

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sex south district registry of deeds in Book 4345, Page 169. The exact boundaries of the parcel shall be established by the commissioner of capital asset management and maintenance based on a survey to be completed for the conveyance of the parcel.

SECTION 2. The grantee shall pay full and fair market value of the property as determined by the commissioner of the division of capital asset management and maintenance based on an independent appraisal. The grantee shall pay all expenses associated with any appraisals, surveys and other expenses relating to the transfer of the land and shall be responsible for all costs, liabilities and expenses of any nature and kind for its ownership.

SECTION 3. The commissioner of the division of capital asset management and maintenance 30 days before the execution of any contract authorized by section 1 or any subsequent amendment thereto shall submit the contract or amendment thereto to the inspector general who shall review and approve the contract or amendment and the inspector general shall submit his approval or disapproval to the commissioner within 20 days of receipt.

Approved January 1, 2003.

Chapter 506. AN ACT AUTHORIZING PAUL THOMAS TO BE PLACED ON THE CIVIL SERVICE LIST FOR POLICE OFFICER IN THE TOWN OF TEWKSBURY.

Be it enacted, etc., as follows:

Notwithstanding any general or special law to the contrary, the personnel administrator of the division of human resources, shall place the name of Paul Thomas, son of retired disabled police officer Paul Thomas, in the first position below the names of disabled veterans on the eligible list for appointment to the position of police officer of the town of Tewksbury, provided he meets all other requirements for certification.

Approved January 1, 2003.

Chapter 507. AN ACT PROVIDING FOR THE RECALL OF ELECTED OFFICIALS IN THE CITY OF SALEM.

Be it enacted, etc., as follows:

SECTION 1. The holder of an elected office in the city of Salem may be recalled therefrom by the registered voters of the city as provided in this act.

SECTION 2. A recall affidavit signed by at least 500 registered voters including at least 50 names of voters from each of the districts of the city for any official elected at large, and a recall affidavit signed by at least 100 registered voters residing in the incumbent's district for any officer elected by district, may be filed with the city clerk containing the name of the office whose recall is sought and a statement of the grounds for recall. Upon certification of the required signatures, the clerk shall thereupon deliver to the first named voter on the affidavit copies of petition blanks addressed to the city council demanding the recall, copies of which printed forms the clerk shall keep available. The blanks shall be issued by the clerk with his signature and official seal attached thereto. They shall be dated, shall contain the names of all persons to whom they are issued, the name of the person whose recall is sought and the grounds of recall as stated in the affidavit and shall demand the election of a successor to the office. A copy of the petition shall be entered in a record book to be kept in the office of the clerk. The recall petition shall be returned and filed with the clerk within 21 days after the filing of the affidavit and signed by at least 15 per cent of the registered voters of the city as of the date the affidavit was filed with the city clerk, including a minimum of 100 registered voters residing in each district of the city, for any official elected at large, and for officials elected by district, signed by at least 15 per cent of the registered voters in the district the official sought to be recalled represents on the date the affidavit was filed with the clerk. To every signature shall be added the place of residence of the signer, giving the street and number and the ward and precinct. The clerk shall, within 72 working hours of receipt thereof, certify thereon the number of signatures that are names of registered voters of the city.

SECTION 3. If the petition shall be found and certified by the city clerk to be sufficient, he shall submit the same with his certificate to the city council at its next scheduled meeting and the city council 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 days thereafter, the council shall order an election to be held on a date fixed by them not less than 70 nor more than 90 days after the date of the clerk's certificate that a sufficient petition has been filed; but if any other city election is scheduled to occur within 100 days after the date of the certificate, the council shall postpone the holding of the recall election to the date of the 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 section.

SECTION 4. An officer sought to be removed may be a candidate to succeed himself and, unless he requests otherwise in writing, the city clerk shall place his name on the ballot without nomination and without the completion of a candidate's statement. The nomination of other candidates, the publication of the warrant for the recall election and the conduct of the same shall all be in accordance with the provisions of law relating to elections, unless otherwise provided in this act. However, no preliminary election shall be conducted. A candidate's statement shall be filed no later than the deadline for filing nomination papers with the board of registrars for certification.

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SECTION 5. The incumbent shall continue to perform the duties of his office until the recall election. If he is not recalled, he shall continue in office for the remainder of his unexpired term, subject to recall as before, except as provided in section 7. If he is recalled, he shall be deemed removed upon the qualifications of his successor, who shall hold office during the unexpired term. If the successor fails to qualify within 5 days after receiving notification of his election, the incumbent shall thereupon be deemed removed and the office vacant.

SECTION 6. Ballots used in a recall election shall submit the following propositions in the order indicated:

For the recall of (name of officer)(office held). Against the recall of (name of officer)(office held).

Adjacent to each proposition, there shall be a place to vote for either of the propositions. Under the proposition shall appear the word "Candidates" and the directions to voters required by section 42 of chapter 54 of the General Laws and, beneath this, the names of candidates nominated. If a majority of the votes cast upon the question of recall is in the affirmative, then the candidate receiving the highest number of votes shall be declared elected. If a majority of votes cast on the question is in the negative, then the ballots for candidates need not be counted. If fewer than 25 per cent of the registered voters of the city participate in the election of a recall for an official elected at-large, or if fewer than 25 per cent of the registered voters of a district participate in the election of a recall of an official elected by said district, no votes need be counted and the election shall be deemed to have determined that the incumbent should not be recalled.

SECTION 7. No recall petition shall be filed against an officer in the last 6 months of his term, nor in the case of an officer subjected to a recall election and not recalled thereby, until at least 1 year after the election at which his recall was submitted to the voters of the city has elapsed.

SECTION 8. No person who has been recalled from an office or who has resigned from office while recall proceedings were pending against him shall be appointed to any city office within 2 years after the recall or resignation.

Approved January 1, 2003.

Chapter 508. AN ACT RELATIVE TO THE RECORDING OF CERTAIN TRUST INSTRUMENTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to protect forthwith third parties relying on transfers by trustees of nontestamentary trusts, 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 184 of the General Laws is hereby amended by adding the following section:-

Section 35. Notwithstanding section 25 to the contrary, a certificate sworn to or stated to be executed under the penalties of perjury, and in either case signed by a person who from the records of the registry of deeds or of the registry district of the land court, for the county or district in which real estate owned by a nontestamentary trust lies, appears to be a trustee thereunder and which certifies as to: (a) the identity of the trustees or the beneficiaries thereunder; (b) the authority of the trustees to act with respect to real estate owned by the trust; or (c) the existence or nonexistence of a fact which constitutes a condition precedent to acts by the trustees or which are in any other manner germane to affairs of the trust, shall be binding on all trustees and the trust estate in favor of a purchaser or other person relying in good faith on the certificate. The certificate most recently recorded in the registry of deeds for the county or district in which the real estate lies shall control.

SECTION 2. Chapter 203 of the General Laws is hereby amended by striking out section 2, as appearing in the 2000 Official Edition, and inserting in place thereof the following section:-

Section 2. If a trust concerning land is created or declared by such instrument, the recording of the instrument, or of a certificate conforming to the requirements of section 35 of chapter 184, in the registry of deeds or the registration office of the land court, in either case for the county or district where the land lies, shall be equivalent to actual notice to every person claiming under a conveyance, attachment or execution thereafter made or levied.

Approved January 1, 2003.

Chapter 509. AN ACT RELATIVE TO THE REPRESENTATIVE TOWN MEETING MEMBERS IN THE TOWN OF BURLINGTON.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 4 of chapter 686 of the acts of 1970, as amended by section 4 of chapter 160 of the acts of 1993, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- At the annual town election in 1994, 18 town meeting members shall be elected from each precinct.

SECTION 2. Said section 4 of said chapter 686 is hereby further amended by striking out the third paragraph, as appearing in section 7 of said chapter 160.

SECTION 3. The fourth paragraph of said section 4 of said chapter 686 is hereby amended by striking out, in line 2, the words "but not a redistricting".

SECTION 4. Said section 4 of said chapter 686 is hereby further amended by adding the following paragraph:-

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A town meeting member who is removed by a revision of precincts from the precinct from which the member was elected shall not retain membership after the next annual election as an elected member from the precinct from which the member has been removed. The term of a town meeting member who is not removed by a revision of precincts from the precinct from which the member was elected shall not be affected by the revision.

Approved January 1, 2003.

Chapter 510. AN ACT FURTHER REGULATING THE EXPIRATION DATES OF GIFT CERTIFICATES AND CERTAIN OTHER MEDIUMS OF EXCHANGE.

Be it enacted, etc., as follows:

SECTION 1. Section 14S of chapter 93 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in line 4, the word "five" and inserting in place thereof the following figure:- 7.

SECTION 2. Section 1 of chapter 200A of the General Laws, as so appearing, is hereby amended by striking out, in line 24, the words ", gift certificates".

SECTION 3. Section 5 of said chapter 200A, as so appearing, is hereby amended by striking out, in lines 5 and 6, the words ", including gift certificates and increments of any of them".

SECTION 4. Said chapter 200A is hereby further amended by inserting after section 5C the following section:-

Section 5D. A gift certificate, as defined in section 1 of chapter 255D, sold or offered to be sold shall be valid for not less than 7 years after its date of issuance. The date of issuance and the expiration date shall be clearly marked on its face, subject to section 75C of chapter 266; provided, however, that a gift certificate not clearly marked with an expiration date shall be redeemable in perpetuity. Once an expiration date has been reached, the issuer of the gift certificate shall not be subject to section 7. Notwithstanding any general or special law to the contrary, upon a gift certificate being redeemed for up to 90 per cent of its face value, a consumer shall make an election to receive the balance in cash or to continue with the gift certificate.

SECTION 5. Section 6B of said chapter 200A is hereby amended by striking out subsection (a), as appearing in the 2000 Official Edition, and inserting in place thereof the following subsection:-

(a) Subject to subsection (b) of this section and section 1A, a sum payable on a certified check, draft, cashier's check, treasurer's check, registered check or other similar written instrument, other than a third-party bank check, on which a person is directly liable

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shall be presumed abandoned under this section if it has been outstanding for more than 3 years from the date it was payable, or from the date of its issuance if payable on demand or, in the case of a traveler's checks, has been outstanding for more than 15 years or, in the case of a money order, has been outstanding for more than 7 years from the date of its issuance, unless the owner has within 3 years, or within 15 years in the case of a traveler's checks, or within 7 years in the case of a money order, corresponded in writing with the person concerning it, or otherwise indicated an interest as evidenced by a memorandum on file with the person. A new person shall be directly liable if it is the actual holder of the fund representing the face amount of such instrument at the time of presumed abandonment under this section.

SECTION 6. The definition of "Gift certificate" in section 1 of chapter 255D of the General Laws, as so appearing, is hereby amended by adding the following sentence:- A gift certificate shall include an electronic card with a banked dollar value, a merchandise credit, a certificate where the issuer has received payment for the full face value for the future purchase or delivery of goods or services and any other medium that evidences the giving of consideration in exchange for the right to redeem the certificate, electronic card or other medium for goods, food, services, credit or money of at least an equal value.

SECTION 7. Chapter 266 of the General Laws is hereby amended by striking out section 75C, as so appearing, and inserting in place thereof the following section:-

Section 75C. Whoever sells or offers to sell a gift certificate as defined in section 1 of chapter 255D, which imposes a time limit of less than 7 years within which such certificate may be redeemed, shall be punished by a fine of not more than \$300. This section shall not apply when the purchaser of the gift certificate is not obligated to pay for it until the time of use. Whoever, after having sold a gift certificate refuses to redeem the certificate before it has reached the expiration date, shall be punished by a fine of not more than \$300.

SECTION 8. Notwithstanding any general or special law to the contrary, a gift certificate that has been issued but not redeemed as of the effective date of this act, shall expire 7 years after the gift certificate's date of issuance. If the date of issuance is not clearly marked on its face, the gift certificate shall be redeemable in perpetuity.

Approved January 1, 2003.

Chapter 511. AN ACT ESTABLISHING A SICK LEAVE BANK FOR SAILLENS DUMAY, AND EMPLOYEE OF THE DEPARTMENT OF CORRECTION AND EXTENDING THE TIME FOR A CERTAIN REPORT.

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

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Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law or rule or regulation to the contrary, the department of correction shall establish a sick leave bank for Saillens Dumay, an employee of the department of correction. An employee of the department of correction may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Saillens Dumay.

SECTION 2. Item 1100-1100 of section 2 of chapter 184 of the acts of 2002 is hereby amended by striking out the date "December 31, 2002" and inserting in place thereof the following date:- December 31, 2003.

Approved January 1, 2003.

Chapter 512. AN ACT ALLOWING JOSEPH McMANN, A FORMER EMPLOYEE OF THE TRIAL COURT, AN ORDINARY DISABILITY RETIREMENT OPTION.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the state board of retirement shall allow Joseph McMann, a retired member of the trial court, the option to receive an ordinary disability retirement under section 6 of chapter 32 of the General Laws. If Joseph McMann notifies the retirement board that he chooses to receive the ordinary disability retirement, it shall become effective only if the board determines that Joseph McMann's medical condition would entitle him to an ordinary disability retirement, and the retirement board shall pay Joseph McMann ordinary disability retirement benefits as of the effective date of this act for the remainder of his retirement. Joseph McMann shall notify the board of his decision on the option granted by this act within 90 days after the effective date of this act.

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

Approved January 1, 2003.

Chapter 513. AN ACT RELATIVE TO CERTAIN FIREARM FEES.

Be it enacted, etc., as follows:

SECTION 1. Section 129B of chapter 140 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in line 182, the words "; provided,

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however, that any" and inserting in place thereof the following:- . Notwithstanding any general or special law to the contrary, licensing authorities shall deposit such portion of the firearm identification card application fee into the Firearms Record Keeping Fund quarterly, not later than January 1, April 1, July 1 and October 1 of each year. Any.

SECTION 2. The first paragraph of subsection (i) of section 131 of said chapter 140, as so appearing, is hereby amended by adding the following sentence:- Notwithstanding any general or special law to the contrary, licensing authorities shall deposit such portion of the license application fee into the Firearms Record Keeping Fund quarterly, not later than January 1, April 1, July 1 and October 1 of each year.

Approved January 1, 2003.

Chapter 514. AN ACT RELATIVE TO THE TASTINGS OF ALCOHOLIC BEVERAGES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to allow forthwith for the tasting of alcoholic beverages, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 12 of chapter 138 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by adding the following 2 paragraphs:-

A common victualler who holds a license for the sale of all alcoholic beverages or holds a license for the sale of wines and malt beverages and who also holds pursuant to this section written approval to sell liqueurs and cordials pursuant to his license may provide on-premises sample liqueurs and cordials tasting; provided however, that a licensee shall not solicit orders for liqueurs and cordials for off-premises consumption; and provided, further, that any such liqueurs and cordials tasting shall be limited to $\frac{1}{4}$ of an ounce per serving and food shall be served in conjunction with any liqueurs and cordials tasting.

A common victualler who holds a license for the sale of all alcoholic beverages may provide on premises sample alcoholic beverages tasting; provided, however, that a licensee shall not solicit orders for alcoholic beverages for off-premises consumption; and provided further, that any tasting of alcoholic beverages, other than wines and malt beverages, shall be limited to $\frac{1}{4}$ of an ounce per serving and food shall be served in conjunction with any alcoholic beverages tasting.

SECTION 2. Section 15 of said chapter 138, as so appearing, is hereby amended by adding the following 2 paragraphs:-

A licensee who holds a license for the sale of all alcoholic beverages may provide, without charge, on-premises sample liqueurs and cordials tastings for prospective customers

if such beverages shall be available for sale on the premises; provided, however, that no single serving of liqueurs and cordials shall exceed $\frac{1}{4}$ of an ounce. A licensee who holds a license for the sale of all alcoholic beverages according to this section may also conduct on-premises sample liqueurs and cordials tasting in restaurants and function rooms licensed under section 12 who hold a license for the sale of all alcoholic beverages or a license for the sale of wines and malt beverages and which also hold, pursuant to said section 12, written approval to sell liqueurs and cordials pursuant to the license; provided, however, that the holder of a license pursuant to this section shall not solicit orders for off-premises consumption; provided, further, that the holder of a license issued pursuant to said section 12 shall control the dispensing of liqueurs and cordials samples on his premises; and provided further, that food shall be served in conjunction with liqueurs and cordials tasting conducted on the premises of the holder of a license issued pursuant to said section 12.

A licensee who holds a license for the sale of all alcoholic beverages may provide, without charge, on-premises sample alcoholic beverages tastings for prospective customers if such beverages shall be available for sale on such premises; provided, however, that no single serving of alcoholic beverages, other than wines and malt beverages, shall exceed $\frac{1}{4}$ of an ounce. A licensee who holds a license for the sale of all alcoholic beverages according to this section may also conduct on-premises sample tasting of alcoholic beverages, other than wines and malt beverages, in restaurants and function rooms licensed under section 12 who hold a license for the sale of all alcoholic beverages; provided, however, that the holder of a license pursuant to this section shall not solicit orders for off-premises consumption; provided further, that the holder of a license issued pursuant to said section 12 shall control the dispensing of samples of alcoholic beverages, other than wines and malt beverages, on his premises; and provided, further, that food shall be served in conjunction with alcoholic beverages tasting, other than wines and malt beverages, conducted on the premises of the holder of a license issued pursuant to said section 12.

SECTION 3. Section 22A of said chapter 138, as so appearing, is hereby amended by adding the following paragraph:-

Upon payment of a fee to be fixed by the commission in each case and subject to such terms and conditions as it may prescribe, it may grant to any suitable individual a permit which shall authorize such individual to accept delivery from a licensee lawfully possessing an alcoholic beverage specified therein which is acquired otherwise than by purchase and not intended for sale. The holder of a permit issued under this paragraph shall use any such alcoholic beverage specified therein solely for research related to consumer consumption of an item having a brand name. Such permit may, in the discretion of the commission, authorize delivery of alcoholic beverages to be consumed on the premises where the research is conducted or off the premises where the research is to be conducted.

