

**HOUSE . . . . . No.**

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**The Commonwealth of Massachusetts**



CHARLES D. BAKER  
GOVERNOR

OFFICE OF THE GOVERNOR  
COMMONWEALTH OF MASSACHUSETTS  
24 BEACON STREET · BOSTON, MA 02133

KARYN POLITO  
LIEUTENANT GOVERNOR

*March 15, 2018*

To the Honorable Senate and House of Representatives,

In September 2016, I issued Executive Order No. 569, Establishing an Integrated Climate Change Strategy for the Commonwealth. As part of this strategy, the Secretary of Energy and Environmental Affairs and the Secretary of Public Safety are leading the Baker-Polito Administration’s efforts to mitigate and adapt to climate change while safeguarding our residents, municipalities and businesses and building a more resilient state. Recent extreme weather events have underscored the importance of our ongoing efforts and the necessity of immediate strategic investments to ensure a safe, sustainable and resilient Commonwealth.

With this in mind, I am pleased to submit for your consideration “An Act Promoting Climate Change Adaptation, Environmental and Natural Resource Protection, and Investment in Recreational Assets and Opportunity.” This legislation codifies key principles of Executive Order No. 569, while providing over \$1.4 billion in capital authorizations. This money will not only allow us to invest in our integrated approach to climate change adaptation and resilience, but also allow us to support both state and community investment in environmental protection and environmental and recreational asset maintenance.

The legislation includes \$300 million in authorizations for critical infrastructure and the prevention, adaptation and mitigation of climate change. Recognizing the importance of supporting critical investments in coastal and inland infrastructure, such as dams and seawalls, as

well as nature based solutions for climate change resilience, this legislation authorizes an additional \$170 million for these programs. But it is not enough to simply keep doing more of what we have in the past. Accordingly, this legislation includes an additional \$130 million of authorization for new climate change initiatives, including \$60 million for continuous implementation of the integrated state hazard and climate adaptation plan and an additional \$50 million to partner with cities and towns planning and taking adaptation action through the municipal vulnerability preparedness program. Other key capital authorizations to address climate change include:

- \$6 million for the Executive Office of Public Safety and Security to develop and support climate-oriented emergency response and natural hazards preparedness programs
- \$5 million for a climate change science and data program to inform our climate change strategy
- \$4 million to provide grants to public entities that own fleets of vehicles to purchase passenger plug-in vehicles and to install charging stations
- \$3 million for a new Global Warming Solutions Act fund to provide grants or loans for costs incurred in implementing the Global Warming Solutions Act, the Clean Energy and Climate Plan and state and local strategies for climate change adaptation
- \$2 million for a climate change workforce skills capital grant program

In addition to climate-focused authorizations, this legislation authorizes \$580 million of investment in deferred maintenance and recreational resource stewardship across state government. This includes \$25 million for the expansion and interconnection of trails through the MassTrails program and \$350 million for recreational facilities through the Department of Conservation and Recreation (DCR). DCR acts as the steward of over 450,000 acres of parks, forests, beaches, playgrounds, bike trails, and watersheds. These funds are essential to the maintenance and expansion of these resources so that the Commonwealth's residents and visitors can continue to enjoy them.

The legislation also provides for over \$290 million of authorization for investments in communities across the Commonwealth, including \$125 million for community investment grant programs for municipalities, regional planning agencies and other eligible entities to partner with the Executive Office of Energy and Environmental Affairs (EEA). An additional \$25 million is allocated for tree planting and forest land protection programs. In addition to the grant program administered by EEA, the legislation includes \$50 million for the Massachusetts Department of Transportation's Complete Streets Program.

Lastly, this legislation includes over \$270 million for environmental protection. These funds will support programs at the Department of Environmental Protection and other agencies

ranging from air and water quality monitoring to hazardous waste cleanup to the restoration of rivers, wetlands, streams, and lakes. This authorization also includes an additional \$60 million for the Commonwealth's Clean Water Trust to continue its partnership with cities and towns in developing water infrastructure projects.

In addition to providing authorization for these vital investments, this legislation amends the laws of the Commonwealth to improve the effectiveness of environmental and energy agencies, increase access to recreational resources, expand natural resource protection and asset stewardship, protect Massachusetts ratepayers, and provide additional tools to support municipalities. By codifying key portions of Executive Order No. 569 in statute, this legislation will ensure climate change adaptation and resiliency continue to be prioritized and our integrated hazard mitigation and climate adaptation plan is continuously updated and implemented for the benefit of future generations.

This legislation also improves agency operations, strengthening natural resource protection, and increases recreational opportunities. The Department of Agricultural Resources would be able to require training for municipal animal inspectors and receive enhanced authority to enforce laws relating to pesticide use. This bill would also improve the Division of Marine Fisheries' ability to enforce marine fishery laws, protecting Commonwealth fisheries by updating decades old criminal and civil fines and penalties. Lastly, the Department of Conservation and Recreation and Division of Fisheries and Wildlife would be authorized to provide discounted parking passes and fishing and hunting licenses for veterans.

In order to protect the interests of Massachusetts ratepayers, this legislation empowers the Department of Public Utilities to review proposed rate changes within the context of other anticipated changes to ratepayers' bills, and take steps to mitigate the impact on utility customers. The Department of Energy Resource would also be directed to create a new clean peak standard for electricity suppliers to increase the usage of clean energy during periods of high, carbon intensive, and expensive electricity demand, with the long-term goal of reducing ratepayer costs while lowering greenhouse gas emissions.

Municipalities would also benefit from new resources included in this legislation, such as a revolving fund to help implement transfer of development rights zoning and a general authorization and framework for public-private partnerships for water infrastructure projects.

Investing in our environmental resources and agencies is a critical component of securing our Commonwealth's future. I urge your prompt enactment of this legislation.

Respectfully submitted

Charles D. Baker,  
*Governor*



11           2000-7071. For improvements and replacements to the infrastructure and holdings of  
12 the executive office of energy and environmental affairs and its departments and divisions;  
13 provided, that these improvements and replacements may include, but shall not be limited to,  
14 buildings, equipment, vehicles and communication and technology equipment; provided further,  
15 that the secretary of energy and environmental affairs may provide guidance for planning,  
16 prioritization, selection and implementation of projects in furtherance of the goals of climate  
17 change mitigation and adaptation and consistent with the integrated state hazard mitigation and  
18 climate change adaptation plan; and provided further, that any expenditures for communication  
19 and technology equipment under this item shall be considered in consultation with the secretary  
20 of technology services and  
21 security.....\$10,000,000

22           2000-7072. For grant programs for land, soil, water and natural resource conservation;  
23 open space preservation; watershed remediation; coastal resource protection; recreation;  
24 environmental equity and wildlife and endangered species protection, including, but not limited  
25 to, the local acquisition for natural diversity grant program, the parkland acquisition and  
26 renovation for communities grant program, conservation partnership grant programs including  
27 programs to support landscape-scale land conservation projects, the drinking water supply  
28 protection grant program, grant programs to assist and provide funding to conservation districts,  
29 and grants to support local, regional and state land use planning and management capabilities to  
30 advance smart growth efforts, all pursuant to rules or regulations adopted by the secretary of  
31 energy and environmental affairs to effectuate this item; provided, that the secretary of energy  
32 and environmental affairs may provide guidance for planning, prioritization, selection and  
33 implementation of projects in furtherance of the goals of climate change mitigation and

34 adaptation and consistent with the integrated state hazard mitigation and climate change  
35 adaptation plan; and provided further, that all projects shall provide appropriate public access as  
36 determined by the  
37 secretary.....\$125,000,000

38       2000-7073. For the design, construction, reconstruction, rehabilitation, retrofitting,  
39 repair or removal of coastal infrastructure and resiliency measures, including, but not limited to,  
40 seawalls, jetties, revetments, retaining walls, beach nourishment and natural solutions; provided,  
41 that costs payable from this item may include, but shall not be limited to, the costs of engineering  
42 and other technical assistance and planning services essential to these projects rendered by the  
43 office of coastal zone management in the executive office of energy and environmental affairs,  
44 the office of waterways in the department of conservation and recreation and other  
45 commonwealth employees or consultants; provided further, that grants and loans may be made to  
46 local government units to carry out this item; and provided further, that the secretary of energy  
47 and environmental affairs may provide guidance for planning, prioritization, selection and  
48 implementation of projects in furtherance of the goals of climate change mitigation and  
49 adaptation and consistent with the integrated state hazard mitigation and climate change  
50 adaptation plan.....\$25,000,000

51       2000-7074. For the design, construction, reconstruction, rehabilitation, retrofitting,  
52 repair or removal of municipally-owned dams, publicly-owned dams and other dams for which  
53 emergency action or statewide hazard mitigation is required and for inland flood control projects  
54 and projects for any related facilities and equipment, including, but not limited to, seawalls,  
55 jetties, revetments, retaining walls, beach nourishment and natural solutions, on publicly-owned  
56 land or related to state or municipal climate change adaptation and preparedness or for which

57 emergency action or statewide hazard mitigation is required; provided, that the secretary of  
58 energy and environmental affairs shall give priority to dams and flood control projects that pose  
59 the greatest risk to public health or safety, or to the environment; provided further, that funds  
60 shall be available for a program of planning, permitting and construction of fish ways and other  
61 aquatic habitat improvements, including the removal or breaching of selected dams and  
62 impoundments on state-owned land and waterways; and provided further, that the secretary may  
63 provide guidance for planning, prioritization, selection and implementation of projects in  
64 furtherance of the goals of climate change mitigation and adaptation and consistent with the  
65 integrated state hazard mitigation and climate change adaptation  
66 plan.....\$65,000,000

67           2000-7075. For the acquisition of land and interests in land by the executive office of  
68 energy and environmental affairs and its departments and divisions and for associated costs,  
69 including planning, study, due diligence, title and appraisal services, site restoration, monitoring  
70 and stewardship, including, but not limited to, agricultural preservation restrictions under  
71 sections 23 to 26, inclusive, of chapter 20 of the General Laws, and acquisitions for open space,  
72 recreation, conservation, wildlife and endangered species protection, and forest land protection;  
73 for related costs and activities in support of conservation goals, including, but not limited to,  
74 capitalization of the Transfer of Development Rights Revolving Fund established under section  
75 35GGG of chapter 10; provided, that funds under this item may be used to develop and  
76 implement a stewardship program on lands under the care and control of the executive office or  
77 its departments and divisions or subject to conservation restrictions or other related interests in  
78 land purchased through this item, including, but not limited to, resource and land use monitoring,  
79 signage, boundary delineation and monitoring, preparation of baseline documentation,

80 stewardship planning, ecological monitoring and enforcement of conservation or other related  
81 restrictions or detection and resolution of encroachments on land and rights in land, and repair of  
82 damage to property related to illegal uses, including off-road vehicle trespass; provided further,  
83 that funds may be used for inventory, restoration and reclamation of acquired land, including  
84 demolition of structures, removal of debris, eradication of non-native species and other services  
85 essential to these reclamation efforts; and provided further, that the secretary of energy and  
86 environmental affairs may provide guidance for preservation, maintenance, and acquisition of  
87 land and interests in land in furtherance of the goals of climate change mitigation and adaptation  
88 and consistent with the integrated state hazard mitigation and climate change adaptation plan and  
89 may expend funds under this item for such  
90 purposes.....\$30,000,000

91           2000-7079. For natural resource restoration and protection and in compliance with  
92 laws and regulations, and for purposes of improvements and costs associated with site  
93 assessment, containment, cleanup, control, disposal, removal or exchange of or response actions  
94 concerning hazardous materials or substances.....\$60,000,000

95   *Department of Environmental Protection*

96           2200-7022. For investment in water and air quality protection, including but not  
97 limited to investments necessary to meet the legislative and regulatory requirements of the  
98 Rivers Protection Act, the federal and state Clean Water Acts and the Massachusetts Wetlands  
99 Protection Act; to provide for integrated energy and environmental projects to optimize and  
100 preserve environmental quality and public health and provide for appropriate protection,  
101 restoration, management and best use of air, energy, water and land resources, assets and



102 infrastructure, including upgrades to laboratory equipment; to provide for research, studies and  
103 the collection of data to support investment in environmental assets, including sampling and  
104 analysis of water and air quality, monitoring cumulative environmental impacts in  
105 environmental justice communities, the development of Geographic Information System maps  
106 for wetlands conservancy and tidelands, stormwater infrastructure and public water supplies, the  
107 development of water quality analyses known as Total Maximum Daily Loads, the assessment of  
108 water quality health and impaired use of waterways, and projects related to nonpoint and point  
109 sources of water pollution and the wetlands circuit rider program; to provide for local grants and  
110 research for implementation of the commonwealth's sustainable water management initiative,  
111 including grants and research to provide the data necessary for municipalities to invest in  
112 efficient and effective mitigation practice to restore and preserve the commonwealth's water  
113 resources, assets and infrastructure; to provide for sustainable water management initiative  
114 related research and implementation projects conducted by the department of fish and game and  
115 its divisions; to provide for the department's statewide air monitoring network, upgrades of air  
116 monitoring equipment to comply with federal requirements, implementation of a water quality  
117 monitoring network and eelgrass mapping to track water quality improvements; to provide for  
118 investments in water quality restoration of degraded estuarine habitat for projects deemed  
119 consistent with a current area-wide water resources management plan adopted under section 208  
120 of the federal Clean Water Act; to fund pilot projects that test innovative and green wastewater  
121 management technologies and approaches; for sustainable technologies at wastewater treatment  
122 facilities; for long-term monitoring and stewardship of restoration projects developed under the  
123 oversight of natural resources damages trustees; to provide grants and technical assistance to  
124 public water suppliers for energy efficiency improvements for drinking water systems; to provide

125 for municipal grants for water and air quality protection, including to support training and  
126 workforce development for drinking water and wastewater treatment facilities; to support the  
127 preparation and implementation of geographic response plans for the commonwealth's inland  
128 waterways; and to provide grants to municipalities to support compliance with the federal  
129 Municipal Separate Storm Sewer System permit; provided, that the secretary of energy and  
130 environmental affairs may provide guidance for planning, prioritization, selection and  
131 implementation of projects in furtherance of the goals of climate change mitigation and  
132 adaptation and consistent with the integrated state hazard mitigation and climate change  
133 adaptation plan.....\$45,000,000

134 2200-7024. For discovery, assessment, containment, monitoring, cleanup and closure  
135 of existing or closed solid waste facilities causing or threatening to cause pollution as authorized  
136 by section 4 of chapter 21H of the General Laws; and for capital expenditure associated with  
137 composting and recycling programs consistent with the comprehensive statewide solid waste  
138 master plan authorized by section 21 of chapter 16 of the General  
139 Laws.....\$7,500,000

140 2200-7016. For the assessment, containment, monitoring, cleanup, control, removal of  
141 or response actions concerning oil or hazardous materials or for any other actions necessary to  
142 implement chapter 21E of the General Laws and the Massachusetts Contingency  
143 Plan.....\$36,000,000

144 *Department of Fish and Game*

145 2300-7019. For planning, design, engineering, construction, reconstruction,  
146 renovation, repair, demolition, acquisition, enhancements, improvements, removal and

147 replacement of the infrastructure, facilities and equipment under the care and control of the  
148 department of fish and game and its divisions, including, but not limited to buildings and other  
149 structures, education centers, district headquarters, hatchery facilities, offices, storage buildings,  
150 shooting ranges, archery facilities, dams, laboratories, equipment, vehicles, vessels, and site  
151 clearance; provided, that any such facilities supported by this item may incorporate energy  
152 efficiency and renewable technologies to decrease energy use and greenhouse gas emissions,  
153 such as solar, wind and geothermal power; provided further, that funds shall also be available  
154 for investments for protection, remediation and restoration of aquatic and marine fisheries,  
155 wildlife species, land and marine plants, and the habitats that support them; and provided further,  
156 that the secretary of energy and environmental affairs may provide guidance for planning,  
157 prioritization, selection and implementation of projects in furtherance of the goals of climate  
158 change mitigation and adaptation and consistent with the integrated state hazard mitigation and  
159 climate change adaptation plan.....\$45,000,000

160           2300-7022. For river and wetland restoration programs in the division of ecological  
161 restoration, riverways program and the commissioner’s office within the department of fish and  
162 game; provided, that funds authorized in this item may be utilized for river, wetland and river  
163 corridor revitalization, ecological restoration and protection of aquatic ecosystems and functions  
164 throughout the commonwealth including, but not limited to, dam and barrier removal, instream  
165 improvements, flow, water quality, riverine habitat, protection of high quality riparian and  
166 wetland habitat, assessment and mitigation of threats from climate change and improving  
167 recreational opportunities; provided further, that these costs may include, but shall not be limited  
168 to, equipment to implement these programs; provided further, that the commissioner or a  
169 designee may enter into cooperative agreements with state and federal government agencies and

170 municipalities, may contract for services related to this item including, but not limited to,  
171 engineering and monitoring, and may award grants to public and nonpublic entities to foster and  
172 carry out this item.....\$30,000,000

173 *Department of Agricultural Resources*

174 2500-7021. For the purpose of developing and implementing programs designed to  
175 address agricultural economic and environmental sustainability, urban agriculture, research,  
176 industry promotion, technology transfer and education and to facilitate improvements to  
177 agricultural infrastructure, energy conservation and efficiency, and climate change adaptation  
178 and resiliency; provided, that a grant program shall be established to provide grants to public and  
179 nonpublic entities for the development and implementation of new procedures for energy  
180 conservation and efficiency and for renewable and alternative energy sources to assist the  
181 agricultural community to grow and develop; provided further, that there shall be established a  
182 program to assist in the preservation and rehabilitation of facilities and land resources of  
183 agricultural fairs through short-term preservation covenants, grants, demonstration projects and  
184 other means; provided further, that funds in this item may be expended for infrastructure and  
185 equipment upgrades to prevent or reduce food safety risk, programs to control invasive species  
186 and provide pesticide disposal, and programs to support aquaculture, dairy digesters and  
187 agricultural composters; provided further, that funds in this item may be expended for the  
188 agricultural environmental enhancement program on the abatement of all forms of pollution  
189 generated from agricultural activities; provided further, that funds in this item may be allocated  
190 by the commissioner through competitive grants pursuant to rules or regulations adopted by the  
191 commissioner to implement this  
192 item.....\$20,000,000