SECTION 4. Said chapter 138 is hereby further amended by inserting after section 25E the following section:-

Section 25F. (a) Licensees under sections 18, 19 and 19B may provide free wine lawfully sold by such licensees to licensees authorized pursuant to section 12 to conduct bona

vide wine tastings, notwithstanding section 25A, solely to be dispensed at such tastings. Not more than 9 liters of wine of a supplier may be furnished to or accepted by a licensee authorized pursuant to said section 12 to conduct tastings during any consecutive 30 days. Transportation and delivery of wine by the licensee under said section 18, 19 or 19B shall be accompanied by an invoice which states the amount of free wine being delivered to the licensee under said section 12 and the date of the tasting. All free wine delivered, but not used during the tasting, shall be removed from the premises of the licensee under said section 12 by the licensee under said sections 18, 19 or 19B who delivered it and shall be accompanied by an invoice which states the amount of free wine delivered but not used by the licensee under said section 12 during the tasting. Licensees under said sections 18, 18B, 19 and 19B may participate at wine tasting events and may handle, serve or dispense wine, either directly or indirectly, through any agent, employee, stockholder, officer or other person or any subsidiary, but persons handling, serving or dispensing any such beverages shall be under the authority and supervision of the licensee under said section 12 conducting the tasting for all liability purposes. A supplier may provide to a licensee under said section 18 free wine lawfully sold by the licensee under said section 18, notwithstanding said section 25A, for the licensee under said section 18 to furnish to any licensee under said section 12 solely for use at a tasting under said section 12 if the wholesaler and supplier agree. For the purposes of this paragraph, the word "supplier" shall mean a licensee under said section 19 or 19B or a holder of a certificate of compliance under said section 18B.

(b) Licensees under sections 18, 19 and 19B may provide free wine lawfully sold by such licensees to licensees authorized pursuant to section 15 to conduct bona fide wine tastings, notwithstanding said section 25A, solely to be dispensed at such tastings. Not more than 9 liters of wine of a supplier may be furnished to or accepted by a licensee authorized pursuant to said section 15 to conduct such tastings during any consecutive 30 days. Transportation and delivery of such products by the licensee under said section 18, 19 or 19B shall be accompanied by an invoice which states the amount of free wine being delivered to the licensee under said section 15 and the date of the tasting. All such free wine delivered, but not used during the tasting, shall be removed from the premises of the licensee under said section 15 by the licensee under said section 18, 19 or 19B who delivered it and shall be accompanied by an invoice which states the amount of free wine delivered but not used by the licensee under said section 15 during the tasting. Licensees under sections 18, 18B, 19 and 19B may participate at such wine tasting events and may handle, serve or dispense wine or wine products, either directly or indirectly, through any agent, employee, stockholder, officer or other person or any subsidiary, but persons handling, serving or dispensing any such beverages shall be under the authority and supervision of the licensee under said section 15 conducting the tasting for all liability purposes. A supplier may provide to a licensee under section 18 free wine lawfully sold by said licensee under said section 18, notwithstanding section 25A, for the licensee under said section 18 to furnish to any licensee under said section 15 solely for use at a tasting under said section 15 if the wholesaler and supplier agree. For the purposes of this paragraph, the word "supplier" shall mean a licensee

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under said section 19 or 19B or a holder of a certificate of compliance under said section 18B.

(c) Licensees under section 18, 19 or 19C may provide free malt beverages lawfully sold by such licensees to licensees authorized pursuant to section 12 to conduct bona fide malt beverages tastings, notwithstanding the provisions of section 25A, solely to be dispensed at such tastings. Not more than 18 liters of malt beverages of a supplier may be furnished to, or accepted by, a licensee authorized pursuant to said section 12 to conduct such tastings during a 30-day period. Transportation and delivery of such malt beverages by the licensee under said section 18, 19, or 19C shall be accompanied by an invoice which states the amount of free malt beverages being delivered to the licensee under said section 12 and the date of the tasting. All such free malt beverages delivered, but not used during the tasting, shall be removed from the premises of the licensee under said section 12 by the licensee under said section 18, 19 or 19C who delivered them and shall be accompanied by an invoice which states the amount of free malt beverages delivered but not used by the licensee under said section 12 during the tasting. Licensees under said sections 18, 18B, 19, and 19C may participate at such malt beverages tasting events and may handle, serve or dispense malt beverages, either directly or indirectly, through any agent, employee, stockholder, officer or other person or any subsidiary, but persons handling, serving or dispensing any such beverages shall be under the authority and supervision of the licensee under said section 12 conducting the tasting for all liability purposes. A supplier may provide to a licensee under section 18 free malt beverages lawfully sold by said licensee under said section 18, notwithstanding section 25A, for the licensee under said section 18 to furnish to any licensee under said section 12 solely for use at a tasting under said section 12 if the wholesaler and supplier agree. For the purpose of this paragraph, the word "supplier" shall mean a licensee under said section 19, 19C, or 19D or a holder of a certificate of compliance under said section 18B.

(d) Licensees under sections 18, 19 and 19C may provide free malt beverages lawfully sold by such licensees to licensees authorized pursuant to section 15 to conduct bona fide malt beverages tastings, notwithstanding section 25A, solely to be dispensed at such tastings. Not more than 18 liters of malt beverages of a supplier may be furnished to, or accepted by, a licensee authorized pursuant to said section 15 to conduct such tastings during a 30-day period. Transportation and delivery of such products by the licensee under section 18, 19 or 19C shall be accompanied by an invoice which states the amount of free malt beverages being delivered to the licensee under said section 15 and the date of the tasting. All such free malt beverages delivered but not used during the tasting shall be removed from the premises of the licensee under said section 15 by the licensee under said section 18, 19 or 19C who delivered them and shall be accompanied by an invoice which states the amount of free malt beverages delivered but not used by the licensee under said section 15 during the tasting. Licensees under said sections 18, 18B, 19 and 19C may participate at such malt beverages tasting events and may handle, serve or dispense malt beverages either directly or indirectly, through any agent, employee, stockholder, officer or

other person, or any subsidiary, but persons handling, serving or dispensing any such beverages shall be under the authority and supervision of the licensee under section 15 conducting the tasting for all liability purposes. A supplier may provide to a licensee under said section 18 free malt beverages lawfully sold by the licensee under said section 18, notwithstanding said section 25A, for the licensee under said section 18 to furnish to any licensee under said section 15 solely for use at a tasting under said section 15 if the wholesaler and supplier agree. For the purposes of this paragraph, the word "supplier" shall mean a licensee under said section 19, 19C or 19D or a holder of a certificate of compliance under said section 18B.

(e) Licensees under section 18 or 19 may provide free liqueurs and cordials lawfully sold by such licensees to licensees authorized pursuant to section 12 to conduct bona fide liqueurs and cordials tastings, notwithstanding section 25A, solely to be dispensed at such tastings. Not more than 1 liter of liqueurs and cordials of a supplier may be furnished to, or accepted by, a licensee authorized pursuant to said section 12 to conduct such tastings during any consecutive 30 days. Transportation and delivery of such liqueurs and cordials by the licensee under said section 18 or 19 shall be accompanied by an invoice which states the amount of free liqueurs and cordials being delivered to the licensee under said section 12 and the date of the tasting. All such free liqueurs and cordials delivered but not used during the tasting shall be accompanied by an invoice which states the amount of free liqueurs and cordials delivered but not used by the licensee under said section 12 during the tasting. Licensees under said sections 18, 18B and 19 may participate at such liqueurs and cordials tasting events and may handle, serve or dispense liqueurs and cordials either directly or indirectly, through any agent, employee, stockholder, officer or other person or any subsidiary, but persons handling, serving or dispensing any such beverages shall be under the authority and supervision of the licensee under said section 12 conducting the tasting for all liability purposes. A supplier may provide to a licensee under said section 18 free liqueurs and cordials lawfully sold by the licensee under said section 18, notwithstanding said section 25A, for the licensee under said section 18 to furnish to any licensee under said section 12 solely for use at a tasting under said section 12 if the wholesaler and supplier agree. For the purposes of this paragraph, the word "supplier" shall mean a licensee under said section 19 or a holder of a certificate of compliance under said section 18B.

(f) Licensees under section 18 or 19 may provide free liqueurs and cordials lawfully sold by such licensees to licensees authorized pursuant to section 15 to conduct bona fide liqueurs and cordials tastings, notwithstanding section 25A, solely to be dispensed at such tastings. Not more than 1 liter of liqueurs and cordials of a supplier may be furnished to, or accepted by, a licensee authorized pursuant to said section 15 to conduct such tastings during any consecutive 30 days. Transportation and delivery of such products by the licensee under section 18 or 19 shall be accompanied by an invoice which states the amount of liqueurs and cordials being delivered to the licensee under said section 15 and the date of the tasting. All such free liqueurs and cordials delivered but not used during the tasting shall be accompanied by an invoice which states the amount of free liqueurs and cordials delivered but not used

by the licensee under said section 15 during the tasting. Licensees under sections 18, 18B and 19 may participate at such liqueurs and cordials tasting events and may handle, serve and dispense liqueurs and cordials products, either directly or indirectly, through any agent, employee, stockholder, officer or other person, or any subsidiary, but persons handling, serving or dispensing any such beverages shall be under the authority and supervision of the licensee under said section 15 conducting the tasting for all liability purposes. A supplier may provide to a licensee under said section 18 free liqueurs and cordials lawfully sold by the licensee under said section 18, notwithstanding said section 25A, for the licensee under said section 18 to furnish to any licensee under said section 15 solely for use at a tasting under said section 15 if the wholesaler and supplier agree. For the purposes of this paragraph, the word "supplier" shall mean a licensee under section 19 or a holder of a certificate of compliance under section 18B.

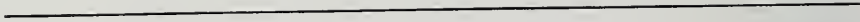
(g) Licensees under section 18 or 19 may provide free alcoholic beverages, other than wines and malt beverages or liqueurs and cordials, lawfully sold by such licensees to licensees authorized pursuant to section 12 to conduct bona fide tastings of alcoholic beverages, other than wines and malt beverages or liqueurs and cordials, notwithstanding section 25A, solely to be dispensed at such tastings. Not more than 1 liter of alcoholic beverages, other than wines and malt beverages or liqueurs and cordials, of a supplier may be furnished to, or accepted by, a licensee authorized pursuant to said section 12 to conduct such tastings during any consecutive 30 days. Transportation and delivery of such alcoholic beverages, other than wines and malt beverages or liqueurs and cordials, by the licensee under said section 18 or 19 shall be accompanied by an invoice which states the amount of free alcoholic beverages, other than wines and malt beverages or liqueurs and cordials, being delivered to the licensee under said section 12 and the date of the tasting. All such free alcoholic beverages, other than wines and malt beverages or liqueurs and cordials, delivered but not used during the tasting shall be accompanied by an invoice which states the amount of free alcoholic beverages, other than wines and malt beverages or liqueurs and cordials, delivered but not used by the licensee under said section 12 during the tasting. Licensees under said sections 18, 18B and 19 may participate at such tasting events of alcoholic beverages, other than wines and malt beverages or liqueurs and cordials and may handle, serve or dispense such alcoholic beverages, other than wines and malt beverages or liqueurs and cordials, either directly or indirectly, through any agent, employee, stockholder, officer or other person or any subsidiary, but persons handling, serving or dispensing any such beverages shall be under the authority and supervision of the licensee under said section 12 conducting the tasting for all liability purposes. A supplier may provide to a licensee under said section 18 free alcoholic beverages, other than wines and malt beverages or liqueurs and cordials, lawfully sold by the licensee under said section 18, notwithstanding the provisions of section 25A, for the licensee under said section 18 to furnish to any licensee under said section 12 solely for use at a tasting of alcoholic beverages, other than wines and malt beverages or liqueurs and cordials, under said section 12 if the wholesaler and supplier agree.

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For the purposes of this paragraph, the word "supplier" shall mean a licensee under said section 19 or a holder of a certificate of compliance under said section 18B.

(h) Licensees under section 18 or 19 may provide free alcoholic beverages, other than wines and malt beverages or liqueurs and cordials, lawfully sold by such licensees to licensees authorized pursuant to section 15 to conduct bona fide tastings of alcoholic beverages, other than wines and malt beverages or liqueurs and cordials, notwithstanding section 25A, solely to be dispensed at such tastings. Not more than 1 liter of alcoholic beverages, other than wines and malt beverages or liqueurs and cordials, of a supplier may be furnished to, or accepted by, a licensee authorized pursuant to said section 15 to conduct such tastings during any consecutive 30 days. Transportation and delivery of such products by the licensee under section 18 or 19 shall be accompanied by an invoice which states the amount of free alcoholic beverages, other than wines and malt beverages or liqueurs and cordials, being delivered to the licensee under said section 15 and the date of the tasting. All such free alcoholic beverages, other than wines and malt beverages or liqueurs and cordials, delivered but not used during the tasting shall be accompanied by an invoice which states the amount of free alcoholic beverages, other than wines and malt beverages or liqueurs and cordials, delivered but not used by the licensee under said section 15 during the tasting. Licensees under said sections 18, 18B and 19 may participate at such tasting events of alcoholic beverages, other than wines and malt beverages or liqueurs and cordials, and may handle, serve or dispense alcoholic beverages, other than wines and malt beverages or liqueurs and cordials, either directly or indirectly, through any agent, employee, stockholder, officer or other person or any subsidiary, but persons handling, serving or dispensing any such beverages shall be under the authority and supervision of the licensee under said section 15 conducting the tasting for all liability purposes. A supplier may provide to a licensee under said section 18 free alcoholic beverages, other than wines and malt beverages or liqueurs and cordials, lawfully sold by said licensee under said section 18, notwithstanding said section 25A, for the licensee under said section 18 to furnish to any licensee under said section 15 solely for use at a tasting under said section 15 if the wholesaler and supplier agree. For the purposes of this paragraph, the word "supplier" shall mean a licensee under said section 19 or a holder of a certificate of compliance under said section 18B.

Approved January 1, 2003.



SUMMARY OF THE ACTS APPROVED, APPROVAL WITHHELD, ACTS VETOED BY THE GOVERNOR, PASSED OVER HER VETO, ACTS DECLARED EMERGENCY LAWS BY THE GOVERNOR UNDER THE AUTHORITY OF THE CONSTITUTION, AND A LAW ENACTED BY THE PEOPLE AT THE NOVEMBER 5, 2002 STATE ELECTION.

During the second session of the General Court held in 2002, 514 Acts were enacted of which 508 Acts received the Governor's approval.

Chapters 29 and 100 were not approved by the Governor within the ten days prescribed by the Constitution. They were not returned to either legislative branch during the ten days with the Governor's reasons for disapproval in writing and since the General Court had not prorogued during that time, these acts have the force of law and have been so certified.

Three Acts were returned by the Governor to the House, the branch in which each Act had originated, with her objections in writing thereto. Chapter 43 was passed by the House on January 16, 2002 and by the Senate on February 12, 2002. Chapter 186 was passed by the House on July 23, 2002 and by the Senate on July 24, 2002. Chapter 235 was passed by the House and the Senate on July 31, 2002. The Governor's objections notwithstanding, these chapters have the force of law and have been so certified.

This summary does not include those line item vetoes by the Governor on appropriation Acts nor any subsequent legislative action on those vetoes.

Eight Acts were declared to be emergency laws by the Governor under Article XLVIII of the Amendments to the Constitution. These are Chapters 45, 46, 161, 218, 334, 348, 364, and 413.

Chapter 386, An Act Relative to the Teaching of English in Public Schools was adopted by the people at the November 5, 2002 state election under Article XLVIII of the Amendments to the Constitution, the Initiative, Part V, Section 1, as amended; according to the determination of the Governor and Council dated December 4, 2002.

The 2002 session of the General Court was dissolved at midnight on Tuesday December 31, 2002 the session having lasted 364 days.




William Francis Galvin
Secretary of the Commonwealth

OFFICE OF THE SECRETARY, BOSTON, MASSACHUSETTS September 19, 2002

I hereby certify that the Acts contained in this volume are true copies of the originals on file with this department.

I further certify that the Index and the Table of Changes contained in this volume have been prepared under the direction of the Committee on Rules of the two branches of the General Court in accordance with the provisions of M.G.L. c. 3, section 52.



William Francis Galvin
Secretary of the Commonwealth

TABLE OF CHANGES

SHOWING

TO WHAT EXTENT THE GENERAL LAWS OF THE COMMONWEALTH, AS APPEARING IN THE 2000 OFFICIAL EDITION, HAVE BEEN AFFECTED BY THE LEGISLATION PASSED BY THE GENERAL COURT SINCE JANUARY 1, 2001.

CHAPTER 1 - Jurisdiction of the Commonwealth and of the United States.

CHAPTER 2 - Arms, Great Seal and Other Emblems of the Commonwealth.

§ 48 added, 2002, 156.

§ 49 added, 2002, 500.

§ 50 added, 2002, 500.

§ 51 added, 2002, 500.

CHAPTER 3 - The General Court.

§ 38C added, 2002, 300 § 3. (See 2002, 300 §§ 61, 62.)

CHAPTER 4 - Statutes.

§ 7, clause Twenty-sixth, paragraph (n) inserted, 2002, 313 § 1.

CHAPTER 5 - Printing and Distribution of Laws and Public Documents.

CHAPTER 6 - The Governor, Lieutenant Governor and Council, Certain Officers under the Governor and Council, and State Library.

§ 15JJJJ added, 2001, 86.

§ 15KKKK added, 2001, 107.

§ 15LLLL, 2002, 85.

§ 15LLLL, 2002, 459.

§ 15MMMM, 2002, 110.

§ 15NNNN, 2002, 128.

§ 15OOOO, 2002, 154

§ 15PPPP, 2002, 463.

§ 17 amended, 2002, 196 § 1.

§ 28 amended, 2002, 184 § 4. (See 2002, 184 § 247.)

§ 48, paragraph inserted after second paragraph, 2001, 139 § 1. (See 2001, 139 § 45.) § 116, caption revised, 2002, 196 § 2; **section revised**, 2002, 196 § 3.

§ 116A amended, 2002, 196 § 4.

CHAPTER 6 - The Governor, Lieutenant Governor and Council, Certain Officers under the Governor and Council, and State Library. - continued

§ 116B amended, 2002, 196 §§ 6, 7, 8.

§ 117 revised, 2002, 196 § 9.

§ 118 amended, 2002, 196 § 10.

§ 119 **repealed**, 2002, 196 § 11.

§ 156 amended, 2002, 196 § 12.

§ 172C, second paragraph, clause (4) revised, clause (5) inserted, 2001, 177 § 5. (See 2001, 177 § 81.)

§ 172G added, 2002, 385 § 1.

§ 172H added, 2002, 385 § 1.

§ 172I added, 2002, 385 § 1.

CHAPTER 6A - Executive Offices.

§ 16 amended, 2001, 177 § 6. (See 2001, 177 § 81.)

§ 16E added, 2001, 177 § 6A. (See 2001, 177 § 81.)

§ 16F added, 2002, 171 § 1.

§ 18 amended, 2002, 196 §§ 13, 14; **section amended**, 2002, 184 § 6. (See 2002, 184 § 247.)

§ 18½ amended, 2002, 196 § 15.

§ 18A amended, 2002, 61 § 1; definition of "FCC Order" inserted, 2002, 61 § 2; definitions of "Wireless Carrier" and "Wireless enhanced 911 service" inserted, 2002, 61 § 3; **section amended**, 2002, 195 § 1. (See 2002, 61 § 9.)

§ 18B, subsection (b) revised, 2002, 61 § 4; subsections (g) and (h) added, 2002, 61 § 5. (See 2002, 61 § 9.)

§ 18H added, 2002, 61 § 6; **section repealed**, 2002, 61 § 7. (See 2002, 61 § 9.)

§ 18H added, 2002, 239 § 1.

§ 18I added, 2002, 195 § 2.

CHAPTER 6B - Acute Hospital Finance.

**CHAPTER 7 - Executive Office for Administration and Finance.
(Former title, Commission on Administration and Finance.)**

§ 49, subsection (c) revised, 2002, 438 § 1.

§ 53 amended, 2002, 243 § 1.

CHAPTER 7A - Office of the Comptroller.

§ 17 added, 2001, 88 § 3. (See 2001, 88 § 37.)

§ 18 added, 2002, 184 § 8. (See 2002, 184 § 247.)

CHAPTER 8 - State Superintendent of Buildings, and State House.

CHAPTER 9 - Department of the State Secretary.

§ 2C added, 2002, 429.

§ 20B added, 2002, 300 § 4.

**CHAPTER 9A - Address Confidentiality Program.
(New chapter added, 2000, 409.)**

CHAPTER 10 - Department of the State Treasurer.

§ 28, sentence added, 2001, 26 § 1. (See 2001, 200 § 53.)

§ 35G, second paragraph revised, 2002, 184 § 9. (See 2002, 184 § 247.)

§ 35M revised, 2002, 300 § 5.

§ 35P amended, 2001, 88 § 4. (See 2001, 88 § 37.)

§ 35S revised, 2002, 300 § 6.

§ 35V added, 2001, 177 § 7; **section repealed**, 2001, 177 § 8. (See 2001, 177 §§ 80, 81.)

§ 35W added, 2002, 61 § 8. (See 2002, 61 § 9.)

§ 35X added, 2002, 184 § 10. (See 2002, 184 § 243.)

§ 62 **repealed**, 2002, 184 § 11. (See 2002, 184 § 247.)

§ 64 added, 2001, 139 § 2. (See 2001, 139 § 45.)

§ 65 added, 2001, 139 § 2. (See 2001, 139 § 45.)

§ 66 added, 2002, 52 § 1.

§ 67 added, 2002, 334 § 1. (See 2002, 334 § 4.)

§ 68 added, 2002, 502 § 1.

§ 69 added, 2002, 502 § 1.

CHAPTER 11 - Department of the State Auditor.

§ 12 amended, 2002, 65 § 1; first paragraph, sentence inserted after first sentence, 2002, 65 § 2.

§ 16 added, 2002, 184 § 12. (See 2002, 184 § 247.)

§ 17 amended, 2002, 184 § 12. (See 2002, 184 § 247.)

CHAPTER 12 - Department of the Attorney General, and the District Attorneys.

CHAPTER 12A - Office of the Inspector General.

CHAPTER 12B - State Gambling and Advisory Commission.

**CHAPTER 13 - Division and Boards of Registration.
(Former title, Department of Civil Service and Registration.)
(Title revised, 1998, 161 § 59.)**

§ 9 revised, 2002, 184 § 13. (See 2002, 184 § 243.)

CHAPTER 13 - Division and Boards of Registration. - continued

- § 10A amended, 2002, 184 §§ 15, 16. (See 2002, 184 § 243.)
§ 11B, first paragraph revised, 2002, 184 § 17. (See 2002, 184 § 247.)
§ 11C amended, 2002, 184 § 18. (See 2002, 184 § 243.)
§ 13, subsection (a) revised, 2002, 184 § 19. (See 2002, 184 § 247.)
§ 19, first paragraph revised, 2002, 184 § 20. (See 2002, 184 § 247.)
§ 22 revised, 2002, 184 § 21. (See 2002, 184 § 247.)
§ 73, first paragraph revised, 2002, 184 § 22. (See 2002, 184 § 247.)

CHAPTER 14 - Department of Revenue.

- § 6, subparagraph 6 added, 2001, 203 § 3.
§ 10 **repealed**, 2002, 184 § 24. (See 2002, 184 § 247.)
§ 11 **repealed**, 2002, 184 § 24. (See 2002, 184 § 247.)

CHAPTER 15 - Department of Education.

CHAPTER 15A - Public Education.

- § 9 amended, 2002, 184 §§ 25, 26. (See 2002, 184 § 247.)
§ 19, paragraph added, 2002, 440.
§ 40, subdivision (3), paragraph added, 2002, 46 § 1.

**CHAPTER 15B - The New England Educational Loan Marketing Corporation Act.
(Chapter repealed, 1982, 356 § 2.)**

CHAPTER 15C - Massachusetts College Student Loan Authority.

**CHAPTER 16 - Department of Highways.
(Formerly, Department of Public Works.)**

CHAPTER 17 - Department of Public Health.

- § 17 added, 2001, 177 § 9. (See 2001, 177 § 81.)

**CHAPTER 18 - Department of Transitional Assistance.
(Title revised, 1995, 5 § 7. Former title, Department of Public
Welfare.) (See 1995, 5 § 7.)**

- § 5G, seventh paragraph, sentence added, 2001, 177 § 10. (See 2001, 177 § 81.)

CHAPTER 18A - Department of Youth Services.

CHAPTER 18B - Department of Social Services.

CHAPTER 19 - Department of Mental Health.

CHAPTER 19A - Department of Elder Affairs.

§ 39 revised, 2001, 177 § 11. (See 2001, 177 § 81.)

§ 40 revised, 2001, 177 § 11. (See 2001, 177 § 81.)

CHAPTER 19B - Department of Mental Retardation.

CHAPTER 19C - Disabled Persons Protection Commission.

CHAPTER 19D - Assisted Living.

(New chapter inserted, 1994, 354 § 3.)

CHAPTER 20 - Department of Food and Agriculture.

CHAPTER 21 - Department of Environmental Management.

§ 3E added, 2002, 236 § 8; first sentence revised, 2002, 438 § 2.

§ 7F amended, 2002, 23 § 1.

CHAPTER 21A - Executive Office of Environmental Affairs.

§ 8 amended, 2002, 23 § 2.

CHAPTER 21B - Mining Regulation and Reclamation.

CHAPTER 21C - Massachusetts Hazardous Waste Management Act.

CHAPTER 21D - Massachusetts Hazardous Waste Facility Siting Act.

CHAPTER 21E - Massachusetts Oil and Hazardous Material Release Prevention and Response Act.

§ 6 amended, 2001, 26 § 2; 2002, 438 § 35. (See 2001, 200 § 53; 2002, 438 § 48.)

§ 13 amended, 2001, 26 §§ 3, 4. (See 2001, 200 § 53.)

CHAPTER 21F - Coastal Facilities Improvement.

CHAPTER 21G - Massachusetts Water Management Act.

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- CHAPTER 21H - Solid Waste Facilities.**
(New chapter inserted, 1987, 584 § 3.)
- CHAPTER 21I - Massachusetts Toxics Use Reduction Act.**
(New chapter inserted, 1989, 265 § 3.)
- CHAPTER 21J - Underground Storage Tank Petroleum Product Cleanup Fund.**
(New chapter inserted, 1990, 524 § 1).
- § 2 amended, 2002, 184 § 28. (See 2002, 184 § 247.)
- CHAPTER 21K - Mitigation of Hazardous Material.**
(New Chapter inserted, 1998, 194 § 64.)
- § 5 amended, 2002, 184 § 29. (See 2002, 184 § 247.)
- CHAPTER 22 - Department of Public Safety.**
- § 3, sentence added, 2002, 184 § 30. (See 2002, 184 § 247.)
§ 13A amended, 2002, 184 § 31. (See 2002, 184 § 247.)
- CHAPTER 22A - Central Register for Missing Children.**
- CHAPTER 22B - Capitol Police.**
(Chapter repealed, 1991, 412 § 21.) (See 1991, 412 § 139.)
- CHAPTER 22C - The Department of State Police.**
(New chapter inserted, 1991, 412 § 22.) (See 1991, 412 § 139.)
- § 13 revised, 2002, 43.
- CHAPTER 22D - Department of Fire Services.**
(New chapter inserted, 1996, 151 § 109.) (See 1996, 151 § 690.)
- CHAPTER 22E - State DNA Database.**
(New chapter inserted, 1997, 106 § 7.)
- CHAPTER 23 - Department of Labor and Work Force Development.**
(New title inserted, 1996, 1996, 151 § 110, Former title, Department of Labor and Industries.) (See 1996, 151 § 690.)
- § 9N amended, 2002, 347 §§ 1, 2. (See 2002, 347 § 17.)
§ 11E revised, 2002, 357 § 1.
§ 11F revised, 2002, 357 § 1.

CHAPTER 23 - Department of Labor and Work Force Development. - continued

§ 11G revised, 2002, 357 § 1.

§ 11H revised, 2002, 357 § 1.

§ 11I revised, 2002, 357 § 1.

§ 11J revised, 2002, 357 § 1.

§ 11K revised, 2002, 357 § 1.

§ 11L revised, 2002, 357 § 1.

§ 11T added, 2002, 357 § 2.

§ 11U added, 2002, 357 § 2.

§ 11V added, 2002, 357 § 2.

§ 11W added, 2002, 357 § 2.

CHAPTER 23A - Department of Economic Development.

(New title inserted, Former title, Department of Commerce and Development.)

CHAPTER 23B - Department of Housing and Community Development.

(Title Changed, 1996, 204 § 15, Former Title, Division of Housing and Community Development.)

CHAPTER 23C - Board of Conciliation and Arbitration.

CHAPTER 23D - Massachusetts Industrial Service Program.

CHAPTER 23E - Division of Industrial Accidents.

(Former title, Department of Industrial Accidents)

CHAPTER 23F - The Economic Diversification Program.

(New chapter inserted, 1990, 525.)

CHAPTER 23G - The Massachusetts Development Finance Agency.

(New chapter inserted, 1998, 289 § 24.) (See 1998, 289 § 33.)

§ 8, subsection (a), third paragraph, sentence added, 2002, 284 § 1.

CHAPTER 24 - Department of Industrial Accidents.

(Chapter repealed, 1953, 314 § 14.)

CHAPTER 24A - Office of Consumer Affairs and Business Regulation.

(New chapter inserted, 1996, 151 § 148.) (See 1996, 151 § 690.)

§ 5 amended, 2002, 184 § 32. (See 2002, 184 § 243.)

CHAPTER 25 - Department of Public Utilities.

§ 19 amended, 2002, 45 §§ 1, 2, 3.

**CHAPTER 25A - Division of Energy Resources.
(Formerly, Executive Office of Energy Resources.)**

§ 6 amended, 2001, 177 § 12. (See 2001, 177 § 81.)

CHAPTER 25B - Massachusetts Appliance Efficiency Standards Act.

CHAPTER 26 - Department of Banking and Insurance.

§ 8E, fifth paragraph, first sentence stricken out and two sentences inserted, 2002, 279 § 1;
tenth sentence stricken out and two sentences inserted, 2002, 279 § 2.

CHAPTER 27 - Department of Correction.

CHAPTER 28 - Metropolitan District Commission.

**CHAPTER 28A - Office of Child Care Services.
(See 2000, 313 § 8.) (Former title, Office For Children.)**

CHAPTER 29 - State Finance.

§ 1, definition of "Balanced budget" revised, 2002, 184 § 33. (See 2002, 184 § 246.)

§ 2 amended, 2002, 438 § 6.

§ 2H amended, 2001, 177 § 13(A). (See 2001, 177 § 81.)

§ 2U revised, 2002, 184 § 35. (See 2002, 184 § 247.)

§ 2Z revised, 2001, 177 § 14; **section amended**, 2002, 184 § 36. (See 2001, 177 § 81; 2002,
184 § 247.)

§ 2II revised, 2002, 184 § 37. (See 2002, 184 § 247.)

§ 2PP **repealed**, 2002, 118 § 3. (See 2002, 118 § 28.)

§ 2XX, subsection (a) revised, 2001, 177 § 15. (See 2001, 177 § 81.)

§ 2AAA added, 2001, 7 § 3.

§ 2BBB added, 2001, 177 § 13(B); **section amended**, 2002, 184 § 38. (See 2001, 177 § 81;
2002, 184 § 246.)

§ 2BBB added, 2001, 177 § 16; **stricken out**, 2002, 438 § 3. (See 2001, 177 § 81.)

§ 2CCC added, 2001, 177 § 13(B). (See 2001, 177 § 81.)

§ 2DDD added 2002, 184 § 39. (See 2002, 184 § 247.)

§ 2DDD added, 2002, 236 § 9; **stricken out**, 2002, 438 § 4.

§ 2EEE added, 2002, 184 § 40; sentence added, 2002, 364 § 1. (See 2002, 184 § 247; 2002,
364 § 24.)

CHAPTER 29 - State Finance.

§ 2EEE added, 2002, 236 § 9; **stricken out**, 2002, 438 § 4.

§ 2FFF added, 2002, 330, § 1.

§ 2GGG added, 2002, 438 § 5.

§ 2HHH added, 2002, 438 § 5.

§ 2III added, 2002, 438 § 5.

§ 5B, last paragraph revised, 2002, 184 § 42. (See 2002, 184 § 247.)

§ 5C, clause (a) revised, 2002, 184 § 43; clauses (b) and (c), **stricken out**, clauses (b) to (d) inserted, 2001, 177 § 13(C). (See 2001, 177 § 81; 2002, 184 § 246.)

§ 7H, first paragraph, sentence inserted after first sentence, 2002, 438 § 7.

CHAPTER 29A - Financing the Judicial System.

CHAPTER 29B - State Revenue Growth Control.

(Chapter repealed, 1998, 194 § 103.) (See 1998, 194 § 433.)

CHAPTER 29C - Water Pollution Abatement Revolving Loan Program.

(New chapter inserted, 1989, 275 § 8.)

CHAPTER 29D - THE HEALTH CARE SECURITY TRUST.

(New chapter inserted, 1999, 127 § 43.) (See 1999, 127 § 390.)

§ 1 amended, 2002, 184 § 44. (See 2002, 184 § 247.)

§ 3, subsection (a), clause (ii) revised, 2001, 177 § 16A; amended, 2002, 184 § 45; paragraph (c) revised, 2001, 177 § 16B; third paragraph revised, 2002, 300 § 7; fourth paragraph, last sentence **stricken out**, 2002, 300 § 7A; paragraph (f) revised, 2001, 177 § 16C; subsection (j) added, 2002, 184 § 45A. (See 2001, 177 § 81; 2002, 184 § 247.)

CHAPTER 30 - General Provisions Relative to State Departments, Commissions, Officers and Employees.

§9I added, 2002, 75 § 1. (See 2002, 75 § 2.)

CHAPTER 30A - State Administrative Procedure.

CHAPTER 30B - Uniform Procurement Act.

(New chapter inserted, 1989, 687 § 3.)

CHAPTER 31 - Civil Service.

CHAPTER 31A - Municipal Personnel Systems.

CHAPTER 32 - Retirement Systems and Pensions.

- § 1, definition of “Regular compensation”, two paragraphs added, 2002, 46 § 2.
- § 4 amended, 2002, 2002, 116 § 4; **section amended**, 2002, 394; **section amended**, 2002, 468 § 1; subdivision (1), paragraph (r) inserted, 2002, 468 § 1A; paragraph (r³/₄) inserted, 2002, 468 § 1B.
- § 5, subdivision (3), paragraph (f) added, 2002, 46 § 3.
- § 10, subdivision (2), paragraph (a), 2 sentences added, 2002, 184 § 46. (See 2002, 184 § 247.)
- § 21, subdivision (1), paragraph (d), first sentence revised, 2002, 184 § 47. (See 2002, 184 § 247.)
- § 22, subdivision (8), paragraph (e), third and fourth sentences revised, 2002, 46 § 4.
- § 22C, subsection (1), paragraph added, 2001, 177 § 17; last paragraph amended, 2002, 118 § 5; **section amended**, 2002, 46 § 5; **section amended**, 2002, 118 § 4. (See 2001, 177 § 81; 2002, 118 § 28.)
- § 22D, subdivision (1), second sentence revised, 2002, 46 § 6.
- § 23, paragraph (e) of subdivision (2A), clause (xiii) revised, clause (xiv) inserted, 2002, 502 § 3.
- § 104 added, 2002, 46 § 7.

CHAPTER 32A - Contributory Group General or Blanket Insurance for Persons in the Service of the Commonwealth.

- § 2 amended, 2002, 117 § 1.
- § 8 amended, 2002, 117 § 2.
- § 23 amended, 2002, 438 § 8.

CHAPTER 32B - Contributory Group General or Blanket Insurance for Persons in the Service of Counties, Cities, Towns and Districts, and their Dependents.

CHAPTER 33 - Militia.