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*Department of Conservation and Recreation*

2800-7020. For natural resource restoration and protection, including protection and rehabilitation of lakes, ponds, rivers and streams and associated watersheds, and for improvements and costs associated with site assessment, containment, cleanup, control, removal of or response actions concerning hazardous materials or substances at forests, parks, reservations, waterbodies and other properties of the department of conservation and recreation; provided, that the secretary of energy and environmental affairs may provide guidance for planning, prioritization, selection and implementation of projects in furtherance of the goals of climate change mitigation and adaptation and consistent with the integrated state hazard mitigation and climate change adaptation plan.....\$20,000,000

2800-7014. For the design, construction, reconstruction, improvement or rehabilitation of department or navigable coastal and inland waterways projects including, but not limited to, design, permitting, operation, maintenance of waterways, operation and maintenance of state piers, coastal protection, dredging, river and stream cleaning, coastal structure maintenance, piers, dune stabilization, culvert repair, renourishment, erosion control, waterfront access and transportation improvements and improvements to related facilities and equipment; provided, that funds from this item may be expended to support state coordination with a cooperative federal-state program with the United States Geological Survey, Department of Interior, for continuous data collection and analysis regarding water resources; and provided further, that the secretary of energy and environmental affairs may provide guidance for planning, prioritization, selection and implementation of projects in furtherance of the goals of climate change mitigation and adaptation and consistent with the integrated state hazard mitigation and climate change adaptation plan.....\$15,000,000

216           2800-7025. For the design, construction, reconstruction, rehabilitation, retrofitting,  
217 repair or removal of state-owned dams for which emergency action or statewide hazard  
218 mitigation is required and for inland flood control projects and projects for any related facilities  
219 and equipment, including, but not limited to, seawalls, jetties, revetments, retaining walls, beach  
220 nourishment and natural solutions, on state-owned land or related to state climate change  
221 adaptation and preparedness or for which emergency action or statewide hazard mitigation is  
222 required; provided, that the department of conservation and recreation shall give priority to dams  
223 and flood control projects that pose the greatest risk to public health or safety, or to the  
224 environment; provided further, that funds shall be available for a program of planning,  
225 permitting and construction of fish ways and other aquatic habitat improvements, including the  
226 removal or breaching of selected dams and impoundments on state-owned land and waterways;  
227 and provided further, that the secretary of energy and environmental affairs may provide  
228 guidance for planning, prioritization, selection and implementation of projects in furtherance of  
229 the goals of climate change mitigation and adaptation and consistent with the integrated state  
230 hazard mitigation and climate change adaptation plan.....\$80,000,000

231           2840-7025. For the planning, design, acquisition, construction, reconstruction, repair,  
232 removal, demolition, improvement, furnishing, equipping or rehabilitation of department  
233 reservations, forests, parks, campgrounds, comfort stations, harbor islands, skating rinks, skate  
234 parks, swimming and wading pools, spray parks, golf courses, tennis courts, basketball courts,  
235 ball fields, playgrounds, exercise and fitness paths, tracks, other recreational facilities, historic  
236 sites, beaches and related facilities, storage buildings, office buildings, visitor centers, fire  
237 towers, maintenance facilities and other park buildings, and equipment, including upgrades to  
238 information technology equipment to be considered in consultation with the secretary of

239 technology services and security, and for the planning, design, acquisition, construction,  
240 reconstruction, repair, removal, improvement or rehabilitation of department bike paths,  
241 greenways, recreational trails and related facilities and equipment; provided, that the secretary of  
242 energy and environmental affairs may provide guidance for planning, prioritization, selection  
243 and implementation of projects in furtherance of the goals of climate change mitigation and  
244 adaptation and consistent with the integrated state hazard mitigation and climate change  
245 adaptation plan; provided further, that the department of conservation and recreation may expend  
246 funds in this item for technical assistance and grants to cities and towns in accordance with rules  
247 or regulations adopted by the department to implement this item; and provided further, that in the  
248 expenditure of funds under this item, the commissioner will prioritize public health and safety  
249 and capital maintenance needs of commonwealth  
250 facilities.....\$350,000,000

251           2890-7034. For the planning, design, construction, reconstruction, repair,  
252 improvement or rehabilitation of department of conservation and recreation parkways,  
253 boulevards, multi-use trails, internal state park roads and recreational trails, pedestrian bridges  
254 and related appurtenances and equipment including, but not limited to, the costs of planning,  
255 design and engineering and other services for those projects rendered by commonwealth  
256 employees or by consultants; provided, that funds may be expended for pedestrian and bicycle  
257 safety, traffic calming, landscape improvements, street lighting, safety equipment, and  
258 accessibility; provided further, that all work funded by this item shall be carried out according to  
259 standards developed by the department pursuant to historic parkways preservation treatment  
260 guidelines to protect the scenic and historic integrity of the bridges and parkways under its  
261 control; and provided further, that the secretary of energy and environmental affairs may provide

262 guidance for planning, prioritization, selection and implementation of projects in furtherance of  
263 the goals of climate change mitigation and adaptation and consistent with the integrated state  
264 hazard mitigation and climate change adaptation plan.....\$150,000,000

265 SECTION 2A.

266 EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

267 *Office of the Secretary*

268 2000-7080. For implementation of the integrated state hazard mitigation and climate  
269 change adaptation plan; provided, that the secretary of energy and environmental affairs shall  
270 give priority to critical actions and strategies identified in the  
271 plan.....\$60,000,000

272 2000-7081. For the municipal vulnerability preparedness grant program to support and  
273 provide technical assistance for cities and towns to complete climate-related vulnerability  
274 assessments, develop action-oriented resiliency plans, and complete integrated climate change  
275 adaptation plans and local hazard mitigation plans; and to implement local and regional  
276 adaptation solutions identified through such plans, including changes to policies, bylaws, and  
277 plans, municipal infrastructure improvements, nature-based climate adaptation strategies, and  
278 repairs to address vulnerability and improve  
279 resiliency.....\$50,000,000

280 2000-7084. To capitalize the Global Warming Solutions Trust Fund established in  
281 section 35EEE of chapter 10 of the General Laws.....\$3,000,000



282           2000-7085. For the climate change science and data program to support the  
283 development and maintenance of data including statewide, basin scale, and other relevant climate  
284 change projections and data, the establishment of datasets to track and monitor ongoing impacts  
285 from climate change, and the maintenance and expansion of the climate change clearinghouse  
286 data and tools available to cities and towns; provided, that any expenditures for communication  
287 and technology equipment under this item shall be considered in consultation with the secretary  
288 of technology services and security.....\$5,000,000

289   *Department of Environmental Protection*

290           2200-7019. For the Massachusetts Electric Vehicle Incentive Program to provide  
291 grants to public entities to acquire passenger plug-in vehicles for fleets, install charging stations  
292 for public electric vehicles, and promote the establishment of vehicle charging  
293 stations.....\$4,000,000

294   EXECUTIVE OFFICE OF EDUCATION

295   *Office of the Secretary*

296           7009-2007. To close workforce skills gaps across a range of occupations where  
297 climate change impacts such as extreme weather are likely to require adaptation to reduce risks  
298 and vulnerability from the impacts of climate change, by providing skills capital and workforce  
299 training grants to support education and training providers, in consultation with the workforce  
300 skills cabinet and the secretary of energy and environmental  
301 affairs.....\$2,000,000

302   EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

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*Office of the Secretary*

8000-2007. For the development and support of climate oriented emergency response and natural hazard preparedness programs and climate change coordination with the executive office of energy and environmental affairs.....\$6,000,000

SECTION 2B.

OFFICE OF THE TREASURER AND RECEIVER GENERAL

0620-1002. For the Clean Water Trust established in section 2 of chapter 29C of the General Laws for deposit in the Water Pollution Abatement Revolving Fund established in 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 or for deposit in the Drinking Water Revolving Fund established in section 2QQ of said chapter 29 for application by the trust to the purposes specified in section 18 of said chapter 29C, any portion of which may be used as a matching grant by the commonwealth to federal capitalization grants received under the federal Safe Drinking Water Act.....\$60,333,000

SECTION 2C.