- § 67 amended, 2002, 56.

CHAPTER 34 - Counties and County Commissioners.

CHAPTER 34A - County Charter Procedures.

CHAPTER 34B - Abolition of County Government.

(New chapter inserted, 1999, 127 § 53.) (See 1999, 127 § 390.)

- § 19 amended, 2002, 116 § 5.

CHAPTER 35 - County Treasurers, State Supervision of County Accounts and County Finances.

CHAPTER 36 - Registers of Deeds.

CHAPTER 37 - Sheriffs.

CHAPTER 38 - Medical Examiners.

2A amended, 2002, 438 §§ 9, 10.

CHAPTER 39 - Municipal Government.

CHAPTER 40 - Powers and Duties of Cities and Towns.

§ 8B, sentence added, 2002, 41.

§ 21, clause (23), paragraph (b), last sentence revised, 2002, 450 § 1; clause (24), second paragraph stricken out and two paragraphs inserted, 2002, 450 § 2.

§ 36C amended, 2002, 196 § 16.

CHAPTER 40A - Zoning Regulations.

§ 7, third paragraph amended, 2002, 393 § 1. (See 2002, 393 § 23.)

§ 9, after third paragraph, paragraph inserted, 2002, 197.

§ 17, first paragraph amended, 2002, 393 § 2. (See 2002, 393 § 23.)

CHAPTER 40B - Regional Planning.

CHAPTER 40C - Historic Districts.

CHAPTER 40D - Industrial Development of Cities and Towns.

§1, clause (1), after fourth sentence, 2 sentences inserted, 2002, 284 § 2; **section amended**, 2002, 284 § 3.

CHAPTER 40E - Massachusetts Industrial Development Authority.

CHAPTER 40F - The Massachusetts Community Development Finance Corporation.

CHAPTER 40G - Massachusetts Technology Development Corporation.

§ 1 amended, 2002, 467 §§ 1, 2.

§ 2, after second paragraph, paragraph inserted, 2002, 467 § 3.

§ 3 amended, 2002, 467 § 4.

CHAPTER 40G - Massachusetts Technology Development Corporation. - continued

- § 4, fourth paragraph, clause (4) revised, 2002, 467 § 5; **section amended**, 2002, 467 §§ 6, 7, 8; fifth paragraph, clauses (2), (3) and (4) stricken out and clause (2) inserted, 2002, 467 § 9; last paragraph stricken out, 2002, 467 § 10.
- § 4B amended, 2002, 467 §§ 11, 12, 13.
- § 5 amended, 2002, 467 § 14.
- § 6, second sentence stricken out and two sentences inserted, 2002, 467 § 15.
- § 10 amended, 2002, 467 § 16.

CHAPTER 40H - Community Economic Development Assistance Corporation.

- § 1 revised, 2002, 244 § 9.
- § 2, definition of "Affordable housing" inserted, 2002, 244 § 10; definition of "Eligible organization" revised, 2002, 244 § 11; definition of "Technical assistance" stricken out and definition of "Technical and financial assistance" inserted, 2002, 244 § 12.
- § 3, first sentence revised, 2002, 244 § 13.
- § 4 revised, 2002, 244 § 14.
- § 5 revised, 2002, 244 § 14.

CHAPTER 40I - THE BAY STATE SKILLS CORPORATION ACT.
(Chapter repealed, 1996, 151 § 196.) (See 1996, 151 § 690.)

CHAPTER 40J - Massachusetts Technology Park Corporation.

CHAPTER 40K - MASSACHUSETTS PRODUCT DEVELOPMENT CORPORATION.
(Chapter repealed, 1996, 58 § 23.) (See 1996, 58 § 105.)

CHAPTER 40L - AGRICULTURAL INCENTIVE AREAS.

CHAPTER 40M - GOVERNMENTAL UNITS POOLED INSURANCE.

CHAPTER 40N - MODEL WATER AND SEWER COMMISSION.
(New chapter inserted, 1992, 343 § 2.)

CHAPTER 40O - BUSINESS IMPROVEMENT DISTRICTS.
(New chapter inserted, 1994, 173.)

CHAPTER 40P - The Massachusetts Rent Control Prohibition Act.
(New chapter inserted, 1994, 368 § 1.) (See 1994, 368 § 2.) (Voted by the people under Art. 48.) (Chapter stricken out, 1997, 19 § 10.) (See 1997, 19 § 127.)

CHAPTER 40P - The Massachusetts Rent Control Prohibition Act.
(New chapter inserted, 1997, 19 § 10.) (See 1997, 19 § 127.)

CHAPTER 41 - Officers and Employees of Cities, Towns and Districts.

§ 19, fourth sentence stricken out, 2002, 157.

§ 81B amended, 2002, 393 § 3. (See 2002, 393 § 23.)

§ 81V amended, 2002, 393 § 4. (See 2002, 393 § 23.)

§ 81Y amended, 2002, 393 § 5. (See 2002, 393 § 23.)

§ 81BB amended, 2002, 393 § 6. (See 2002, 393 § 23.)

§ 96B amended, 2002, 196 §§ 17, 18.

§ 97B amended, 2002, 196 §§ 19, 20.

§ 108L, paragraph added, 2002, 184 § 48. (See 2002, 184 § 247.)

CHAPTER 42 - Boundaries of Cities and Towns.

CHAPTER 43 - City Charters.

CHAPTER 43A - Standard Form of Representative Town Meeting Government.

CHAPTER 43B - Home Rule Procedures.

CHAPTER 43C - OPTIONAL FORMS OF MUNICIPAL ADMINISTRATION ACT.

(New chapter inserted, 1987, 756.)

CHAPTER 44 - Municipal Finance.

CHAPTER 44A - QUALIFIED BOND ACT.

CHAPTER 44B. - COMMUNITY PRESERVATION.

(New chapter inserted, 2000, 267 § 1.)

§ 2 amended, 2002, 165 §§ 1, 2; definition of "Rehabilitation" added, 2002, 165 § 3.

§ 5, subsection (b), subparagraph (2) revised, 2002, 165 § 4.

CHAPTER 45 - Public Parks, Playgrounds and the Public Domain.

CHAPTER 46 - Return and Registry of Births, Marriages and Death.

§ 1½ added, 2002, 250.

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- CHAPTER 47 - Infirmaries.**
- CHAPTER 48 - Fires, Fire Departments and Fire Districts.**
- CHAPTER 49 - Fences, Fence Viewers, Pounds and Field Drivers.**
- CHAPTER 49A - Use of Certain Animals for Scientific Investigation, Experiment or Instruction.**
- CHAPTER 50 - General Provisions relative to Primaries, Caucuses and Elections.**
§ 1 amended, 2001, 150 §§ 1, 2.
- CHAPTER 51 - Voters.**
- CHAPTER 52 - Political Committees.**
- CHAPTER 53 - Nominations, Questions to be Submitted to the Voters, Primaries and Caucuses.**
- CHAPTER 54 - Elections.**
§ 109 amended, 2002, 383 § 1, 2; paragraph added, 2002, 383 § 3.
- CHAPTER 54A - Election of City and Town Officers by Proportional Representation and Preferential Voting.**
- CHAPTER 55 - Disclosure of Campaign Expenditures and Contributions and Election Inquests.**
- CHAPTER 55A - THE MASSACHUSETTS CLEAN ELECTION LAW.**
(Chapter revised, 1998, 395 § 2) (New title inserted, 1998, 395 § 2, Former title, Limited Public Financing of Campaigns for Statewide Elective Office.)
- CHAPTER 55B - The State Ballot Law Commission.**
- CHAPTER 56 - Violations of Elections Laws.**
- CHAPTER 57 - Congressional, Councilor and Senatorial Districts, and Apportionment of Representatives.**
§ 1 revised, 2002, 29 § 1.

CHAPTER 57 - Congressional, Councilor and Senatorial Districts, and Apportionment of Representatives. - continued

§ 2 revised, 2001, 126 § 1.

§ 3 revised, 2001, 126 § 1.

§ 4 revised, 2001, 125 § 1.

CHAPTER 58 - General Provisions Relative to Taxation.

§ 8C added, 2002, 2 § 1.

§ 18C, subsection (4) added, 2001, 177 § 18. (See 2001, 177 § 81.)

§ 18C, inserted by 1990, 268 § 2, ~~stricken out~~, 2002, 438 § 11.

**CHAPTER 58A - Appellate Tax Board.
(Former title, Board of Tax Appeals.) (Chapter revised, 1998, 485 § 2.) (See 1998, 485 § 23.)**

CHAPTER 59 - Assessment of Local Taxes.

§ 5, clause Eighteenth A inserted, 2002, 470; clause Forty-first C, sentence inserted after first sentence, 2002, 184 § 51. (See 2002, 184 § 247.)

§ 5K amended, 2002, 184 § 52. (See 2002, 184 § 247.)

§ 52B amended, 2002, 399 § 1.

§ 57D, first paragraph ~~stricken out~~ and two paragraphs inserted, 2002, 399 § 2; paragraph inserted after second paragraph, 2002, 399 § 3; fourth paragraph revised, 2002, 399 § 4; fifth paragraph revised, 2002, 399 § 5; paragraph inserted after fifth paragraph, 2002, 399 § 6.

CHAPTER 59A - Classification of Real Property.

CHAPTER 60 - Collection of Local Taxes.

§ 1, definition of "Affordable housing" inserted, 2002, 2 § 2.

§ 65 amended, 2002, 2 § 3.

§ 69A amended, 2002, 2 § 4.

§ 77C added, 2002, 2 § 5.

§ 79 amended, 2002, 2 § 6; first paragraph, sentence added, 2002, 2 § 7.

§ 81B added, 2002, 2 § 8.

CHAPTER 60A - Excise Tax on Registered Motor Vehicles in Lieu of Local Property Tax.

CHAPTER 60B - Excise on Boats, Ships and Vessels in Lieu of Local Property Tax.

**CHAPTER 61 - Classification and Taxation of Forest Lands and Forest Products.
(Former title, Taxation of Forest Products and Classification and
of Forest Lands.)**

CHAPTER 61A - Assessment and Taxation of Agricultural and Horticultural Land.

CHAPTER 61B - Classification and Taxation of Recreational Land.

CHAPTER 62 - Taxation of Incomes.

§ 1 amended, 2002, 96 § 1; paragraph (c) revised, 2002, 186 § 1, 2002, 364 § 2; paragraph (m), second paragraph revised, 2002, 186 § 2; paragraphs (n) and (o) inserted, 2002, 186 § 3. (See 2002, 96 § 7; 2002, 186 §§ 31, 32; 364 § 24.)

§ 2, subsection (a), paragraph (2), subparagraph (L) added, 2002, 186 § 4; stricken out, 2002, 364 § 3; paragraph (3) revised, 2002, 186 § 5; subsection (b), paragraph (3) revised, 2002, 186 § 6; subsection (c) revised, 2002, 186 § 7; 2002, 364 § 4; paragraph (2) revised, 2002, 364 § 5; subsection (d), paragraph (1), subparagraph (N) added, 2002, 96 § 2; subsection (e) revised, 2002, 186 § 8; 364 § 6, 7. (See 2002, 96 § 8; 186 §§ 31, 32; 364 § 24.)

§ 3, paragraph (a) of Part B, subparagraph (13) revised, 2001, 136 § 1; 2002, 186 § 9; **section amended**, 2002, 186 §§ 10, 11, 12. (See 2002, 186 § 31.)

§ 4, paragraph (b) revised, 2002, 186 § 13; paragraph (c) revised, 2002, 186 § 14. (See 2002, 186 §§ 31, 32.)

§ 5, subsection (c) stricken out, 2002, 364 § 8. (See 2002, 364 § 24.)

§ 6I **repealed**, 2001, 136 § 2.

§ 25 revised, 2002, 184 § 60. (See 2002, 184 § 247.)

CHAPTER 62A - Simplified Method of Computing Individual Income Taxes.

**CHAPTER 62B - Withholding of Taxes on Wages and Declaration of Estimated
Income Tax.**

CHAPTER 62C - Administrative Provisions Relative to State Taxation.

§ 3, paragraph added, 2002, 364 § 9. (See 2002, 364 § 24.)

§ 5 revised, 2002, 300 § 8 (A). (See 2002, 300 § 8 (B).)

§ 21, subsection (b), clauses (19) and (20) inserted, 2002, 186 § 15.

§ 40 amended, 2002, 96 § 3. (See 2002, 96 § 10.)

§ 49A, subsections (d) and (e) added, 2002, 184 § 64. (See 2002, 184 § 247.)

§ 50, paragraph (2) of subsection (2), first sentence revised, 2001, 26 § 5. (See 2001, 200 § 53.)

§ 87 added, 2002, 184 § 65. (See 2002, 184 § 247.)

CHAPTER 62D - SET-OFF DEBT COLLECTION.

§ 1 amended, 2002, 184 §§ 66, 67. (See 2002, 184 § 247.)

§ 13 amended, 2002, 184 § 68. (See 2002, 184 § 247.)

CHAPTER 62E - WAGE REPORTING SYSTEM.

§ 2, second sentence revised, 2001, 203 § 4.

CHAPTER 62F - LIMITATION ON THE GROWTH OF STATE TAX REVENUES.

§ 2, 4 definitions inserted, 2002, 184 § 69. (See 2002, 184 § 245.)

§ 5, subsection (d) inserted, 2002, 184 § 70. (See 2002, 184 § 245.)

§ 6A added, 2002, 184 § 71. (See 2002, 184 § 245.)

CHAPTER 63 - Taxation of Corporations.

§ 1, definition of "Net income", clauses (b) and (c) stricken out and clauses (b), (c) and (d) inserted, 2002, 96 § 4. (See 2002, 96 § 8.)

§ 30 amended, 2002, 96 § 5; paragraph 4, clause (iv) inserted, 2002, 300 § 9; paragraph 5, clause (iv) of subparagraph (c) stricken out, 2002, 300 § 10. (See 2002, 96 § 8; 300 § 63.)

§ 52A, paragraph (b) of subsection (1), clauses (ii) and (iii) stricken out and clauses (ii), (iii) and (iv) inserted, 2002, 96 § 6. (See 2002, 96 § 6.)

CHAPTER 63A - Taxation of Certain Corporations, Associations and Organizations Engaged in the Sale of Alcoholic Beverages.

CHAPTER 63B - Declaration of Estimated Tax by Corporations.

**CHAPTER 63C - Taxation of Income of Certain Corporations.
(Chapter repealed, 1985, 593 § 24.)**

CHAPTER 64 - Taxation of Stock Transfers.

**CHAPTER 64A - Taxation of Sales of Gasoline.
(Former title, Taxation of Sales of Gasoline and Certain other Motor Vehicle Fuel.)**

CHAPTER 64B - Excise upon Charges for Meals served to the Public.

CHAPTER 64C - Cigarette Excise.

§ 5A added, 2002, 186 § 16.

CHAPTER 64C - Cigarette Excise. - continued

§ 6 amended, 2002, 186 §§ 17, 18; paragraph added, 2002, 186 § 19.

§ 7B amended, 2002, 186 § 20.

§ 33A added, 2002, 186 § 21.

§ 34, 2 paragraphs added, 2002, 186 § 22.

§ 35, 2 paragraphs added, 2002, 186 § 23

CHAPTER 64D - Excise on Deeds, Instruments and Writings.

CHAPTER 64E - Taxation of Special Fuels Used in the Propulsion of Motor Vehicles.

CHAPTER 64F - Taxation of Fuel and Special Fuels Acquired Outside and Used within the Commonwealth.

CHAPTER 64G - Room Occupancy Excise.

CHAPTER 64H - Tax on Retail Sales of Certain Tangible Personal Property.

§ 1, definitions of “Home service provider” and “Mobile telecommunications service” inserted, 2002, 186 § 24; definition of “Place of primary use” inserted, 2002, 186 § 25; **section amended**, 2002, 186 § 26; definition of “Sale at retail”, sentence inserted after fifth sentence, 2002, 186 § 27; last sentence stricken out and three sentences inserted, 2002, 469 § 1; definition of “Prepaid calling arrangements” inserted, 2002, 469 § 1.

§ 3, sentence inserted after third sentence, 2002, 184 § 73. (See 2002, 184 § 247.)

§ 6, paragraphs (uu) and (vv) added, 2001, 177 § 19. (See 2001, 177 § 80A inserted by 2001, 203 § 17.)

CHAPTER 64I - Tax on Storage, Use or Other Consumption of Certain Tangible Personal Property.

§ 7, paragraphs (d) and (e) added, 2001, 177 § 19A. (See 2001, 177 § 80A inserted by 2001, 203 § 17.)

CHAPTER 64J - TAXATION OF FUELS USED IN THE PROPULSION OF AIRCRAFT.

CHAPTER 64K - Controlled Substances Tax.

(New Chapter inserted, 1993, 110 § 127.) (See 1993, 110 § 390.)

CHAPTER 65 - Taxation of Legacies and Successions.

CHAPTER 65A - Taxation of Transfers of Certain Estates.

CHAPTER 65B - Settlement of Disputes Respecting the Domicile of Decedents for Death Tax Purposes.

CHAPTER 65C - Massachusetts Estate Tax.

§ 2A, subsection (a) revised, 2002, 186 § 28; subsections (e) and (f) stricken out and subsection (e) inserted, 2002, 364 § 10. (See 2002, 364 § 24.)

CHAPTER 66 - Public Records.

§ 17D amended, 2002, 23 § 3.

§ 17E added, 2001, 26 § 6. (See 2001, 200 § 53.)

CHAPTER 66A - Fair Information Practices.

CHAPTER 67 - Parishes and Religious Societies.

CHAPTER 68 - Donations and Conveyances for Pious and Charitable Uses.

CHAPTER 68A - Limitations Upon the Conduct of Certain Trusts and Corporations Having Charitable Interests.

CHAPTER 69 - Powers and Duties of the Department of Education.

§ 1 amended, 2002, 218 § 1A. (See 2002, 218 § 30.)

§ 1A, second paragraph, 2 sentences added, 2002, 218 § 1. (See 2002, 218 § 29.)

§ 1B, after twenty-second paragraph, paragraph inserted, 2002, 346 § 1.

§ 1I amended, 2002, 218 §§ 2, 3; thirteenth paragraph revised, 2002, 218 § 4; paragraph added, 2002, 218 § 5. (See 2002, 218 § 30.)

**CHAPTER 70 - School Funds and State Aid for Public Schools.
(Former title, School Funds and Other State Aid for Public
Schools.) (Chapter revised, 1993, 71 § 32.)**

§ 2 amended, 2002, 218 § 6; definition of "Assumed in-school special education enrollment" revised, 2002, 184 § 76; definition of "Foundation inflation index" inserted, 2002, 184 § 77; third paragraph revised, 2002, 184 § 78. (See 2002, 218 § 30; 184 § 247.)

**CHAPTER 70A - EQUAL EDUCATIONAL OPPORTUNITY GRANTS.
(Chapter repealed, 1993, 71 § 33.)**

CHAPTER 70B - SCHOOL BUILDING ASSISTANCE PROGRAM.

(New chapter inserted, 2000, 159 § 140.) (See 2000, 159 § 498.)

§ 6, subsection (e), last sentence revised, 2001, 203 § 5.

§ 8, paragraph inserted after first paragraph, 2002, 300 § 11.

§ 13 amended, 2001, 203 § 6; **section amended**, 2002, 184 § 80. (See 2002, 184 § 247.)

CHAPTER 71 - Public Schools.

§ 16A, first paragraph, seventh and eighth sentences stricken out and 4 sentences inserted, 2002, 6 § 1; paragraph added, 2002, 6 § 2.

§ 34H amended, 2002, 218 § 7. (See 2002, 218 § 30.)

§ 36A added, 2002, 416.

§ 37N added, 2002, 346 § 2.

§ 38G amended, 2002, 218 § 8; after twenty-first paragraph, paragraph inserted, 2002, 218 § 9. (See 2002, 218 § 30.)

§ 38Q, first paragraph, 2 sentences added, 2002, 218 § 10; second paragraph, sentence inserted after first sentence, 2002, 218 § 11. (See 2002, 218 § 30.)

§ 38R revised, 2002, 385 § 2.

§ 54B, paragraph added, 2002, 258.

§ 59C, fourth paragraph, 2 sentences added, 2002, 218 § 12; fifth paragraph, sentence inserted after fourth sentence, 2002, 218 § 13. (See 2002, 218 § 30.)

§ 89 amended, 2002, 218 § 14. (See 2002, 218 § 30.)

CHAPTER 71A - TRANSITIONAL BILINGUAL EDUCATION.

(Chapter revised, 2002, 386.) (See 2002, 386 § 4.)

§ 1 revised, 2002, 218 § 15. (See 2002, 218 § 30.)

§ 2 revised, 2002, 218 § 16. (See 2002, 218 § 30.)

§ 2A added, 2002, 218 § 17. (See 2002, 218 § 29.)

§ 2B added, 2002, 218 § 17. (See 2002, 218 § 29.)

§ 3 revised, 2002, 218 § 18. (See 2002, 218 § 30.)

§ 4 revised, 2002, 218 § 19. (See 2002, 218 § 30.)

§ 5 revised, 2002, 218 § 20. (See 2002, 218 § 30.)

§ 6 revised, 2002, 218 § 21. (See 2002, 218 § 30.)

§ 7 revised, 2002, 218 § 22. (See 2002, 218 § 30.)

§ 8 amended, 2002, 218 § 23. (See 2002, 218 § 30.)

CHAPTER 71B - CHILDREN WITH SPECIAL NEEDS.

§ 2, third paragraph, 3 sentences added, 2002, 184 § 81. (See 2002, 184 § 247.)

§ 3, paragraph added, 2002, 184 § 83. (See 2002, 184 § 247.)

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- CHAPTER 72 - School Registers and Returns.**
- CHAPTER 73 - State Colleges and Community Colleges.**
(Former title, State Teachers Colleges and Community Colleges.)
- CHAPTER 74 - Vocational Education.**
- CHAPTER 74A - INDEPENDENT AGRICULTURAL AND TECHNICAL SCHOOL.**
(Chapter inserted 2000, 159 § 191.) (See 2000, 159 § 498.)
- CHAPTER 75 - University of Massachusetts.**
(Former title, Massachusetts State College.)
- CHAPTER 75A - University of Lowell.**
(Former title, Lowell Technological Institute of Massachusetts.)
(Chapter repealed, 1991, 142 § 23.) (See 1991, 142 §§ 4, 50.)
- CHAPTER 75B - Southeastern Massachusetts University.**
(Former title, South Eastern Massachusetts University)
(Former title Southeastern Massachusetts Technological Institute.)
(Chapter repealed, 1991, 142 § 24.) (See 1991, 142 §§ 19, 50.)
- CHAPTER 75C - Private Correspondence Schools.**
- CHAPTER 75D - Private Business Schools.**
- CHAPTER 76 - School Attendance.**
- CHAPTER 77 - School Offenders and County Training Schools.**
- CHAPTER 78 - Libraries.**
- CHAPTER 78A - YOUTH CONSERVATION AND SERVICE CORPS.**
(Chapter inserted 1993, 19 § 19.)
- CHAPTER 79 - Eminent Domain.**
- CHAPTER 79A - Relocation Assistance.**
- CHAPTER 80 - Betterments.**

CHAPTER 80A - Eminent Domain Takings and Betterment Assessments by Judicial Proceedings.

CHAPTER 81 - State Highways.

CHAPTER 81A - THE MASSACHUSETTS TURNPIKE AUTHORITY AND THE METROPOLITAN HIGHWAY SYSTEM.
(Chapter inserted 1997, 3 § 6.)

§ 2, first three paragraphs stricken out and four paragraphs inserted, 2002, 246 § 6.

CHAPTER 82 - The Laying Out, Alteration, Relocation and Discontinuance of Public Ways, and Specific Repairs Thereon.

§ 40D revised, 2002, 387 § 1.

CHAPTER 82A - EXCAVATION AND TRENCH SAFETY.
(New Chapter inserted, 2002, 387 § 2.)

CHAPTER 83 - Sewers Drains and Sidewalks.

CHAPTER 84 - Repair of Ways and Bridges.

CHAPTER 85 - Regulations and By Laws to Ways and Bridges.

CHAPTER 86 - Boundaries of Highways and Other Public Places, and Encroachments Thereon.

CHAPTER 87 - Shade Trees.

CHAPTER 88 - Ferries, Canals and Public Landings.

CHAPTER 89 - Law of the Road.

CHAPTER 90 - Motor Vehicles and Aircraft.

§ 2 amended, 2002, 124 §§ 1, 2, 3, 4, 5, 6; fifteenth paragraph, sentence added, 2002, 124 § 7; section amended, 2002, 124 §§ 8, 9, 10, 11, 12; section amended, 2002, 229.

§ 2E, subsection (c) inserted, 2002, 334 § 2. (See 2002, 334 § 4.)

§ 2F added, 2002, 334 § 3. (See 2002, 334 § 4.)

§ 3½ added, 2002, 184 § 85. (See 2002, 184 § 247.)

§ 8, first paragraph, sentence inserted after third sentence, 2002, 313 § 2.

CHAPTER 90 - Motor Vehicles and Aircraft. - continued

§ 8B, first paragraph, sentence inserted after second sentence, 2002, 313 § 3.

§ 8D, three paragraphs added, 2002, 466 § 1.

§ 14, first paragraph, fifth and sixth sentences inserted, 2002, 443.

§ 17, after fourth sentence, sentence inserted, 2002, 231.

§ 19 amended, 2002, 54 §§ 1, 2, 3, 4.

§ 20E, subsection (b) revised, 2002, 222 § 1; subsection (j) added, 2002, 222 § 2. (See 2002, 222 § 6.)

§ 24, subdivision (1), subparagraph (1) of paragraph (a), paragraph inserted after second paragraph, 2002, 52 § 2; **section amended**, 2002, 302 §§ 1, 2, 3, 4.

§ 24D, second paragraph stricken out and 2 paragraphs inserted, 2002, 302 § 5.

§ 24I, subsection (d) added, 2001, 91.

§ 24M amended, 2002, 196 § 21.

§ 32E½ amended, 2002, 232 §§ 1, 2; subsection (D) and (E) revised, subsection (F) inserted, 2002, 232 § 3.

§ 33 amended, 2002, 184 §§ 88A, 88B. (See 2002, 184 § 247.)

§ 61 added, 2002, 246 § 7.

CHAPTER 90A - The Highway Safety Act.

**CHAPTER 90B - Motorboats, Other Vessels and Recreational Vehicles.
(Former title- Motorboats and Other Vessels.) (Title revised, 1998,
463 § 72.)**

§ 36 amended, 2001, 26 §§ 7, 8; subsection (m) added, 2001, 26 § 9. (See 2001, 26 § 53.)

CHAPTER 90C - Procedure against Violators of Motor Vehicle Laws.

§ 2, fourth paragraph, last sentence stricken out, 2001, 67.

CHAPTER 90D - Motor Vehicle Certificate of Title.

§ 21, first paragraph, last sentence revised, 2001, 26 § 10; second paragraph stricken out, 2001, 26 § 11. (See 2001, 200 § 53.)

CHAPTER 90E - Bikeways.

**CHAPTER 90F - UNIFORM OPERATION OF COMMERCIAL MOTOR
VEHICLES ACT.
(New chapter inserted, 1990, 246 § 2.)**

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- CHAPTER 90G - CIVIL INFRACTIONS.**
(New chapter inserted, 1992, 133 § 452.) (See 1992, 133 § 598.)
(Chapter repealed, 1993, 182 § 8.)
- CHAPTER 90H - GATEWAY ROADS PROGRAM.**
(New chapter inserted, 1994, 273 § 26.)
- CHAPTER 91 - Waterways.**
- CHAPTER 91A - Port of Boston Commission.**
(Former title, Port of Boston Authority.)
- CHAPTER 92 - Metropolitan Sewers, Water and Parks.**
§ 34C added, 2002, 236 § 11.
- CHAPTER 92A - Commonwealth Zoological Corporation.**
(New chapter inserted, 1991, 6 § 24.) (See 1991, 6 § 58.)
- CHAPTER 92B - COMMONWEALTH ZOOLOGICAL CORPORATION.**
(New chapter inserted, 1992, 286 § 165.)
- CHAPTER 93 - Regulation of Trade and Certain Enterprises.**
§ 14S amended, 2002, 510 § 1.
- CHAPTER 93A - Regulation of Business Practices for Consumers Protection.**
- CHAPTER 93B - Regulation of Business Practices Between Motor Vehicle
Manufactures, Distributors and Dealers.**
(Chapter revised, 2002, 222 § 3. (See 2002, 222 § 7.)
- CHAPTER 93C - Protection of Consumers Against Careless and Erroneous Billings.**
- CHAPTER 93D - Control of Outdoor Advertising Adjacent to the Interstate and
Primary Systems.**
- CHAPTER 93E - Regulation of Dealers Agreements for the Sale of Gasoline.**
- CHAPTER 93F - Regulating Certain Business Practices Between Motion Picture
Distributors and Exhibitors.**

CHAPTER 93G - EQUIPMENT DEALERS.

(New chapter inserted, 1996, 265.)

CHAPTER 94 - Inspection and Sale of Food, Drugs and Various Articles.

§ 295C revised, 2002, 213.

§ 307C added, 2002, 186 § 29.

§ 320, definitions of "Customer" and "Molder" revised, 2002, 227 § 1.

CHAPTER 94A - MILK CONTROL.

CHAPTER 94B - Hazardous Substances.

CHAPTER 94C - Controlled Substances Act.

CHAPTER 94D - Controlled Substances Therapeutic Research Act.

(New chapter inserted, 1991, 480 § 1.)

CHAPTER 94E - Provisions Concerning Certain Tobacco Manufacturers.

(New chapter inserted, 2000, 117 § 2.)

CHAPTER 95 - Measuring of Leather.

CHAPTER 96 - Measurement of Lumber.

CHAPTER 97 - Surveying of Land.

CHAPTER 98 - Weights and Measures.

CHAPTER 99 - The Metric System of Weights and Measures.

CHAPTER 100 - Auctioneers.

CHAPTER 100A - MOTOR VEHICLE DAMAGE REPAIR SHOPS.

(New chapter inserted, 1988, 273 § 32.) (See 1988, 273 § 77.)

CHAPTER 101 - Transient Vendors, Hawkers and Peddlers.

CHAPTER 102 - Shipping and Seamen, Harbors and Harbor Masters.

CHAPTER 103 - Pilots.

CHAPTER 104 - Agents, Consignees and Factors.

CHAPTER 104A - Consignment of Fine Art.

CHAPTER 105 - Public Warehouses.

CHAPTER 105A - SELF-STORAGE FACILITIES.

CHAPTER 106 - Uniform Commercial Code.

§ 1-105 amended, 2001, 26 § 12; subsection (3) added, 2001, 26 § 13. (See 2001, 26 § 53.)

§ 1-109 added, 2001, 26 § 14. (See 2001, 26 § 53.)

§ 1-201, subsection (9) revised, 2001, 26 § 15; **section amended**, 2001, 26 § 16; subsection (37), first paragraph revised, 2001, 26 § 17; subsection (46) added, 2001, 26 § 18. (See 2001, 26 § 53.)

§ 2-103 amended, 2001, 26 § 19. (See 2001, 26 § 53.)

§ 2-210 amended, 2001, 26 § 20; subsection (2 ½) added, 2001, 26 § 21. (See 2001, 26 § 53.)

§ 2-326 revised, 2001, 26 § 22. (See 2001, 26 § 53.)

§ 2-502 revised, 2001, 26 § 23. (See 2001, 26 § 53.)

§ 2-716, subsection (3), sentence added, 2001, 26 § 24. (See 2001, 26 § 53.)

§ 2A-103, subsection (3) revised, 2001, 26 § 25. (See 2001, 26 § 53.)

§ 2A-303 revised, 2001, 26 § 26. (See 2001, 26 § 53.)

§ 2A-307 revised, 2001, 26 § 27. (See 2001, 26 § 53.)

§ 2A-30, subsection (1), clause (b) revised, 2001, 26 § 28. (See 2001, 26 § 53.)

§ 4-210 amended, 2001, 26 § 29. (See 2001, 26 § 53.)

§ 5-118 added, 2001, 26 § 30. (See 2001, 26 § 53.)

§ 7-503 amended, 2001, 26 § 31. (See 2001, 26 § 53.)

§ 8-103 amended, 2001, 26 § 32. (See 2001, 26 § 53.)

§ 8-106 amended, 2001, 26 §§ 33, 34. (See 2001, 26 § 53.)

§ 8-110, subsection (e) revised, 2001, 26 § 35. (See 2001, 26 § 53.)

§ 8-301, clause (3) revised, 2001, 26 § 36. (See 2001, 26 § 53.)

§ 8-302, subsection (a) revised, 2001, 26 § 37. (See 2001, 26 § 53.)

§ 8-510 revised, 2001, 26 § 38. (See 2001, 26 § 53.)

Article 9 revised, 2001, 26 § 39. (See 2001, 26 § 53.)

**CHAPTER 107 - Money and Registration, Issuance and Redemption of Bonds and other Securities, Facsimile Signatures.
(Former title, Money and Negotiable Instruments.)**

CHAPTER 107A - Assignments of Accounts Receivable.

**CHAPTER 108 - Criminal Offences Relative to Bills of Lading.
(Former title, Bills of Lading.)**

CHAPTER 108A - Partnerships.

CHAPTER 109 - Limited Partnerships.

CHAPTER 109A - UNIFORM FRAUDULENT TRANSFER ACT.
(Chapter revised, 1996, 157.)

CHAPTER 110 - Labels, Trade Marks, Names and Registration Thereof.

CHAPTER 110A - Uniform Securities Act.

§ 102 amended, 2002, 74 § 1.

§ 201, Title and **section revised**, 2002, 74 § 2.

§ 202 revised, 2002, 74 § 3.

§ 203 revised, 2002, 74 § 4.

§ 203A revised, 2002, 74 § 5

§ 204 amended, 2002, 74 § 6.

§ 301, Title and **section revised**, 2002, 74 § 7.

§ 306 added, 2002, 74 § 8.

§ 401 (a), (b) and (c) revised, 2002, 74 § 9; **section amended**, 2002, 74 § 10, **amended**, 2002, 438 § 36; subsection (j) revised, 2002, 74 § 11; subsection (m) revised, 2002, 74 § 12; subsection (n) revised, 2002, 74 § 13; subsections (o) and (p) added, 2002, 74 § 14. (See 2002, 438 § 49.)

§ 402, paragraph (a), first paragraph revised, 2002, 74 § 15; second paragraph amended, clause (1) revised, 2002, 74 § 16; clause (8) revised, 2002, 74 § 18; **section amended**, 2002, 74 § 17; paragraph (b), introductory paragraph revised, 2002, 74 § 19; clause (2) revised, 2002, 74 § 20; clause (9) revised, 2002, 74 § 21; **section amended**, 2002, 74 § 22.

§ 403 amended, 2002, 74 § 23.

§ 406 amended, 2002, 74 § 24.

§ 407A amended, 2002, 502 § 4.

§ 409 amended, 2002, 502 §§ 5, 6; subsection (a), paragraph added, 2002, 502 § 7.

§ 412, paragraph (g) added, 2002, 74 § 25.

§ 413 amended, 2002, 74 § 26.

CHAPTER 110B - Registration and Protection of Trademarks.

CHAPTER 110C - Regulation of Take-over Bids in the Acquisition of Corporations.

CHAPTER 110D - REGULATION OF CONTROL SHARE ACQUISITIONS.
(New chapter inserted, 1987, 272 § 1.) (See 1987, 272 § 3.)

CHAPTER 110E - REGULATION OF CONTROL SHARE ACQUISITIONS OF FOREIGN CORPORATIONS.

(New chapter inserted, 1987, 272 § 2.)

CHAPTER 110F - BUSINESS COMBINATIONS WITH INTERESTED SHAREHOLDERS.

(New chapter inserted, 1989, 242 § 8.)

CHAPTER 111 - Public Health.