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

*Office of the Secretary*

2000-7077. For the acquisition, development, construction and improvement of parks in urban and suburban neighborhoods currently underserved with parks consistent with

324 attainment of environmental equity, including planning related to these parks; provided, that  
325 funds shall be available for the completion of urban forestry and tree planting projects,  
326 assessment and remediation of brownfield and grayfield sites intended for reuse as parks,  
327 drafting of architectural renderings, construction documents and other technical documents  
328 necessary for parks construction, acquisition of land or interests in land for the creation of parks  
329 pursuant to article 97 of the amendments to the state constitution and for the construction,  
330 rehabilitation and improvement of parks including, but not limited to, all related facilities,  
331 landscaping, monuments and features, parking areas and roadways; provided, that the secretary  
332 of energy and environmental affairs may issue grants to public and nonpublic entities to  
333 implement these projects; and provided further, that the secretary may provide guidance for  
334 planning, prioritization, selection of parks to promote environmental equity and in furtherance of  
335 the goals of climate change mitigation and adaptation and consistent with the integrated state  
336 hazard mitigation and climate change adaptation plan.....\$47,000,000

337           2000-7078. For investment in trails to include planning, engineering, design,  
338 permitting, construction, repair, technical assistance and improvement of trails and the  
339 acquisition of property interests for trail purposes; provided, that funds may be granted at the  
340 discretion of the secretary of energy and environmental affairs to public and non-public entities  
341 including municipalities, regional planning agencies, and non-profit organizations, or expended  
342 directly by the executive office of energy and environmental affairs and its departments and  
343 division; provided further, that trails are to be broadly defined to include water, recreational,  
344 multi-use, and motorized for use by recreational and snow vehicles, and may be paved,  
345 improved, natural surface, or on-road for limited distances when necessary to make key  
346 connections; provided further that any project funded under this item is to be open to the public;

347 provided further that wherever practicable property interests acquired are to be permanently  
348 conserved such that the trail thereon is permanently accessible to the public, but may be long-  
349 term leases where necessary to advance trail projects; provided further, that a match from the  
350 funding recipient may be required at the discretion of the secretary of energy and environmental  
351 affairs; and provided further, that funds expended from this item for the cost of employees shall  
352 not exceed 5 percent of funds expended from this item in any fiscal  
353 year.....\$25,000,000

354 *Department of Conservation and Recreation*

355 2800-7023. For a forestry and tree planting program for projects throughout the  
356 commonwealth, including, but not limited to, the evaluation and planning of forestry and tree  
357 planting projects, tree stock and planting and the care and protection of trees and forests;  
358 provided, that the secretary of energy and environmental affairs shall give priority to the planting  
359 of trees in areas underserved with tree cover, affected by severe weather events or insect  
360 infestation, in areas where aquifers, recharge areas, wells, reservoirs and other water bodies are  
361 located that will improve water quality as part of a natural ecosystem, and in furtherance of  
362 environmental equity, climate change mitigation, adaptation and resiliency strategies; provided  
363 further, that funds from this item may be expended to provide technical assistance and support to  
364 landowners to engage in sustainable forest management and long-term conservation practices  
365 and to undertake projects and activities to protect the ecological integrity of the commonwealth's  
366 forestlands under the forest vision plan.....\$25,000,000

367 SECTION 2D.

368 MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

369           6121-1315. For the complete streets program established pursuant to chapter 90I of the  
370 General Laws, as amended, for complete streets grants to  
371 municipalities.....\$50,000,000

372           SECTION 3. To meet the expenditures necessary in carrying out section 2, the state  
373 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an  
374 amount to be specified by the governor from time to time but not exceeding, in the aggregate,  
375 \$1,113,500,000. All such bonds issued by the commonwealth shall be designated on their face,  
376 Environmental Loan Act of 2018, and shall be issued for a maximum term of years, not  
377 exceeding 20 years, as the governor may recommend to the general court under section 3 of  
378 Article LXII of the Amendments to the Constitution. The bonds shall be payable not later than  
379 June 30, 2043. All interest and payments on account of principal on these obligations shall be  
380 payable from the General Fund. Bonds and interest thereon issued under this section shall,  
381 notwithstanding any other provision of this act, be general obligations of the commonwealth.

382           SECTION 4. To meet the expenditures necessary in carrying out section 2A, the state  
383 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an  
384 amount to be specified by the governor from time to time but not exceeding, in the aggregate,  
385 \$130,000,000. All such bonds issued by the commonwealth shall be designated on their face,  
386 Climate Change Preparedness Loan Act of 2018, and shall be issued for a maximum term of  
387 years, not exceeding 20 years, as the governor may recommend to the general court under  
388 section 3 of Article LXII of the Amendments to the Constitution. The bonds shall be payable not  
389 later than June 30, 2043. All interest and payments on account of principal on these obligations  
390 shall be payable from the General Fund. Bonds and interest thereon issued under this section

391 shall, notwithstanding any other provision of this act, be general obligations of the  
392 commonwealth.

393 SECTION 5. To meet the expenditures necessary in carrying out section 2B, the state  
394 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an  
395 amount to be specified by the governor from time to time but not exceeding, in the aggregate,  
396 \$60,333,000. All such bonds issued by the commonwealth shall be designated on their face,  
397 Clean Water Loan Act of 2018, and shall be issued for a maximum term of years, not exceeding  
398 20 years, as the governor may recommend to the general court under section 3 of Article LXII of  
399 the Amendments to the Constitution. The bonds shall be payable not later than June 30, 2043.  
400 All interest and payments on account of principal on these obligations shall be payable from the  
401 General Fund. Bonds and interest thereon issued under this section shall, notwithstanding any  
402 other provision of this act, be general obligations of the commonwealth.

403 SECTION 6. To meet the expenditures necessary in carrying out section 2C, the state  
404 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an  
405 amount to be specified by the governor from time to time but not exceeding, in the aggregate,  
406 \$97,000,000. All such bonds issued by the commonwealth shall be designated on their face,  
407 Commonwealth 21st Century Parks and Trails Act of 2018, and shall be issued for a maximum  
408 term of years, not exceeding 20 years, as the governor may recommend to the general court  
409 under section 3 of Article LXII of the Amendments to the Constitution. The bonds shall be  
410 payable not later than June 30, 2043. All interest and payments on account of principal on these  
411 obligations shall be payable from the General Fund. Bonds and interest thereon issued under this  
412 section shall, notwithstanding any other provision of this act, be general obligations of the  
413 commonwealth.

414 SECTION 7. To meet the expenditures necessary in carrying out section 2D, the state  
415 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an  
416 amount to be specified by the governor from time to time but not exceeding, in the aggregate,  
417 \$50,000,000. All such bonds issued by the commonwealth shall be designated on their face,  
418 Complete Streets Grants Act of 2018, and shall be issued for a maximum term of years, not  
419 exceeding 10 years, as the governor may recommend to the general court under section 3 of  
420 Article LXII of the Amendments to the Constitution. The bonds shall be payable not later than  
421 June 30, 2033. All interest and payments on account of principal on these obligations shall be  
422 payable from the General Fund. Bonds and interest thereon issued under this section shall,  
423 notwithstanding any other provision of this act, be general obligations of the commonwealth.

424 SECTION 8. Chapter 10 of the General Laws is hereby amended by inserting, after  
425 Section 35DDD, the following 3 sections:-

426 Section 35EEE. (a) There shall be established upon the books of the commonwealth a  
427 separate fund to be known as the Global Warming Solutions Trust Fund into which shall be  
428 deposited any revenues or other financing sources directed to the fund by appropriation; bond  
429 revenues or other monies authorized by the general court and specifically designated to be  
430 credited to the fund; any income derived from the investment of amounts credited to the fund or  
431 repayment of loans from the fund; funds from public or private sources, including, but not  
432 limited to, gifts, federal or private grants, donations, rebates and settlements received by the  
433 commonwealth that are specifically designated to be credited to the fund; and all other amounts  
434 credited or transferred into the fund from any other source. The fund shall be administered by the  
435 secretary of energy and environmental affairs.

436 (b) Amounts credited to the fund may be used, without further appropriation, to provide  
437 grants or loans to governmental, quasi-governmental or non-profit entities for costs incurred in  
438 relation to implementation of the Global Warming Solutions Act, chapter 298 of the acts of  
439 2008, as subsequently amended; the Clean Energy and Climate Plan published by the executive  
440 office of energy and environmental affairs, as subsequently amended; and state and local  
441 strategies for climate change adaptation. Such expenditures may include, but are not limited to,  
442 payment of costs associated with planning, monitoring, and managing carbon reduction  
443 measures; development and deployment of mitigation strategies and best practices to reduce  
444 carbon emissions; planning, monitoring and managing strategies to adapt to and prepare for the  
445 impacts of climate change; priority adaptation projects with potential co-benefits for climate  
446 change mitigation, environmental protection, public health, or other factors, as determined by the  
447 secretary of energy and environmental affairs; and pilot projects for new technologies or  
448 strategies to support carbon emission reductions. The amounts expended from the fund during  
449 any fiscal year for the costs of employees shall not exceed 5 per cent of total funds expended  
450 from the fund in that fiscal year. Monies deposited into the fund that are unexpended at the end  
451 of the fiscal year shall not revert to the General Fund and shall be available for expenditure in the  
452 subsequent fiscal year.

453 Section 35FFF. (a) There shall be established upon the books of the commonwealth a  
454 separate fund to be known as the Boston Harbor Mitigation Trust Fund into which shall be  
455 deposited mitigation funds received pursuant to licenses issued under chapter 91 which require  
456 payment of such funds to enhance public access to the Boston Harbor waterfront or expand water  
457 transportation to, from, or within Boston Harbor in order to mitigate for unavoidable interference  
458 with certain water-related public rights caused by the licensed activities. The fund may also



459 accept private contributions, publicly or privately-funded grants or other funds appropriated by  
460 the state or federal government, and funds paid to the commonwealth from any other source to  
461 enhance public access to the Boston Harbor waterfront. The fund shall be administered by the  
462 commissioner of environmental protection.