§ 2, paragraph added, 2002, 184 § 90. (See 2002, 184 § 243.)

§ 5K, 3 paragraphs added, 2002, 425.

§ 57D revised, 2002, 283 § 1.

§ 67E revised, 2002, 72.

§ 72Y, fifth paragraph revised, 2002, 184 § 91. (See 2002, 184 § 247.)

§ 142O added, 2002, 242.

CHAPTER 111A - Drug Addiction Rehabilitation.

(Chapter repealed, 1969, 889 § 23A.)

CHAPTER 111B - Alcoholism.

CHAPTER 111C - Emergency Medical Services System.

(Chapter revised, 2000, 54 § 3.) (See 2000, 54 § 12.) (Former title, Emergency Medical Care.)

CHAPTER 111D - Clinical Laboratories.

CHAPTER 111E - DRUG REHABILITATION.

CHAPTER 111F - HAZARDOUS SUBSTANCES DISCLOSURE BY EMPLOYERS.

CHAPTER 111G - EARLY CHILDHOOD INTERVENTION SERVICES.

CHAPTER 111H - MASSACHUSETTS LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT ACT.

§ 2 repealed, 2002, 184 § 92. (See 2002, 184 § 247.)

§ 3 repealed, 2002, 184 § 92. (See 2002, 184 § 247.)

§ 5 repealed, 2002, 184 § 92A. (See 2002, 184 § 247.)

CHAPTER 111I - WOMEN'S, INFANTS AND CHILDREN PROGRAM.

(New chapter inserted, 1992, 414 § 3.)

CHAPTER 111J - Alcohol and Drug Counselors.

(New chapter inserted, 1999, 127 § 115.) (See 1999, 127 § 390.)

CHAPTER 111K - CATASTROPHIC ILLNESS IN CHILDREN RELIEF FUND COMMISSION.

(New chapter inserted, 2000, 159 § 207.) (See 2000, 159 § 498.)

§ 1 amended, 2001, 177 § 21. (See 2001, 177 § 81.)

§ 5 revised, 2001, 177 § 22. (See 2001, 177 § 81.)

CHAPTER 112 - Registration of Certain Professions and Occupations.

§ 1 revised, 2002, 184 § 93. (See 2002, 184 § 243.)

§ 8A added, 2002, 37.

§ 55 amended, 2002, 355 § 1; second paragraph, sentence inserted after first sentence, 2002, 355 § 2.

§ 61 amended, 2002, 184 § 94. (See 2002, 184 § 243.)

§ 81R amended, 2002, 438 § 12.

§ 84C added, 2002, 466 § 2.

§ 87A³/₄ added, 2001, 147 § 1.

§ 87B¹/₂, paragraph (b) revised, 2001, 22 § 1; paragraphs (f) to (h), inclusive, stricken out, 2001, 22 § 2; paragraph (i), subparagraph (A) stricken out, 2001, 22 § 3.

§ 87AAA¹/₂ repealed, 2002, 498 § 1.

§ 201 amended, 2002, 438 § 13; definition of "board" revised, 2002, 438 § 14; section amended, 2002, 438 § 15.

CHAPTER 113 - Promotion of Anatomical Science.

CHAPTER 114 - Cemeteries and Burials.

CHAPTER 115 - Veteran's Benefits.

(Former title, State and Military Aid, Soldier's Relief, etc.)

CHAPTER 115A - Soldier's Homes.

CHAPTER 116 - Settlement.

CHAPTER 117 - Support by the Commonwealth.

(Former title, Support by the Cities and Towns.)

CHAPTER 117A - SUPPORT BY THE COMMONWEALTH.

(New chapter inserted, 1991, 255 § 4.) (See 1991, 255 § 7.)

CHAPTER 118 - Aid to Families with Dependent Children.
(Former title, Aid to Dependent Children.)

CHAPTER 118A - Assistance to the Aged and Disabled.
(Former title, Old Age Assistance and Medical Assistance for the Aged.)

CHAPTER 118B - The Merit System in the Administration of Aid to Families with Dependent Children and Old Age Assistance.

CHAPTER 118C - Coverage of Certain Employees under the Federal Social Security Act.

CHAPTER 118D - Assistance to Persons who are Disabled.

CHAPTER 118E - Medical Care and Assistance.
(Chapter revised, 1993, 161 § 17.)

§ 9A, subsection (1), definition of "Expansion beneficiaries" revised, 2001, 88 § 5; subsection (2), clause (g) revised, 2002, 184 § 95. (See 2001, 88 § 37; 2002, 184 § 247.)

§ 9D added, 2002, 184 § 96. (See 2002, 184 § 247.)

§ 10D added, 2001, 177 § 23. (See 2001, 177 § 81.)

§ 16C, subsection (4), third sentence stricken out, 2002, 184 § 97. (See 2002, 184 § 247.)

§ 17 amended, 2001, 177 § 24. (See 2001, 177 § 81.)

§ 22 amended, 2001, 88 § 6; seventh paragraph, sentence added, 2001, 177 § 25. (See 2001, 88 § 37; 177 § 81.)

§ 23 revised, 2001, 177 § 26. (See 2001, 177 § 81.)

§ 25, last paragraph revised, 2002, 184 § 98. (See 2002, 184 § 247.)

§ 41A **repealed**, 2001, 177 § 27. (See 2001, 177 § 81.)

CHAPTER 118F - DEPARTMENT OF MEDICAL SECURITY.
(New chapter added, 1988, 23 § 45.) (See 1988, 23 § 45.) (Chapter repealed, 1996, 151 § 274.) (See 1996, 151 § 690.)

CHAPTER 118G - HEALTH CARE FINANCE AND POLICY.
(New chapter added, 1996, 151 § 275.) (See 1996, 151 § 690)

§ 6A added, 2001, 177 § 28. (See 2001, 177 § 81.)

§ 7 amended, 2002, 184 § 99; tenth paragraph revised, 2002, 184 § 100. (See 2002, 184 § 247.)

§ 18, subsection (o), second sentence revised, 2001, 177 § 29. (See 2001, 177 § 81.)

§ 25 added, 2002, 184 § 101. (See 2002, 184 § 247.)

§ 26 added, 2002, 184 § 101. (See 2002, 184 § 247.)

CHAPTER 119 - Protection and Care of Children, and Proceedings against Them.

§ 23, paragraph A, two paragraphs inserted after first paragraph, 2002, 371 § 1.

§ 29C amended, 2002, 371 § 2.

§ 51A amended, 2002, 107 §§ 1, 2, 3; paragraph added, 2002, 107 § 4.

CHAPTER 119A - CHILD SUPPORT ENFORCEMENT.

§ 10, clause (1), sentence added, 2002, 118 § 6. (See 2002, 118 § 28.)

**CHAPTER 120 - Department of Youth Services and Massachusetts Training Schools.
(Former title, Youth Service Board and Massachusetts Training Schools.)**

CHAPTER 121 - Powers and Duties of the Department of Public Welfare, and the Massachusetts Hospital School.

CHAPTER 121A - Urban Redevelopment Corporations.

CHAPTER 121B - Housing and Urban Renewal.

§ 57, third paragraph, clause (d) revised, 2001, 177 § 30. (See 2001, 177 § 81.)

CHAPTER 121C - Economic Development and Industrial Corporations.

CHAPTER 121D - Affordable Housing Trust Fund.

(New chapter inserted, 2000, 159 § 227.) (See 2000, 159 § 498.)

CHAPTER 122 - Tewksbury Hospital.

(Former title, Tewksbury State Hospital and Infirmary.)

CHAPTER 123 - Treatment and Commitment of Mentally Ill and Mentally Retarded Persons.

§ 1 amended, 2002, 492.

§ 7, paragraph (c), second sentence stricken out and 2 sentences inserted, 2002, 127.

CHAPTER 123A - Care, Treatment and Rehabilitation of Sexually Dangerous Persons.

(Former title, Care, Treatment and Rehabilitation of Sexual Offenders and Victims of such Offenders.)

CHAPTER 123B - MENTAL HEALTH.

CHAPTER 124 - Powers and Duties of the Department of Correction.

**CHAPTER 125 - Correctional Institutions of the Commonwealth.
(Former title, Penal and Reformatory Institutions of the Commonwealth.)**

CHAPTER 126 - Jails, Houses of Correction and Reformation, and County Industrial Farms.

CHAPTER 127 - Officers and Inmates of Penal and Reformatory Institutions, Paroles and Pardons.

133E added, 2001, 31.

CHAPTER 128 - Agriculture.

§ 2, subsection (j) revised, 2001, 139 § 3. (See 2001, 139 § 45.)

§ 14 amended, 2002, 439 § 1; sentence inserted after first sentence, 2002, 439 § 2.

§ 38C added, 2002, 236 § 12.

CHAPTER 128A - Horse and Dog Racing Meetings.

§ 1, definitions of "Breaks" and "Commission" inserted, 2001, 139 § 4; amended, 2001, 139 § 5; definition of "Rebate" inserted, 2001, 139 § 6. (See 2001, 139 § 45.)

§ 2 amended, 2001, 139 § 7. (See 2001, 139 § 45.)

§ 3, clauses (a) to (q) revised, 2001, 139 § 8. (See 2001, 139 § 45.)

§ 5 revised, 2001, 139 § 9; subsection (h), clause (A) inserted after clause (2), 2002, 300 § 12; amended, 2002, 364 § 11. (See 2001, 139 § 45; 2002, 364 § 24.)

§ 5A revised, 2001, 139 § 10. (See 2001, 139 § 45.)

§ 5C added, 2001, 139 § 11. (See 2001, 139 § 45.)

§ 9, paragraph inserted after third paragraph, 2001, 139 § 12. (See 2001, 139 § 45.)

§ 9A amended, 2001, 139 § 13. (See 2001, 139 § 45.)

§ 16 **repealed**, 2001, 139 § 14. (See 2001, 139 § 45.)

§ 17 **repealed**, 2001, 139 § 14. (See 2001, 139 § 45.)

§ 18 **repealed**, 2001, 139 § 14. (See 2001, 139 § 45.)

§ 19 **repealed**, 2001, 139 § 14. (See 2001, 139 § 45.)

§ 20 **repealed**, 2001, 139 § 14. (See 2001, 139 § 45.)

§ 21 **repealed**, 2001, 139 § 14. (See 2001, 139 § 45.)

§ 22 **repealed**, 2001, 139 § 14. (See 2001, 139 § 45.)

§ 23 **repealed**, 2001, 139 § 14. (See 2001, 139 § 45.)

§ 24 **repealed**, 2001, 139 § 14. (See 2001, 139 § 45.)

CHAPTER 128A - Horse and Dog Racing Meetings. - continued

- § 25 repealed, 2001, 139 § 14. (See 2001, 139 § 45.)
- § 26 repealed, 2001, 139 § 14. (See 2001, 139 § 45.)
- § 27 repealed, 2001, 139 § 14. (See 2001, 139 § 45.)
- § 28 repealed, 2001, 139 § 14. (See 2001, 139 § 45.)
- § 29 repealed, 2001, 139 § 14. (See 2001, 139 § 45.)
- § 30 repealed, 2001, 139 § 14. (See 2001, 139 § 45.)
- § 31 repealed, 2001, 139 § 14. (See 2001, 139 § 45.)

CHAPTER 128B - Conservation of Soil and Soil Resources and Prevention and Control of Erosion.

CHAPTER 128C - SIMULCAST WAGERING OF HORSE AND DOG RACING.
(New chapter inserted, 1992, 101 § 5.)

- § 1, definitions of “Breaks” and “Bridge signal” inserted, 2001, 139 § 15; definition of “Premium” inserted, 2001, 139 § 16; definition of “Racing day” inserted, 2001, 139 § 17. (See 2001, 139 § 45.)
- § 2 revised, 2001, 139 § 18. (See 2001, 139 § 45.)
- § 2A added, 2001, 139 § 19. (See 2001, 139 § 45.)
- § 3A added, 2001, 139 § 20. (See 2001, 139 § 45.)
- § 4 amended, 2001, 139 § 21; last paragraph revised, 2001, 139 § 22. (See 2001, 139 § 45.)
- § 5 amended, 2001, 139 § 23; last paragraph revised, 2001, 139 § 24. (See 2001, 139 § 45.)
- § 5A added, 2001, 139 § 25. (See 2001, 139 § 45.)
- § 6 amended, 2001, 139 § 26. (See 2001, 139 § 45.)
- § 7 revised, 2001, 139 § 27. (See 2001, 139 § 45.)
- § 7A added, 2001, 139 § 27. (See 2001, 139 § 45.)
- § 7B added, 2001, 139 § 27. (See 2001, 139 § 45.)

CHAPTER 129 - Livestock Disease Control.
(Former title, Animal Industry.)

- § 37 revised, 2002, 313 § 4.
- § 39E added, 2002, 313 § 5.
- § 39E added, 2002, 335; ~~stricken out~~, 2002, 438 § 16.
- § 39F added, 2002, 438 § 16.

CHAPTER 129A - Marine Fish and Fisheries, Inland Fish and Fisheries, Birds and Mammals, General Provisions.

CHAPTER 130 - Marine Fish and Fisheries.
(Former title, Marine Fish and Fisheries Including Crustacean and Shellfish.)

§ 44, second paragraph revised, 2002, 59.

CHAPTER 131 - Inland Fisheries and Game and Other Natural Resources.
(Former title, Powers and Duties of the Division of Fisheries and Game.)

§ 2 amended, 2002, 23 §§ 4, 5.

§ 5B amended, 2002, 23 §§ 6, 7, 8.

§ 10B amended, 2002, 23 § 9.

§ 23 amended, 2002, 23 § 10.

§ 64 amended, 2002, 397 § 1.

§ 69, third sentence stricken out, three sentences inserted, 2002, 397 § 2.

§ 90 amended, 2002, 23 § 11.

CHAPTER 131A - MASSACHUSETTS ENDANGERED SPECIES ACT.
(New chapter added, 1990, 408 § 4.) (See 1990, 408 § 5.)

§ 4 amended, 2002, 23 § 12.

CHAPTER 132 - Forestry.

§ 51, first paragraph revised, 2001, 177 § 31. (See 2001, 177 § 81.)

CHAPTER 132A - State Recreation Areas outside of the Metropolitan Parks District.
(Former title, State Parks and Reservations outside of the Metropolitan Parks District.)

§11½ added, 2002, 236 § 13.

§11A, paragraph added, 2002, 236 § 14.

CHAPTER 132B - Massachusetts Pesticide Control Act.

CHAPTER 133 - Disposition of Old and Infirm Animals.

CHAPTER 134 - Lost Goods and Stray Beasts.

CHAPTER 135 - Unclaimed and Abandoned Property.

CHAPTER 136 - Observance of a Common Day of Rest and Legal Holidays.
(Former title, Observance of the Lord's Day and Legal Holidays.)

CHAPTER 137 - Gaming.

CHAPTER 138 - Alcoholic Liquors.
(Former title, Intoxicating Liquors and Certain Non-intoxicating Beverages.)

- § 1, definitions of “Farmer-distiller” and Famer-distillery” inserted, 2002, 193 § 1.
§ 12, two paragraphs added, 2002, 514 § 1.
§ 15 amended, 2002, 228 § 1; two paragraphs added, 2002, 514 § 2.
§ 18 amended, 2002, 228 § 2.
§ 18A amended, 2002, 228 § 3.
§ 19 amended, 2002, 228 § 4.
§ 19B amended, 2002, 228 § 5.
§ 19C amended, 2002, 228 § 6.
§ 19E added, 2002, 193, 2.
§ 22A, paragraph added, 2002, 514 § 3.
§ 25F added, 2002, 514 § 4.
§ 33 amended, 2002, 193 § 3; section amended, 2002, 201.

CHAPTER 139 - Common Nuisances.

CHAPTER 140 - Licenses.

- § 58 revised, 2002, 422 § 1.
§ 114C, second paragraph stricken out, 2002, 455 § 1.
§ 129B amended, 2002, 513 § 1.
§ 131 amended, 2002, 196 § 22; first paragraph of subsection (i), sentence added, 2002, 513 § 2.
§ 131K amended, 2001, 26 § 40. (See 2001, 26 § 53.)
§ 139, sentence inserted after third sentence, 2002, 369.
§ 205A revised, 2002, 44 § 1.

CHAPTER 140A - Regulation of Certain Credit Transactions.

CHAPTER 140B - Control of Certain Junkyards.

CHAPTER 140C - Consumer Credit Cost Disclosure.
(Chapter repealed, 1981, 733 § 1.)

CHAPTER 140D - CONSUMER CREDIT COST DISCLOSURE.
(New chapter inserted, 1981, 733 § 2.)

- § 13 repealed, 2002, 455 § 2.

CHAPTER 140E - CONSUMER ACCOUNT DISCLOSURE.

CHAPTER 141 - Supervision of Electricians.

CHAPTER 142 - Supervision of Plumbing.

**CHAPTER 142A - REGULATION OF HOME IMPROVEMENT CONTRACTORS.
(New chapter inserted, 1991, 453.)**

**CHAPTER 143 - Inspection and Regulation of, and Licenses for, Buildings,
Elevators and Cinematographs.**

§ 93 amended, 2002, 184 §102. (See 2002, 184 § 247.)

§ 100 amended, 2002, 184 §103. (See 2002, 184 § 247.)

CHAPTER 144 - Tenement Houses in Cities.

CHAPTER 145 - Tenement Houses in Towns.

**CHAPTER 146 - Inspection of Boilers, Air Tanks, etc., Licenses of Engineers,
Firemen, and Operators of Hoisting Machinery.**

§60, sentence added, 2002, 44 § 2.

**CHAPTER 147 - State and Other Police, and Certain Power and Duties of the
Department of Public Safety.**

§ 31 amended, 2002, 196 § 23.

CHAPTER 148 - Fire Prevention.

§ 12 revised, 2002, 313 § 6.

§ 25A revised, 2002, 68.

CHAPTER 149 - Labor and Industries.

§ 27, first paragraph, two sentences inserted after eighth sentence, 2002, 357 § 3.

§ 27B, first paragraph, sentence inserted after first sentence, 2002, 357 § 4.

§ 27C amended, 2002, 32 §§ 1, 2.

§ 62 amended, 2002, 207.

§ 150 amended, 2002, 32 § 3.

§ 159C added, 2002, 32 § 4.

CHAPTER 150 - Conciliation and Arbitration of Industrial Disputes.

§ 6 amended, 2002, 184 §§ 104, 105, 106. (See 2002, 184 § 247.)

CHAPTER 150A - Labor Relations.

CHAPTER 150B - Peaceful Settlement of Industrial Disputes Dangerous to Public Health and Safety.

CHAPTER 150C - Collective Bargaining Agreements to Arbitrate.

CHAPTER 150D - Registration of Labor Replacements of Strike Breakers.

CHAPTER 150E - Labor Relations; Public Employees.

CHAPTER 151 - Minimum Fair Wages.

(Former title, Minimum Fair Wages for Women and Minors.)

CHAPTER 151A - EMPLOYMENT AND TRAINING.

(Title revised, 1990, 177 § 247. Former title, Employment Security.)

§ 1, paragraph (g½) inserted, 2001, 69 § 1.

§ 6, subsection (a) revised, 2002, 347 § 3; **section amended**, 2002, 347 § 4. (See 2002, 347 § 17.)

§ 6A amended, 2002, 347 §§ 5, 6. (See 2002, 347 § 17.)

§ 14 amended, 2001, 69 § 2; after first paragraph, paragraph inserted, 2002, 347 § 7; subsection (d), paragraph (3), sentence inserted after fourth sentence, 2002, 347 § 8; **section amended**, 2002, 347 § 9; subsection (i), paragraph (3), first sentence revised, 2002, 347 § 10. (See 2002, 347 § 17.)

§ 14M added, 2002, 347 § 11. (See 2002, 347 § 17.)

§ 18 amended, 2002, 347 § 12; last paragraph stricken out, 2002, 347 § 13. (See 2002, 347 § 17.)

§ 25 amended, 2001, 69 § 3; subsection (e), paragraph inserted after first paragraph, 2001, 69 § 4; paragraph inserted after fifth paragraph, 2001, 69 § 5.

§ 29E amended, 2002, 347 §§ 14, 15. (See 2002, 347 § 17.)

§ 30 amended, 2001, 69 § 6.

§ 30A amended, 2002, 428 § 1. (See 2002, 428 § 3.)

§ 46, subsection (h) added, 2001, 203 § 7; subsection (h) added, 2002, 347 § 16, **stricken out**, 2002, 438 § 17; subsection (i) inserted, 2002, 438 § 17. (See 2002, 347 § 16.)

CHAPTER 151B - Unlawful Discrimination Because of Race, Color, Religious Creed, National Origin, Ancestry or Sex.
(Former title, Unlawful Discrimination Against Race, Color, Religious Creed, National Origin or Ancestry.)

§ 4, subsection 6, second sentence revised, 2001, 11 § 1; subsection 7, second sentence revised, 2001, 11 § 2.

§ 5 amended, 2002, 223 § 1.

§ 9, first paragraph revised, 2002, 223 § 2.

CHAPTER 151C - Fair Education Practices.

CHAPTER 151D - Health, Welfare and Retirement Funds.

CHAPTER 151E - Prohibition of Certain Discrimination by Business.

CHAPTER 152 - Workers' Compensation.
(Former title: Workmen's Compensation.)

§ 1, subsection (4), two paragraphs inserted after third paragraph, 2002, 169; paragraph inserted after second paragraph, 2002, 444.

§ 47, sentence added, 2001, 26 § 41. (See 2001, 26 § 53.)

§ 63, sentence added, 2002, 279 § 3.

CHAPTER 153 - Liability of Employers to Employees for Injuries not resulting in Death.

CHAPTER 154 - Assignment of Wages.

CHAPTER 155 - General Provisions Relative to Corporations.

CHAPTER 156 - Business Corporations.

CHAPTER 156A - Professional Corporations.

CHAPTER 156B - Certain Business Corporations.

CHAPTER 156C - LIMITED LIABILITY COMPANY ACT.
(New chapter inserted, 1995, 281 § 18.) (See 1995, 281 § 22.)

CHAPTER 157 - Co-operative Corporations.

CHAPTER 157A - EMPLOYEE COOPERATIVE CORPORATIONS.

CHAPTER 157B - Cooperative Housing Cooperations.

CHAPTER 158 - Certain Miscellaneous Corporations.

CHAPTER 159 - Common Carriers.

§ 101 amended, 2002, 438 § 18.

CHAPTER 159A - Common Carriers of Passengers by Motor Vehicle.

CHAPTER 159B - Carriers of Property by Motor Vehicle.

§ 6B amended, 2002, 438 § 19.

CHAPTER 159C - TELEMARKETING SOLICITATION.

(New Chapter inserted, 2002, 265 § 1.) (See 2002, 265 § 2.)

CHAPTER 160 - Railroads.

CHAPTER 161 - Street Railways.

§ 94 amended, 2002, 438 § 20.

CHAPTER 161A - Massachusetts Bay Transit Authority.

(Chapter revised, 1999, 127 § 151.) (See 1999, 127 § 385.)

§ 5, subsection (d) revised, 2002, 246 § 9.

§ 5B added, 2002, 490.

§ 22 amended, 2002, 438 § 21.

CHAPTER 161B - Transportation Facilities, Highway Systems and Urban Development Plan.

§ 11 repealed, 2002, 184 §107. (See 2002, 184 § 245.)

CHAPTER 161C - Rail Transportation in the Commonwealth.

CHAPTER 161D - THE MASSACHUSETTS INTERCITY BUS CAPITAL ASSISTANCE PROGRAM.

CHAPTER 162 - Electric Railroads.

CHAPTER 163 - Trackless Trolley Companies.

CHAPTER 164 - Manufacture and Sale of Gas and Electricity.

§ 11 amended, 2001, 44.

§ 56D amended, 2001, 130 §§ 1, 2.

§ 116B added, 2002, 501.

CHAPTER 164A - New England Power Pool.

CHAPTER 165 - Water and Aqueduct Companies.

CHAPTER 166 - Telephone and Telegraph Companies, and Lines for the Transmission of Electricity.

CHAPTER 166A - Community Antenna Television Systems.

§ 2, paragraph inserted before fifth paragraph, 2002, 45 § 4; paragraph added, 2002, 45 § 5.
(See 2002, 45 § 6.)

CHAPTER 167 - Supervision of Banks.

§ 13 revised, 2002, 456.

CHAPTER 167A - Bank Holding Companies.

CHAPTER 167B - ELECTRONIC BRANCHES AND ELECTRONIC FUND TRANSFERS.

§ 23 **repealed**, 2002, 455 § 3.

§ 24, third paragraph stricken out, 2002, 455 § 4.

CHAPTER 167C - BANK LOCATIONS.

CHAPTER 167D - DEPOSITS AND ACCOUNTS.

§ 5A added, 2002, 101 § 1.

CHAPTER 167E - MORTGAGES AND LOANS.

§ 14, subsection C, paragraphs 10 and 11 added, 2001, 166.

CHAPTER 167F - INVESTMENTS AND OTHER POWERS.

§ 2, paragraph 31, first sentence stricken out and 2 sentences inserted, 2002, 292.

CHAPTER 167G - TRUST DEPARTMENT.

CHAPTER 167H - MUTUAL HOLDING COMPANIES.
(New chapter inserted, 1987, 630.)

CHAPTER 168 - Savings Banks.

- § 10, paragraph (2) revised, 2002, 79 § 1.
- § 12, first paragraph revised, 2002, 79 § 2.
- § 19 revised, 2002, 79 § 3.
- § 39 revised, 2002, 340 § 1. (See 2002, 340 § 6.)

CHAPTER 169 - Deposits with Others than Banks.
(Chapter revised, 1995, 337 § 1.)

CHAPTER 169A - LICENSING OF CHECK CASHERS.
(New chapter inserted, 1993, 308 § 1.) (See 1993, 308 § 2.)

CHAPTER 170 - Co-operative Banks.

- § 2, first paragraph of clause First revised, 2002, 79 § 4.
- § 18, second paragraph revised, 2002, 79 § 5.
- § 19, first paragraph revised, 2002, 79 § 6.
- § 30 revised, 2002, 340 § 2; second paragraph, first sentence revised, 2002, 340 § 3. (See 2002, 340 § 6.)
- § 31 revised, 2002, 340 § 4.

CHAPTER 171 - Credit Unions.

- § 13, fourth sentence revised, 2002, 356 § 1.
- § 15, last paragraph stricken out, 2002, 356 § 2.
- § 17, paragraph added, 2002, 356 § 3.
- § 32A added, 2002, 101 § 2.
- § 42, first sentence revised, 2001, 178.
- § 61 amended, 2001, 26 § 42. (See 2001, 26 § 53.)
- § 67 amended, 2002, 438 § 22.
- § 75B added, 2002, 454.
- § 82 revised, 2002, 340 § 5. (See 2002, 340 § 6.)

CHAPTER 172 - Trust Companies.

- § 14, second paragraph, second sentence stricken out and two sentences inserted, 2002, 79 § 7.

CHAPTER 172 - Trust Companies. - continued

§ 16, first paragraph, last sentence revised, 2002, 79 § 8.

§ 18, first paragraph revised, 2002, 79 § 9.

§ 28, first paragraph, first sentence revised, 2002, 64.

CHAPTER 172A - Banking Companies.

CHAPTER 173 - Mortgage Loan Investment Companies.

CHAPTER 174 - BOND AND INVESTMENT COMPANIES.
(Chapter repealed, 1950, 822 § 1.)

**CHAPTER 174A - Regulation of Rates for Fire, Marine and Inland Marine Insurance,
and Rating Organizations.**

CHAPTER 174B - Regulation of Automobile Clubs.

CHAPTER 175 - Insurance.

§ 14, first paragraph, thirteenth and fourteenth clauses stricken out and clause inserted, 2002,
106 § 1; **section amended**, 2002, 106 § 2. (See 2002, 106 § 41.)

§ 47A amended, 2002, 314 § 1.

§ 47C, third paragraph revised, 2001, 203 § 8.

§ 47U, **inserted by 2000, 345 § 2 stricken out**, 2002, 438 § 23.

§ 47W added, 2002, 49 § 1.

§ 47X added, 2002, 438 § 24.

§ 110L added, 2002, 257 § 1.

§ 132A½ added, 2002, 426 § 1.

§ 133A added, 2002, 426 § 2.

§ 162, first and second paragraphs stricken out, 2002, 106 § 3; **section amended**, 2002, 106
§ 3A; second paragraph revised, 2002, 314 § 2. (See 2002, 106 § 41.)

§ 162A **repealed**, 2002, 106 § 4. (See 2002, 106 § 41.)

§ 162G added, 2002, 106 § 5. (See 2002, 106 § 41.)

§ 162H added, 2002, 106 § 5. (See 2002, 106 § 41.)

§ 162I added, 2002, 106 § 5. (See 2002, 106 § 41.)

§ 162J added, 2002, 106 § 5. (See 2002, 106 § 41.)

§ 162K added, 2002, 106 § 5. (See 2002, 106 § 41.)

§ 162L added, 2002, 106 § 5. (See 2002, 106 § 41.)

§ 162M added, 2002, 106 § 5. (See 2002, 106 § 41.)

§ 162N added, 2002, 106 § 5. (See 2002, 106 § 41.)

§ 162O added, 2002, 106 § 5. (See 2002, 106 § 41.)

CHAPTER 175 - Insurance. - continued

- § 162P added, 2002, 106 § 5. (See 2002, 106 § 41.)
- § 162Q added, 2002, 106 § 5. (See 2002, 106 § 41.)
- § 162R added, 2002, 106 § 5. (See 2002, 106 § 41.)
- § 162S added, 2002, 106 § 5. (See 2002, 106 § 41.)
- § 162T added, 2002, 106 § 5. (See 2002, 106 § 41.)
- § 162U added, 2002, 106 § 5. (See 2002, 106 § 41.)
- § 162V added, 2002, 106 § 5. (See 2002, 106 § 41.)
- § 162W added, 2002, 106 § 5. (See 2002, 106 § 41.)
- § 162X added, 2002, 106 § 5. (See 2002, 106 § 41.)
- § 163, first and second paragraphs stricken out, 2002, 106 § 6. (See 2002, 106 § 41.)
- § 163A **repealed**, 2002, 106 § 7. (See 2002, 106 § 41.)
- § 165 **repealed**, 2002, 106 § 8. (See 2002, 106 § 41.)
- § 166 **repealed**, 2002, 106 § 9. (See 2002, 106 § 41.)
- § 166A **repealed**, 2002, 106 § 10. (See 2002, 106 § 41.)
- § 166B amended, 2002, 106 §§ 11, 12, 13, 14. (See 2002, 106 § 41.)
- § 167 **repealed**, 2002, 106 § 15. (See 2002, 106 § 41.)
- § 167A amended, 2002, 106 § 16. (See 2002, 106 § 41.)
- § 168 amended, 2002, 106 §§ 17, 18, 19; 3 paragraphs added, 2002, 106 § 20. (See 2002, 106 § 41.)
- § 172, 3 paragraphs added, 2002, 106 § 21; **section amended**, 2002, 106 § 22; **section revised**, 2002, 314 § 3; eighth paragraph revised, 2002, 438 § 25. (See 2002, 106 § 41.)
- § 172A amended, 2002, 106 §§ 23, 24, 25; **section amended**, 2002, 314 § 4. (See 2002, 106 § 41.)
- § 173 amended, 2002, 106 § 26; second paragraph stricken out, 2002, 106 § 27. (See 2002, 106 § 41.)
- § 174 amended, 2002, 106 §§ 28, 29; third sentence stricken out, 2002, 106 § 30; **section amended**, 2002, 314 § 5. (See 2002, 106 § 41.)
- § 174A amended, 2002, 106 § 31. (See 2002, 106 § 41.)
- § 174B amended, 2002, 106 § 32. (See 2002, 106 § 41.)
- § 174C **repealed**, 2002, 106 § 33. (See 2002, 106 § 41.)
- § 174D **repealed**, 2002, 106 § 34. (See 2002, 106 § 41.)
- § 177 amended, 2002, 106 §§ 35, 36, 37; last sentence revised, 2002, 184 § 109. (See 2002, 106 § 41; 184 § 247.)
- § 177B amended, 2002, 106 § 38. (See 2002, 106 § 41.)
- § 177E, subsection I, paragraph (2) revised, 2002, 106 § 39. (See 2002, 106 § 41.)
- § 174O, paragraph added, 2002, 106 § 40. (See 2002, 106 § 41.)
- § 193R, clause (8) revised, clause (9) added, 2002, 36.
- § 209 revised, 2002, 454 § 2.
- § 210 revised, 2002, 454 § 2.
- § 211 revised, 2002, 454 § 2.

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CHAPTER 175B - Unauthorized Insurer's Process Act.

CHAPTER 175C - Urban Area Insurance Placement Facility.

CHAPTER 175D - Massachusetts Insurers Insolvency Fund.

§ 1, paragraph (6) revised, 2002, 162.

CHAPTER 175E - Regulation of Rates for Optional Motor Vehicle Insurance.

CHAPTER 175F - Medical Malpractice Self-Insurance Trust Funds.

CHAPTER 175G - POLLUTION LIABILITY REINSURANCE CORPORATION.
(New chapter inserted, 1987, 650 § 2.)

CHAPTER 175H - FALSE HEALTH CARE CLAIMS.
(New chapter inserted, 1988, 295.)

CHAPTER 175I - INSURANCE INFORMATION AND PRIVACY PROTECTION.
(New chapter inserted, 1991, 516 § 1.) (See 1991, 516 § 6.)

CHAPTER 175J - ADMINISTRATIVE SUPERVISION AND HAZARDOUS FINANCIAL CONDITIONS OF INSURITIES.
(New chapter inserted, 1993, 226 § 52.)

CHAPTER 176 - Fraternal Benefit Societies.

CHAPTER 176A - Non Profit Hospital Service Corporations.

§ 8B, third paragraph revised, 2001, 203 § 9.

§ 8U, inserted by 2000, 345 § 3 stricken out, 2002, 438 § 26.

§ 8W added, 2002, 49 § 2.

§ 8X added, 2002, 257 § 2.

§ 8Y added, 2002, 438 § 27.

CHAPTER 176B - Medical Service Corporations.

§ 4C, third paragraph revised, 2001, 203 § 10.

§ 4U, inserted by 2000, 345 § 4 stricken out, 2002, 438 § 28.

CHAPTER 176B - Medical Service Corporations. - continued

§ 4W added, 2002, 49 § 3.

§ 4X added, 2002, 257 § 3.

§ 4Y added, 2002, 438 § 29.

CHAPTER 176C - Non-profit Medical Service Plans.

CHAPTER 176D - UNFAIR PRACTICES AND UNFAIR DECEPTION ACTS AND PRACTICES IN THE BUSINESS OF INSURANCE.

CHAPTER 176E - Dental Service Corporations.

CHAPTER 176F - Optometric Service Corporations.

CHAPTER 176G - Health Maintenance Organizations.

§ 4, second paragraph revised, 2001, 203 § 11.

§ 4N, inserted by 2000, 355 § 6, stricken out, 2002, 438 § 30.

§ 4O added, 2002, 49 § 4.

§ 4P added, 2002, 257 § 4.

§ 4Q added, 2002, 438 § 31.

CHAPTER 176H - Legal Service Plans.

CHAPTER 176I - PREFERRED PROVIDER ARRANGEMENTS.

(New chapter inserted, 1988, 23 § 65.) (See 1988, 23 § 92.)

CHAPTER 176J - SMALL GROUP HEALTH INSURANCE.

(New chapter inserted, 1991, 495 § 42.)

CHAPTER 176K - MEDICARE SUPPLEMENT INSURANCE PLANS.

(New chapter inserted, 1993, 495 § 45.)

CHAPTER 176L - RISK RETENTION AND RISK PURCHASING GROUPS.

(New chapter inserted, 1993, 226 § 53.)

CHAPTER 176M - NONGROUP HEALTH INSURANCE.