463 (b) Amounts credited to the fund may be used, without further appropriation, to  
464 reimburse or pay any governmental, quasi-governmental or non-profit entity for costs incurred in  
465 relation to activities or purposes set forth in any license issued under chapter 91 from which the  
466 mitigation funds originated, or otherwise to support enhanced public access to the Boston Harbor  
467 waterfront or expand water transportation to, from, or within Boston Harbor. Monies deposited  
468 in the Fund that are unexpended at the end of the fiscal year shall not revert to the General Fund  
469 and shall be available for expenditure in the subsequent fiscal year.

470 Section 35GGG. (a) There shall be established and set up on the books of the  
471 commonwealth a separate fund to be known as the Transfer of Development Rights Revolving  
472 Fund into which shall be deposited any revenues or other financing sources directed to the fund  
473 by appropriation; bond revenues or other monies authorized by the general court and specifically  
474 designated to be credited to the fund; any income derived from the investment of amounts  
475 credited to the fund or repayment of loans from the fund; funds from public or private sources,  
476 including, but not limited to, gifts, federal or private grants, donations, rebates and settlements  
477 received by the commonwealth that are specifically designated to be credited to the fund; and all  
478 other amounts credited or transferred into the fund from any other source. The fund shall be  
479 administered by the secretary of energy and environmental affairs.

480 (b) Amounts credited to the fund may be used, without further appropriation, to provide  
481 loans to municipalities for the acquisition of transferable development rights as provided in  
482 section 27 of chapter 21A. Monies deposited into the fund that are unexpended at the end of the  
483 fiscal year shall not revert to the General Fund and shall be available for expenditure in the  
484 subsequent fiscal year.

485 SECTION 9. Section 10H of chapter 21A of the General Laws, as appearing in the 2016  
486 Official Edition, is hereby amended by striking out the sixth, seventh and eighth paragraphs, and  
487 inserting in place thereof the following 4 paragraphs:-

488 A person notified to appear before the clerk of a district court, as provided in said section  
489 10G, for any violation of sections 17A, 18, 19, 30, 31, 33, 34, 35, 36, 51, 51A, 66, 69, 70, 71, 72,  
490 100C or 102 of chapter 130 may so appear within the time specified and pay a fine of \$100.

491 A person notified to appear before the clerk of a district court, as provided in said section  
492 10G, for any violation of sections 13, 17, 21, 29, 37, 38, 38A, 39, 40, 41, 41A, 44, 44A, 44B, 47,  
493 49, 80, 81, 82, 92, 100A, 100B or 106 of chapter 130 may so appear within the time specified  
494 and pay a fine of \$200.

495 A person notified to appear before the clerk of a district court, as provided in said section  
496 10G, for any violation of sections 23, 25, 67, 68, 75, 95 or 100D of chapter 130 may so appear  
497 within the time specified and pay a fine of \$400.

498 A person notified to appear before the clerk of a district court, as provided in said section  
499 10G, for any violation of sections 17, 17A, 34, 35, 37, 40, 41, 41A, 44, 44A, 44B, 95, 100A,  
500 100B or 100C of chapter 130 may so appear within the time specified and pay, in addition to the  
501 applicable base fine specified in this section for a violation of any of the sections listed above, a

502 supplemental fine of \$10 per fish for a violation of each said section. For the purpose of this  
503 paragraph, the term “fish” shall be defined as provided in section 1 of chapter 130, except that it  
504 shall not include bi-valve shellfish.

505 SECTION 10. Said chapter 21A of the General Laws is hereby amended by adding the  
506 following section:-

507 Section 27. (a) There shall be established within the executive office of energy and  
508 environmental affairs a program to facilitate the transfer of development rights, as defined in  
509 section 1A of chapter 40A, through municipal ordinances or bylaws as a way to protect  
510 conservation values and encourage development through market incentives. The secretary, in  
511 consultation with the secretary of housing and economic development and other agencies or  
512 offices as appropriate, shall manage and oversee the program, including the administration of the  
513 Transfer of Development Rights Revolving Fund established in section 35GGG of chapter 10.  
514 The secretary may promulgate regulations to carry out the provisions of this section.

515 (b) To be eligible for a loan from the Transfer of Development Rights Revolving Fund, a  
516 municipality shall:

517 (1) Establish a municipal transfer of development rights revolving fund under section  
518 53E½ of chapter 44 to be used in connection with the purchase and sale of transferable  
519 development rights, as defined in section 1A of chapter 40A; and

520 (2) Enact a transfer of development rights zoning bylaw or ordinance approved by the  
521 secretary, in consultation with the secretary of housing and economic development and other  
522 agencies or offices as appropriate, that, at a minimum:

523 (i) Enables the acquisition, retention, and disposition of transferable development rights;

524 (ii) Provides reasonable assurance that areas designated for preservation through the  
525 transfer of development rights have ample natural resource, agricultural, recreational, historic, or  
526 other conservation value such that their protection will be of sufficient public benefit to meet the  
527 standards for approval of a conservation, agricultural preservation, watershed protection,  
528 preservation, or other use restriction as provided in the following paragraphs;

529 (iii) Requires that the land from which development rights will be extinguished be  
530 subject to a permanent conservation, watershed preservation, agricultural preservation, or  
531 preservation restriction in accordance with sections 31 to 33, inclusive, of chapter 184, which  
532 shall be recorded with the registry of deeds or registered in the registry district of the land court  
533 for the county or district wherein the land lies; or, if the land is submitted for approval by the  
534 appropriate state official but does not qualify, or is otherwise not approved, for a restriction  
535 under these sections, shall be subject to a restrictive covenant extended in perpetuity in  
536 accordance with sections 26 to 30, inclusive, of said chapter 184, which shall be approved by the  
537 planning board and the city council or board of selectmen, as appropriate, held by the  
538 municipality or a non-profit organization permitted to hold restrictions pursuant to section 32 of  
539 said chapter 184, and as applicable duly recorded or registered;

540 (iv) Provides reasonable assurance that areas designated for receipt of transferred  
541 development rights are properly sized based on the potential increase in growth that may result  
542 from the transfers to them, and that they are appropriate for additional growth based on their  
543 location, availability of infrastructure or planned infrastructure development, and access to  
544 municipal services; and

545 (v) Establishes a procedure for the planning board to issue development rights  
546 certificates, in a form specified by the secretary, indicating ownership of transferable  
547 development rights, and to provide for and document the creation, acquisition, disposition,  
548 exercise and redemption of transferable development rights, including procedures for the filing  
549 of development rights certificates with the municipal clerk and recording with the registry of  
550 deeds or registration in the registry district, as applicable, for both the land from which  
551 development rights are extinguished and the land to which such rights are transferred; procedures  
552 for documenting the recording or registration of the original restriction or restrictive covenant as  
553 required in clause (iii); and procedures, including limitations if any, for the exercise of  
554 transferable development rights in the event of subsequent amendments to zoning ordinances and  
555 bylaws affecting the development authorized by the transferable development right.

556 (c) To apply for a loan from the Transfer of Development Rights Revolving Fund, an  
557 eligible municipality shall submit an application that certifies, at a minimum, that the  
558 municipality will: (1) follow the provisions of chapter 30B when acquiring or disposing of  
559 transferable development rights; (2) commit, through approval of the local legislative body, to  
560 repay any loan from the Transfer of Development Rights Revolving Fund under the terms then  
561 specified; (3) keep permanent records of all restrictions recorded and transferable development  
562 rights created, acquired, held, sold or disposed, and exercised, and report on these activities to  
563 the secretary in a manner directed by the secretary; and (4) keep permanent records of all  
564 financial transactions involving the municipal transfer of development rights revolving fund and  
565 report on these transactions and fund balances to the secretary in a manner directed by the  
566 secretary.

567 (d) Loans from the Transfer of Development Rights Revolving Fund shall carry 0 per  
568 cent interest for the first 5 years from the date of origination, and the prime rate plus 1 per cent  
569 from the sixth to the tenth year from the date of origination. A municipality that has not repaid its  
570 loan within 10 years of the origination date shall be considered in default. In addition to other  
571 remedies specified under any loan agreement, if any municipality shall fail to pay to the  
572 Transferable Development Rights Revolving Fund when due and after demand any principal,  
573 interest or other charges payable under a loan or loan agreement, the secretary may certify to the  
574 state treasurer the amount owing to the Transferable Development Rights Revolving Fund by  
575 said municipality, and may request that the state treasurer reduce annual local aid to the recipient  
576 by the amount necessary to repay the principal, interest or other charges in arrears over 10 years.  
577 The state treasurer shall promptly pay over to the secretary for deposit in the Transferable  
578 Development Rights Fund without further appropriation any local aid distributions in the  
579 amounts requested by the secretary and otherwise certified to the state treasurer as payable to the  
580 municipality. The loan terms set forth in this subsection may be modified by regulations  
581 promulgated by the secretary; provided, however, that no such modification shall be made before  
582 January 1, 2022.

583 SECTION 11. Section 1 of chapter 21N of the General Laws, as appearing in the 2016  
584 Official Edition, is hereby amended by inserting after the first paragraph the following  
585 definition:-

586 “Adaptation”, adjustments in natural or human systems in response to actual or expected  
587 climatic stimuli and associated impacts, including but not limited to changes in processes,  
588 practices, and built and natural structures to increase resiliency, moderate potential damages, or  
589 benefit from opportunities associated with climate change.

590 SECTION 12. Said section 1 of said chapter 21N, as so appearing, is hereby further  
591 amended by inserting after the definition of “Greenhouse gas emissions source” the following  
592 definition:-

593 “Hazard mitigation”, actions that reduce or eliminate long-term risks caused by natural or  
594 man-made disasters.

595 SECTION 13. Said section 1 of said chapter 21N, as so appearing, is hereby further  
596 amended by inserting after the definition of “Secretary” the following definition:-

597 “State plan”, the integrated state climate adaptation and hazard mitigation plan which  
598 shall include the state hazard mitigation plan, required by the Robert T. Stafford Disaster Relief  
599 and Emergency Assistance Act, Public Law 93-288; 42 U.S.C. 5121 et seq., and any subsequent  
600 revisions of the plan developed pursuant to this chapter.

601 SECTION 14. Said section 1 of said chapter 21N, as so appearing, is hereby further  
602 amended by adding the following definition:-

603 “Vulnerability assessment”, an evaluation of degree of susceptibility to, or ability to cope  
604 with, adverse effects of climate change, such as climate variability and extremes, including an  
605 evaluation of adaptive capacity and subsequent adaptation strategies and options for the asset,  
606 system, institution or other subject being assessed.

607 SECTION 15. Said chapter 21N is hereby amended by adding the following 2 sections:-

608 Section 10. (a) The secretary and the secretary of the executive office of public safety and  
609 security shall coordinate efforts across the commonwealth to strengthen the resilience of our  
610 communities, prepare for the impacts of climate change, and prepare for and mitigate damage

611 from extreme weather events. In order to facilitate this coordination, the secretaries shall publish,  
612 every 5 years, a state plan that includes a statewide adaptation strategy incorporating (1)  
613 observed and projected climate trends based on the best available data, including but not limited  
614 to, extreme weather events, drought, coastal and inland flooding, sea level rise and increased  
615 storm surge, wildfire, and extreme temperatures; (2) risk analysis and vulnerability assessment of  
616 key physical assets and functions of state government, natural resources, local economies,  
617 municipalities, and the built environment, to identify impacts and opportunities from climate  
618 change; provided, however this analysis and assessment shall include key findings from  
619 vulnerability assessments conducted pursuant to subsection (b); (3) an evaluation of the  
620 commonwealth's adaptive capacity to respond and make adjustments to adapt to climate change  
621 impacts and opportunities; (4) guidance and strategies for state agencies and authorities,  
622 municipalities and regional planning agencies to proactively address these impacts through  
623 adaptation and resiliency measures, including guidance regarding changes to plans, by-laws,  
624 regulations, and policies; (5) clear goals, expected outcomes, and a path to achieving results; (6)  
625 approaches for the commonwealth to lead by example to increase the resiliency of state  
626 government operations; (7) policies and strategies for ensuring that adaptation and resiliency  
627 efforts complement efforts to reduce greenhouse gas emissions and contribute to meeting  
628 statewide emission limits, established pursuant to this chapter; and (8) strategies that conserve  
629 and sustainably employ the natural resources of the commonwealth to enhance climate  
630 adaptation, build resilience and mitigate climate change.

631 (b) The secretary and the secretary of the executive office of public safety and security  
632 shall further (1) establish and maintain a framework for each executive office, established under  
633 section 2 of chapter 6A, to complete a vulnerability assessment for such office and each agency



634 under the jurisdiction of such office to be incorporated continuously into the state plan; (2)  
635 establish and maintain a framework enabling each municipality in the commonwealth that so  
636 chooses to complete a vulnerability assessment that can be incorporated continuously into the  
637 state plan; (3) continuously implement the state plan; and (4) incorporate information learned  
638 from implementing the state plan in plan updates, including the experiences of executive offices,  
639 agencies, and municipalities in assessing and responding to climate change vulnerability.

640 (c) The secretary of each executive office established under section 2 of chapter 6A shall  
641 designate an employee to serve as the climate change coordinator of such office. Each climate  
642 change coordinator shall: (1) serve as such office's principal liaison regarding climate change  
643 mitigation, adaptation, and resiliency efforts; (2) assist in the development and implementation  
644 of the state plan under the leadership of personnel from the executive office of energy and  
645 environmental affairs and the executive office of public safety and security; (3) work with  
646 agencies under the jurisdiction of such office to complete vulnerability assessments for each  
647 agency and assist in incorporating these assessments into the state plan, on a schedule  
648 determined by the executive office of energy and environmental affairs and the executive office  
649 of public safety and security; (4) complete vulnerability assessments for such office, informed by  
650 the vulnerability assessments of each agency under the jurisdiction of such office and assist in  
651 incorporating these assessments into the state plan, on a schedule determined by the executive  
652 office of energy and environmental affairs and the executive office of public safety and security;  
653 and (5) continuously implement priority strategies and recommendations from the vulnerability  
654 assessment, to moderate risk from climate change.

655 Section 11. (a) The secretary shall develop and support a municipal vulnerability  
656 preparedness grant program. The program shall consist of: (1) financial assistance to

657 municipalities to complete a community-led resilience building process and vulnerability  
658 assessment that enables climate change information and adaptation actions to be directly  
659 incorporated into existing municipal plans, policies, and spending programs; (2) technical  
660 planning guidance to increase resilience in municipalities through climate vulnerability  
661 assessments; (3) a statewide catalogue of municipal climate vulnerabilities and impacts identified  
662 through the assessment process that may be incorporated into the state plan; and (4) support for  
663 implementation projects to address vulnerabilities identified through the planning process.

664 (b) A grant of financial assistance issued under this section shall be used to advance  
665 efforts to adapt land use, zoning, infrastructure, financial decision-making, policies and programs  
666 to reduce the vulnerability of the built and natural environment to changing environmental  
667 conditions that are a result of climate change.

668 (c) The secretary shall develop and implement an outreach and education program about  
669 climate change and its effects for low-income, environmental justice and urban communities to  
670 increase participation in the grant program established in this section.

671 SECTION 16. Subsection (a) of section 3 of chapter 23M of the General Laws, as  
672 appearing in the 2016 Official Edition, is hereby amended by inserting after the word “entity,” in  
673 line 4, the following words:- and to establish and administer a third-party financing program.

674 SECTION 17. Subsection (g) of said section 3 of said chapter 23M, as so appearing, is  
675 hereby amended by striking out, in lines 130 to 131, the words “and remedies”.

676 SECTION 18. Said subsection (g) of said section 3 chapter 23M, as so appearing, is  
677 hereby further amended by inserting after the sixth sentence the following sentence:- In the event  
678 a lien for property taxes of the municipality is foreclosed, the betterment assessment lien shall be

679 extinguished solely with regard to any installments that were due and owing on the date of  
680 foreclosure of such tax lien, and the betterment assessment lien shall otherwise survive such  
681 foreclosure.

682 SECTION 19. Said subsection (g) of said section 3 of said chapter 23M, as so appearing,  
683 is hereby further amended by striking out, in line 141, the words “judgment of”.

684 SECTION 20. Said subsection (g) of said section 3 of said chapter 23M, as so appearing,  
685 is hereby further amended by striking out, in lines 143 to 144, the word “judgment,” and  
686 inserting in place thereof the following word:- foreclosure.

687 SECTION 21. Subsection (h) of said section 3 of said chapter 23M, as so appearing, is  
688 hereby amended by striking out, in lines 158 to 159, the words “and a suit on the debt,” and  
689 inserting in place thereof the following words:- in a manner consistent with the rights afforded a  
690 mortgagee under the provisions of section 21 of chapter 183, and an action of contract or any  
691 other appropriate action, suit or proceeding.

692 SECTION 22. Section 21 of chapter 25 of the General Laws, as so appearing, is hereby  
693 amended by striking out in lines 4, 14, 19, 24, and 101, the word “reduction,” and inserting in  
694 place thereof, in each instance, the following word:- management.

695 SECTION 23. Said section 21 of said chapter 25, as so appearing, is hereby further  
696 amended by striking out, in line 11, the word “electric” and inserting in place thereof the  
697 following word:- energy.

698 SECTION 24. Said section 21 of said chapter 25, as so appearing, is hereby further  
699 amended by inserting after the words “management programs,” in line 34, the following words:-

700 including energy storage and other active demand management technologies, and strategic  
701 electrification, such as measures that are designed to result in cost-effective reductions in  
702 greenhouse gas emissions through the use of expanded electricity consumption while minimizing  
703 ratepayer costs;.

704 SECTION 25. Said section 21 of said chapter 25, as so appearing, is hereby further  
705 amended by striking out, in line 51, the word “and”.

706 SECTION 26. Said section 21 of said chapter 25, as so appearing, is hereby further  
707 amended by inserting after the word “management,” in line 52, the following words:- ; and (J)  
708 programs that result in customers switching to renewable energy sources.