(New chapter inserted, 1996, 297 § 29.) (See 1997, 297 § 34.)

CHAPTER 176N - PORTABILITY OF HEALTH INSURANCE.

(New chapter inserted, 1996, 297 § 30.) (See 1996, 297 § 34.)

CHAPTER 1760 -HEALTH INSURANCE CONSUMER PROTECTIONS.

(New chapter inserted, 2000, 141 § 27.) (See 2000, 141 § 35.)

§ 1, definition of “Carrier”, 2 sentence added, 2002, 294 § 1. (See 2002, 294 § 2.)

CHAPTER 176P - LIMITED SOCIETIES.

(New chapter inserted, 2000, 320 § 19 .) (See, 2000, 320 § 20.)

§ 16 amended, 2002, 438 § 32.

CHAPTER 177 - ASSESSMENT INSURANCE.

(Chapter repealed, 1924, 406 § 17; 1929, 24, § 1.)

CHAPTER 178 - Savings Bank Life Insurance.

(Chapter repealed, 1990, 499 § 22.) (See 1990, 499 § 24.)

CHAPTER 178A - SAVINGS BANK LIFE INSURANCE.

(New chapter inserted, 1990, 499 § 23.) (See 1990, 499 § 24.)

CHAPTER 179 - Proprietors of Wharves, Real Estate Lying in Common, and General Fields.

CHAPTER 180 - Corporations for Charitable and Certain Other Purposes.

CHAPTER 180A - Management of Institutional Funds.

CHAPTER 181 - Foreign Corporations.

CHAPTER 182 - Voluntary Associations and Certain Trusts.

CHAPTER 183 - Alienation of Land.

§ 5B revised, 2002, 496 § 1.

§ 61 revised, 2002, 455 § 5.

CHAPTER 183A - Condominiums.

CHAPTER 183B - REAL ESTATE TIME-SHARES.

(New chapter inserted, 1987, 760 § 1.) (See 1987, 760 § 2.)

CHAPTER 184 - General Provisions Relative to Real Property.

§ 15 revised, 2002, 496 § 2.

§ 35 added, 2002, 508 § 1.

CHAPTER 184A - The Rule against Perpetuities.

CHAPTER 184B - SHORT FORM TERMS FOR WILLS AND TRUSTS.

CHAPTER 185 - The Land Court and Registration of Title to Land.

§ 1, paragraphs (k) to (p) stricken out, paragraphs (k) to (t) inserted, 2002, 393 § 7. (See 2002, 393 § 23.)

§ 2, first sentence revised, 2001, 177 § 33. (See 2001, 177 § 81.)

CHAPTER 185A - Housing Court of the City of Boston, Jurisdiction and Powers.

CHAPTER 185B - Housing Court of the County of Hampden, Jurisdiction and Powers.

CHAPTER 185C - Housing Court Department.

§ 1, first sentence revised, 2002, 184 § 110. (See 2002, 184 § 247.)

§ 8, third sentence revised, 2001, 177 § 34. (See 2001, 177 § 81.)

§ 9, fourth sentence revised, 2001, 177 § 35. (See 2001, 177 § 81.)

§ 11, first sentence revised, 2001, 177 § 36. (See 2001, 177 § 81.)

§ 19 amended, 2002, 184 §§ 111, 112. (See 2002, 184 § 247.)

CHAPTER 186 - Estates for Years and at Will.

§ 17A added, 2002, 237 § 1. (See 2002, 237 § 2.)

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(New chapter inserted, 1987, 319 § 2.)

CHAPTER 192 - Probate of Wills and Appointment of Executors.

§ 4 amended, 2002, 420 § 1.

§ 13 amended, 2002, 420 § 2.

CHAPTER 193 - Appointment of Administrators.

§ 1 amended, 2002, 420 § 3.

§ 7 amended, 2002, 420 §§ 4, 5.

§ 7A amended, 2002, 420 § 6.

§ 9 amended, 2002, 420 § 7.

§ 10 amended, 2002, 420 § 8.

CHAPTER 194 - Public Administrators.

CHAPTER 195 - General Provisions Relative to Executors and Administrators.

§ 11 amended, 2002, 420 § 9; paragraph added, 2002, 420 § 10.

CHAPTER 196 - Allowances to Widows and Children, and Advancements.

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CHAPTER 200 - Settlement of Estates of Absentees.

CHAPTER 200A - Abandoned Property.

§ 1 amended, 2002, 510 § 2.

§ 5 amended, 2002, 510 § 3.

§ 5D added, 2002, 510 § 4.

§ 6B, subsection (a) revised, 2002, 510 § 5.

CHAPTER 201 - Guardians and Conservators.

§ 6 amended, 2002, 22 §§ 1, 2.

§ 6A amended, 2002, 22 § 3.

§ 16B amended, 2002, 22 § 4.

CHAPTER 201A - UNIFORM TRANSFER TO MINORS ACT.

(Title revised, 1987, 465 § 57.) (Former title, Uniform Gifts to Minors Act.)

CHAPTER 201B - UNIFORM DURABLE POWER OF ATTORNEY ACT.

CHAPTER 201C - STATUTORY CUSTODIANSHIP TRUSTS.

CHAPTER 201D - HEALTH CARE PROXIES.

(New chapter inserted, 1990, 332 § 1.) (Title inserted, 1992, 286 § 252.)

CHAPTER 201E - UNIFORM TRANSFER ON DEATH SECURITY REGISTRATION ACT.

(New chapter inserted, 1998, 377.)

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CHAPTER 203 - Trusts.

§ 2 revised, 2002, 508 § 2.

CHAPTER 203A - Uniform Common Trust Fund Act.

(Former title, Collective Investment of Small Trust Funds.)

CHAPTER 203B - UNIFORM CUSTODIAL TRUST ACT.

(New chapter inserted, 1993, 434 § 1.) (See 1993, 434 §§ 2, 3.)

CHAPTER 203C - PRUDENT INVESTMENT.

(New chapter inserted, 1990, 398 § 1.)

CHAPTER 204 - General Provisions Relative to Sales, Mortgages, Releases, Compromises, etc., by Executors, etc.

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CHAPTER 206 - Accounts and Settlements of Executors, Administrators, Guardians, Conservators, Trustees and Receivers.

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CHAPTER 208 - Divorce.

CHAPTER 209 - Husband and Wife.

CHAPTER 209A - Abuse Prevention.

§ 3 amended, 2002, 184 §113. (See 2002, 184 § 247.)

§ 7, fifth paragraph, second sentence stricken out and two sentences inserted, 2002, 184 § 114. (See 2002, 184 § 247.)

CHAPTER 209B - Massachusetts Child Custody Jurisdiction Act.

CHAPTER 209C - CHILDREN BORN OUT OF WEDLOCK.

CHAPTER 209D - UNIFORM INTERSTATE FAMILY SUPPORT ACT.
(New chapter inserted, 1995, 5 § 87.) (See 1995, 5 § 143.)

CHAPTER 210 - Adoption of Children and Change of Names.

CHAPTER 211 - The Supreme Judicial Court.

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§ 1, second sentence revised, 2001, 177 § 37. (See 2001, 177 § 81.)

§ 2, first sentence revised, 2001, 177 § 38. (See 2001, 177 § 81.)

§ 9, third paragraph, clause (xxxv) stricken out, 2001, 177 § 39. (See 2001, 177 § 81.)

§ 10A, first sentence revised, 2001, 177 § 40. (See 2001, 177 § 81.)

§ 10B added, 2001, 177 § 41. (See 2001, 177 § 81.)

§ 10C added, 2001, 177 § 41. (See 2001, 177 § 81.)

§ 19 amended, 2002, 184 §115. (See 2002, 184 § 247.)

CHAPTER 211C - Commission on Judicial Conduct.

CHAPTER 211D - Committee for Public Counsel Services.

§ 2A amended, 2002, 184 §116. (See 2002, 184 § 247.)

§ 12 amended, 2002, 184 §117. (See 2002, 184 § 247.)

CHAPTER 211E - MASSACHUSETTS SENTENCING COMMISSION.
(New chapter inserted, 1996, 12 § 9.)

CHAPTER 211F - OFFICE OF COMMUNITY CORRECTIONS.
(New chapter inserted, 1996, 12 § 9.)

CHAPTER 212 - The Superior Court.

§ 1, first sentence revised, 2001, 177 § 42. (See 2001, 177 § 81.)
§ 26A, first sentence revised, 2002, 393 § 8. (See 2002, 393 § 23.)

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(Former title, **Equity Jurisdiction and Procedure in the Supreme
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§ 1C, second sentence stricken out, 3 sentences inserted, 2002, 223 § 3.
§ 7B, paragraph inserted after second paragraph, 2002, 152.

CHAPTER 215 - Probate Courts.

CHAPTER 216 - Courts of Insolvency.

CHAPTER 217 - Judges and Registers of Probate and Insolvency.

§ 23B amended, 2002, 184 §118. (See 2002, 184 § 247.)
§ 28 revised, 2001, 177 § 43; third and fourth sentences revised, 2002, 184 § 119. (See 2001,
177 § 81; 2002, 184 § 247.)
§ 35B, first paragraph, first sentence revised, 2001, 177 § 43A; 2002, 184 § 120. (See 2001,
177 § 81; 2002, 184 § 247.)
§ 35C **repealed**, 2001, 177 § 43B. (See 2001, 177 § 81.)

CHAPTER 218 - District Courts.

§ 6 amended, 2001, 177 § 44; fifth paragraph, second sentence revised, 2001, 177 § 45. (See
2001, 177 § 81.)
§ 51A amended, 2001, 177 § 46. (See 2001, 177 § 81.)
§ 58, second paragraph, second sentence revised, 2001, 177 § 47. (See 2001, 177 § 81.)

CHAPTER 219 - Trial Justices.

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CHAPTER 221 - Clerks, Attorneys and Other Officers of Judicial Court.

§ 5 revised, 2001, 177 § 49. (See 2001, 177 § 81.)

§ 37 amended, 2002, 184 §§ 121, 122. (See 2002, 184 § 247.)

§ 91D added, 2002, 146.

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CHAPTER 221C - COURT INTERPRETERS FOR THE TRIAL COURT.

CHAPTER 222 - Justices of the Peace, Notaries Public and Commissioners.

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§ 50 amended, 2001, 26 § 43. (See 2001, 26 § 53.)

§ 51 repealed, 2001, 26 § 44. (See 2001, 26 § 53.)

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CHAPTER 225 - PROCESS AFTER JUDGEMENT FOR NECESSARIES OR LABOR.

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§ 117 amended, 2002, 184 §§ 123, 124. (See 2002, 184 § 247.)

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(New Chapter added, 2000, 427 § 1.)

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§ 2 revised, 2002, 393 § 9. (See 2002, 393 § 23.)

§ 3 revised, 2002, 393 § 10. (See 2002, 393 § 23.)

§ 4 revised, 2002, 393 § 11. (See 2002, 393 § 23.)

§ 7, second sentence revised, 2002, 393 § 12. (See 2002, 393 § 23.)

§ 16, last sentence revised, 2002, 393 § 13. (See 2002, 393 § 23.)

§ 19, last sentence revised, 2002, 393 § 14. (See 2002, 393 § 23.)

§ 25, first and second sentences revised, 2002, 393 § 15. (See 2002, 393 § 23.)

§ 31, second sentence revised, 2002, 393 § 16. (See 2002, 393 § 23.)

§ 34, first sentence revised, 2002, 393 § 17. (See 2002, 393 § 23.)

§ 35, last sentence revised, 2002, 393 § 18. (See 2002, 393 § 23.)

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§ 1 amended, 2002, 393 § 19. (See 2002, 393 § 23.)

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CHAPTER 247 - Replevin.

CHAPTER 248 - Habeas Corpus and Personal Liberty.

CHAPTER 249 - Audita Querela, Certiorari, Mandamus and Quo Warranto.

§ 4 amended, 2002, 393 § 20. (See 2002, 393 § 23.)

§ 5 amended, 2002, 393 § 21. (See 2002, 393 § 23.)

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CHAPTER 252 - Improvement of Low Land and Swamps.

§ 5A amended, 2001, 177 § 50; paragraph added, 2001, 177 § 51. (See 2001, 177 § 81.)

CHAPTER 253 - Mills, Dams and Reservoirs.

§ 44 revised, 2002, 330 § 2.

§ 45 revised, 2002, 330 § 2.

§ 45A added, 2002, 330 § 2.

§ 46 revised, 2002, 330 § 2.

§ 46A added, 2002, 330 § 2.

§ 47 revised, 2002, 330 § 2.

§ 48 revised, 2002, 330 § 2.

§ 48A added, 2002, 330 § 2.

§ 48B revised, 2002, 330 § 2.

CHAPTER 254 - Liens on Buildings and Land.

§ 12 amended, 2002, 400 § 1.

§ 14 amended, 2002, 400 § 2.

CHAPTER 255 - Mortgages, Conditional Sales and Pledges of Personal Property, and Liens Thereon.

§ 1, definition of "Gift certificate" sentence added, 2002, 510 § 6.

§ 12I repealed, 2002, 248.

§ 12J added, 2002, 498 § 2.

§ 13J amended, 2001, 26 §§ 45, 46. (See 2001, 26 § 53.)

§ 31G added, 2002, 227 § 2.

CHAPTER 255A - Trust Receipts and Pledges without Possession in the Pledgee.

CHAPTER 255B - Retail Installment Sales of Motor Vehicles.

§ 20B amended, 2001, 26 §§ 47, 48. (See 2001, 26 § 53.)

CHAPTER 255C - Insurance Premium Finance Agencies.

CHAPTER 255D - Retail Installment Sales and Services.

§ 22 amended, 2001, 26 § 49, 50. (See 2001, 26 § 53.)

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(New chapter inserted, 1991, 144 § 3.) (See 1991, 144 § 5.)

CHAPTER 256 - Recognizances for Debts.

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§ 9, first paragraph revised, 2002, 429 § 2.

CHAPTER 258A - Compensation of Victims of Violent Crimes.

(Chapter repealed, 1993, 478 § 3.) (See 1993, 478 § 9.)

CHAPTER 258B - Rights of Victims and Witnesses of Crime.

§ 8 amended, 2002, 184 §§ 125, 126, 127, 128. (See 2002, 184 § 247.)

CHAPTER 258C - COMPENSATION OF VICTIMS OF VIOLENT CRIMES.
(New chapter inserted, 1993, 478 § 6.) (See 1993, 478 § 8.)

§ 1, definition of "Division" revised, 2002, 438 § 33.

CHAPTER 259 - Prevention of Frauds and Perjuries.

§ 6 repealed, 2001, 26 § 51. (See 2001, 26 § 53.)

CHAPTER 260 - Limitation of Actions.

CHAPTER 261 - Costs in Civil Actions.

CHAPTER 262 - Fees of Certain Officers.

§ 2 amended, 2002, 184 §§ 129, 130, 131. (See 2002, 184 § 247.)

§ 4 amended, 2002, 184 §§ 132, 133, 134. (See 2002, 184 § 247.)

§ 4A amended, 2002, 184 §§ 135, 136, 137. (See 2002, 184 § 247.)

§ 24 revised, 2002, 58.

§ 35 amended, 2002, 164 §§ 1, 2.

§ 39, first paragraph revised, 2002, 184 § 138; **section amended**, 2002, 184 §§ 139, 140, 141, 142, 143, 144. (See 2002, 184 § 247.)

§ 40 amended, 2002, 184 §§ 145, 146, 147, 148, 149, 150, 151. (See 2002, 184 § 247.)

CHAPTER 263 - Rights of Persons Accused of Crime.

CHAPTER 264 - Crimes against Governments.

CHAPTER 265 - Crimes against the Person.

§ 13A revised, 2002, 35 § 1.

§ 13L added, 2002, 322 § 2.

§ 15A, subsection (b) stricken out and 3 subsections added, 2002, 35 § 2.

§ 26C added, 2002, 385 § 3.

§ 46 added, 2002, 420 § 11.

CHAPTER 266 - Crimes against Property.

§ 75C revised, 2002, 510 § 7.

§ 102A½ amended, 2002, 313 § 7; paragraph (b), sentence added, 2002, 313 § 8; paragraph (d) added, 2002, 313 § 9.

§ 102C added, 2002, 313 § 10.

§ 111A amended, 2002, 138 § 1.

§ 111B amended, 2002, 138 § 2.

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CHAPTER 268 - Crimes against Public Justice.

**CHAPTER 268A - Conduct of Public Officials and Employees.
(Former title, Code of Ethics.)**

CHAPTER 268B - Financial Disclosure by Certain Public Officials and Employees.

CHAPTER 269 - Crimes against Public Peace.

§ 10A amended, 2002, 196 §§ 24, 25.

§ 12F added, 2002, 313 § 11.

§ 14 revised, 2002, 313 § 12.

CHAPTER 270 - Crimes against Public Health.

§ 16, first paragraph revised, 2002, 236 § 15; last paragraph, sentence added, 2002, 236 § 16.
§ 24 added, 2002, 39.

CHAPTER 271 - Crimes against Public Policy.

§ 17A amended, 2001, 139 § 28. (See 2001, 139 § 45.)

CHAPTER 272 - Crimes against Chastity, Morality, Decency and Good Order.

§ 17 revised, 2002, 13.

§ 31 amended, 2002, 161 § 1; definition of "Visual material" revised, 2002, 161 § 2.

§ 104 added, 2002, 435 § 1.

CHAPTER 273 - Desertion, Non-support and Illegitimacy.

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(Former title, Enforcement of the Duty to Support Dependents.)

CHAPTER 274 - Felonies, Accessories and Attempts to Commit Crimes.

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CHAPTER 276 - Search Warrants, Rewards, Fugitives from Justice, Arrest, Examination, Commitment and Bail, Probation Officers and Board of Probation.

§ 83 revised, 2001, 177 § 52. (See 2001, 177 § 81.)

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§ 85A amended, 2001, 177 § 53. (See 2001, 177 § 81.)

§ 86 amended, 2001, 177 § 54. (See 2001, 177 § 81.)

§ 87A, third paragraph, first and second sentences stricken out and two sentences inserted, 2002, 300 § 13.

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