709 SECTION 27. Section 3 of chapter 25A of the General Laws, as so appearing, is hereby  
710 amended by inserting after the definition of “Building authority” the following new definitions:-

711 “Clean peak energy resources”, any clean energy resource, as determined by the  
712 department of energy resources, that may be utilized to satisfy the clean peak standard  
713 established by the department under subsection (j) of section 11F, including, but not be limited  
714 to, Class I renewable energy generating sources as defined in subsection (c) of said section 11F,  
715 demand response resources, and energy storage systems, as defined in section 1 of chapter 164.

716 “Clean peak period”, one or more discrete time periods during a calendar year, as  
717 determined by the department pursuant to subsection (j) of section 11F, when electrical  
718 consumption results in a significant increase in greenhouse gas emissions, or an increase in  
719 electrical prices or transmission and distribution costs to end-use electricity customers of the  
720 commonwealth; provided, however, that the total numbers of hours constituting the clean peak  
721 period for a particular year shall not exceed 10 per cent of the projected total hours of electricity

722 demand of all end-user customers in the commonwealth in that year; and provided further, that  
723 the department may rely on forecasting by the independent service operator for the New England  
724 service area in determining the clean peak period.

725 SECTION 28. Section 11F of said chapter 25A, as so appearing, is hereby amended by  
726 adding the following subsection:-

727 (j) The department shall establish a clean peak standard for all retail electricity suppliers  
728 selling electricity to end-use customers in the commonwealth. Such standard shall require all  
729 retail electricity suppliers to provide a minimum percentage of kilowatt-hour sales to end-use  
730 customers in the commonwealth from clean peak energy resources, which amount shall be  
731 determined by the department through regulations. A retail electricity supplier may satisfy its  
732 annual obligation under this subsection with Class I renewable energy generating sources used to  
733 satisfy its annual obligation under subsection (a). In developing the clean peak standard, the  
734 department may consider using market-based program designs to facilitate long-term investment  
735 in clean peak energy resources; provided, however, that the clean peak standard shall be  
736 designed to lower the overall costs to the commonwealth's ratepayers over the period in which  
737 the clean peak standard is in effect and, to the maximum extent practicable, shall ensure that any  
738 rate increase for an individual electricity customer, regardless of customer class, resulting from  
739 the clean peak standard does not exceed 0.5 cents per kilowatt-hour in the aggregate for any  
740 particular year. The department shall promulgate regulations to implement this subsection,  
741 including, at a minimum, provisions regarding: (1) the methodology for defining the clean peak  
742 period for electricity demand in a given year; (2) the minimum amount of clean peak energy  
743 resources required to satisfy the clean peak standard; and (3) an alternative compliance

744 mechanism for retail electricity suppliers. The clean peak standard established under this  
745 subsection shall terminate on December 31, 2040.

746 SECTION 29. Section 1A of chapter 40A of the General Laws, as so appearing, is hereby  
747 amended by inserting after the definition of “Special permit granting authority” the following 2  
748 definitions:-

749 “TDR zoning”, zoning that authorizes transfer of development rights by permitting  
750 landowners in specific preservation areas identified as sending areas to sell their development  
751 rights to landowners in specific development districts identified as receiving areas.

752 “Transfer of development rights”, the regulatory procedure whereby the owner of a  
753 parcel may convey development rights, extinguishing those rights on the first parcel, and where  
754 the owner of another parcel may obtain and exercise those rights in addition to the development  
755 rights already existing on that second parcel.

756 SECTION 30. Section 9 of said chapter 40A, as so appearing, is hereby amended by  
757 inserting after the word “interests,” in line 34, the following words:- ; provided, however, that  
758 nothing herein shall prohibit a zoning ordinance or by-law from allowing transfer of  
759 development rights to be permitted as of right, without the need for a special permit or other  
760 discretionary zoning approval.

761 SECTION 31. The General Laws are hereby amended by inserting after chapter 40W the  
762 following chapter:-

763 CHAPTER 40X. Public Private Partnerships

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

766 “Eligible project”, a building or facility, including associated collection and distribution  
767 infrastructure, used for public water supply or treatment, storm water treatment and disposal,  
768 waste water treatment and disposal, or flood control.

769 “Material default”, a default by the operator in the performance of its duties under a  
770 public-private partnership agreement which jeopardizes delivery of adequate service to the  
771 public from an eligible project and remains unsatisfied after a reasonable period of time after the  
772 operator has received written notice from the public agency of the failure, or any other default  
773 that has a material adverse financial impact on the public agency or the users of the eligible  
774 project as determined by the public agency pursuant to procedures set forth in the public-private  
775 partnership agreement.

776 “Offeror”, a private entity that submits a proposal under this chapter.

777 “Operator”, a private entity that has entered into a public-private partnership agreement  
778 with a public agency under this chapter.

779 “Private entity”, an individual, corporation, limited liability company, general or limited  
780 partnership, joint venture, business trust, public benefit corporation, non-profit entity or other  
781 private business entity.

782 “Public agency”, a municipality or two or more municipalities acting together, a  
783 redevelopment authority, or a fire, water, sewer, or water pollution abatement district, howsoever

784 named, formed for the purpose of carrying out any of the aforementioned functions, whether  
785 established under general law or special act or otherwise authorized by law.

786 “Public-private partnership agreement”, an agreement between a public agency and a  
787 private entity for the lease, operation and maintenance, repair or replacement, financing, design,  
788 construction, modifications, or installation, or any combination thereof, of an eligible project  
789 necessary to ensure adequate services and ensure the ability of the public agency to operate in  
790 full compliance with all applicable requirements of federal, state and local law, as determined by  
791 the public agency in its sole discretion.

792 “Responsible offeror”, an offeror that has submitted a responsive proposal that conforms  
793 in all material respects to the public agency’s solicitation for bids, as determined by the public  
794 agency in its sole discretion, and that possesses the capability to fully perform the contract  
795 requirements in all respects and the integrity and reliability to assure good faith performance.

796 “Revenue”, a user fee or service payment, or both, generated by an eligible project.

797 “Service payment”, a performance-based payment to the operator made by a public  
798 agency, pursuant to a public-private partnership agreement.

799 “User fee”, a rate or other charge imposed by the operator or the public agency, as  
800 applicable, pursuant to a public-private partnership agreement for use of the eligible project.

801 Section 2. Notwithstanding any general or special law to the contrary, a public agency  
802 may solicit proposals and enter into a public-private partnership agreement for an eligible project  
803 in accordance with this chapter; provided, however, that the public-private partnership agreement  
804 shall not be subject to sections 14 to 21, inclusive, of chapter 149A and the competitive bid



805 requirements set forth in sections 44 to 57, inclusive, of chapter 7C, section 39M of chapter 30,  
806 or sections 44A to 44J, inclusive, of chapter 149; and provided further, that each such public-  
807 private partnership agreement shall be awarded pursuant to this chapter and chapter 30B of the  
808 General Laws, except for clause (3) of paragraph (b) of section 6, clause (3) of paragraph (e) of  
809 said section 6, paragraph (g) of said section 6, and sections 13 and 16 of said chapter 30B.

810           Section 3. A public agency that receives an unsolicited proposal for a public-private  
811 partnership agreement may, in its sole discretion, reject the unsolicited proposal. A public  
812 agency shall not approve an unsolicited proposal or enter into a public-private partnership  
813 agreement with the entity submitting the unsolicited proposal, unless the public agency follows  
814 the procedures set forth in sections 4 and 5 of this chapter.

815           Section 4. (a) No public agency shall enter into a public-private partnership agreement  
816 for an eligible project without first soliciting proposals as set forth in this section. The request  
817 for proposals for an eligible project shall specify the method for comparing proposals to  
818 determine which offerors are responsible offerors and which proposal from a responsible offeror  
819 best meets the factors listed in subsection (a) of section 5. If the public agency awards the  
820 public-private partnership agreement to a responsible offeror who did not submit the proposal  
821 with the lowest overall cost, including but not limited to all capital financing, operating and  
822 maintenance and life-cycle costs, the public agency shall explain the reason for the award in  
823 writing as provided in paragraph (h) of section 6 of chapter 30B. The request for proposals shall  
824 set forth mandatory performance guarantees, which the selected responsible offeror will be  
825 required to meet in operating the eligible project as constructed or improved. The public-private  
826 partnership agreement that is negotiated with the selected offeror based on the request for  
827 proposals shall obligate the selected responsible offeror to meet such mandatory performance

828 guarantees, in addition to any other terms required by section 6, and shall set forth the minimum  
829 design requirements for such construction or improvements and the acceptance tests to be  
830 conducted upon the completion of the construction or improvements in order to demonstrate that  
831 the eligible project is capable of meeting the performance guarantees.

832 (b) The chief procurement officer or other designated official of the public agency shall  
833 solicit proposals through a request for proposals which shall include, at a minimum, the items in  
834 subsection (a) of section 4 of this chapter, the items in paragraphs (1) and (2) of subsection (b) of  
835 section 6 of chapter 30B, and the proposed key contractual terms and conditions for the public-  
836 private partnership agreement, some of which may be mandatory or non-negotiable. The request  
837 for proposals may also request proposals to address other contractual terms and other matters as  
838 may be determined by the public agency. The request for proposals shall provide for the  
839 submission of a separate price proposals and shall indicate when and how the offerors shall  
840 submit the price proposal.

841 (c) A public agency may establish procedures for the distribution of a request for  
842 proposals, and may charge a reasonable fee to cover the costs of processing, reviewing and  
843 evaluating the proposal, including reasonable attorney fees and fees for financial and other  
844 reasonably necessary advisers or consultants.

845 (d) Offerors shall submit their sealed proposals to ensure that they are received prior to  
846 the time and date established for receipt of the proposals. Sealed proposals shall be submitted in  
847 the format required by the public agency. All sealed proposals shall be opened at the time, and  
848 date designated in the request for proposals.

849 Section 5. (a) A public agency shall evaluate each proposal to make a preliminary  
850 determination as to which one, if any, is the most advantageous proposal for the public agency.

851 In making this determination, a public agency may consider any of the following:

852 (1) price;

853 (2) estimated life-cycle costs;

854 (3) lower user charges proposed over the term of the agreement;

855 (4) form and reliability of the performance guarantee proposed;

856 (5) financial commitment;

857 (6) innovative financing;

858 (7) bonding capacity;

859 (8) technical, scientific, technological or socioeconomic merit and innovation;

860 (9) proposed design, operation and feasibility of the eligible project;

861 (10) public reputation, qualifications, industry experience, and financial strength of the  
862 private entity;

863 (11) compatibility of the proposal with existing and future land use plans of the public  
864 agency;

865 (12) compatibility of the proposal with applicable statutory, regulatory, and planning  
866 requirements; and

867 (13) any other factors deemed appropriate by the public agency and identified in the  
868 request for proposals.

869 (b) The relative importance of each evaluation factor shall be ranked prior to issuing the  
870 request for proposals.

871 (c) The request for proposals shall provide an opportunity for the public agency to engage  
872 in negotiations with responsible offerors for the purpose of clarifying bid responses and  
873 obtaining best and final offers. Responsible offerors shall be accorded fair and equal treatment  
874 with respect to any opportunity for negotiation and revision of proposals. In conducting such  
875 negotiations, the public agency shall not disclose any information derived from proposals  
876 submitted by competing offerors.

877 (d) The responsible offeror whose proposal is preliminarily determined under subsection  
878 (a) to be the most advantageous for the public agency, taking into consideration all relevant  
879 evaluation factors, shall be selected for negotiation of the public-private partnership agreement.  
880 The public agency may negotiate all terms of the agreement not deemed mandatory or non-  
881 negotiable with such offeror. If after negotiation with such offeror, the public agency determines  
882 that it is in the best interests of the public agency, the public agency may determine the proposal  
883 which is the next most advantageous proposal from a responsible offeror taking into  
884 consideration the evaluation criteria set forth in the request for proposals, and initiate  
885 negotiations regarding the terms of a public-private partnership agreement with such offeror. The  
886 public agency shall award the contract to the most advantageous proposal from a responsible  
887 offeror taking into consideration price, the evaluation criteria set forth in the request for  
888 proposals, and the terms of the negotiated contract.

889 (e) A request for proposals may be canceled or modified when it is in the best interests of  
890 the public agency, as determined by the agency at its sole discretion, at any time prior to the time  
891 a public private partnership agreement is executed by all parties. Subject to the provisions of  
892 subsection (c), the public agency may also terminate negotiations with any offeror over the terms  
893 of a public-private partnership agreement, at any time prior to execution of such agreement.

894 Section 6. (a) Prior to delivering applicable services for an eligible project, the selected  
895 responsible offeror shall enter into a comprehensive public-private partnership agreement with  
896 the public agency in accordance with this section. A public agency may enter into a private-  
897 partnership agreement if authorized by a simple majority vote of its governing body and, in the  
898 case of a public agency that is one or more municipalities, if authorized by a simple majority  
899 vote of each municipality's governing body. The public-private partnership agreement shall  
900 provide for all of the following:

901 (1) delivery of maintenance, performance and payment bonds or letters of credit, or other  
902 security for the selected offeror's obligations under the public-private partnership agreement for  
903 the eligible project, in the forms and amounts satisfactory to the public agency;

904 (2) obligation of the selected offeror to meet mandatory performance guarantees,  
905 including the minimum design requirements for any construction or improvements and the  
906 acceptance tests to be conducted upon the completion of the construction or improvements in  
907 order to demonstrate that the eligible project is capable of meeting the performance guarantees;

908 (3) review of plans and specifications for the eligible project by the public agency and  
909 approval by the public agency if the plans and specifications conform to standards acceptable to  
910 the public agency;

911 (4) inspection and auditing of the eligible project by the public agency to ensure that the  
912 operator's activities are acceptable to the public agency in accordance with the public-private  
913 partnership agreement, including all performance guarantees set forth in the request for  
914 proposals;

915 (5) maintenance of policies of liability insurance, copies of which shall be filed with the  
916 public agency accompanied by proofs of coverage, self-insurance, in form and amount  
917 satisfactory to the public agency and reasonably sufficient to insure coverage of tort liability to  
918 the public and employees and to enable the continued operation of the eligible project;

919 (6) monitoring of the practices of the operator by the public agency to ensure that the  
920 eligible project is properly maintained;

921 (7) reimbursement to be paid to the public agency for services provided by the public  
922 agency;

923 (8) filing of appropriate financial statements on a periodic basis; and

924 (9) policies and procedures governing the rights and responsibilities of the public agency  
925 and the operator in the event the public-private partnership agreement is terminated or there is a  
926 material default by the operator, including conditions governing assumption of the duties and  
927 responsibilities of the operator by the public agency and the transfer of property or other interests  
928 of the operator by the public agency.

929 (b) The public-private partnership agreement may provide for a user fee or service  
930 payment, or both. When negotiating a user fee under this section, the parties shall establish  
931 payments or fees that are the same for a person using the facility under like conditions and that

932 will not materially discourage use of the eligible project. A user fee established in the public-  
933 private partnership agreement as a source of revenue may be in addition to or in lieu of a service  
934 payment.

935 (c) In the public-private partnership agreement, the public agency may agree to make a  
936 grant or loan or otherwise direct funds to the operator from an amount received pursuant to a  
937 grant or loan from the federal or state government or a political subdivision or agency thereof, if  
938 the terms of the grant or loan so allow.

939 (d) For the purpose of providing funds to carry out this chapter with respect to the  
940 development, financing or operation of an eligible project or the refunding of any bonds or notes,  
941 together with any costs associated with the transaction: (1) a public agency may authorize, issue  
942 and sell general obligations bonds or notes, to the extent and in the manner otherwise provided  
943 by law; or (2) a public agency may authorize, issue and sell revenue bonds or notes in the  
944 manner provided in section 4 of chapter 40Q. For the purpose of financing an eligible project, the  
945 public agency may apply for, obtain, issue and use private activity bonds available under any  
946 federal law or program. Any bonds, debt, other securities or other financing issued for the  
947 purposes of this chapter shall not be considered a debt of the commonwealth or a pledge of the  
948 full faith and credit of the commonwealth.

949 (e) The public-private partnership agreement shall incorporate the duties of the operator  
950 under this chapter and may contain other terms and conditions that the public agency determines  
951 serve the public purpose.

952 (f) The public agency shall establish a date for the commencement of activities under the  
953 public-private partnership agreement related to the eligible project. The public agency may

954 extend the date, pursuant to the applicable provisions in the public-private partnership  
955 agreement.

956 (g) A public-private partnership agreement entered into under this chapter shall not  
957 enlarge, diminish or affect the authority otherwise possessed by the public agency to take action  
958 that would impact the debt capacity of the commonwealth or any of its political subdivisions and  
959 this chapter shall not be construed to authorize indebtedness in an amount exceeding the limits  
960 established by section 10 of chapter 44.

961 Section 7. (a) Notwithstanding any general or special law to the contrary, public-private  
962 partnership agreements awarded under this chapter may provide for a term, not exceeding 20  
963 years, and an option for renewal or extension of operations and maintenance services for 2  
964 additional terms, not exceeding 10 years. The renewal or extension shall be at the sole discretion  
965 of the public agency in accordance with the original contract terms and conditions or with  
966 contract terms and conditions which are more favorable to and acceptable to the public agency.

967 (b) Upon the end of the term of the public-private partnership agreement or in the event  
968 of termination of the public-private partnership agreement, the duties of the parties thereto shall  
969 cease, except for any duties and obligations that extend beyond the termination as provided in the  
970 public-private partnership agreement, and all the rights and interests associated with such eligible  
971 project shall revert to the public agency and shall be dedicated to the agency for public use.

972 Section 8. (a) The operator shall have the authority to conduct the activities identified in  
973 the public-private partnership agreement and to impose and collect a user fee or a service  
974 payment, or both, as set forth in such agreement.



975 (b) (1) Notwithstanding paragraph (2), any financing of the eligible project may be in an  
976 amount and upon terms and conditions as may be determined by the operator consistent with the  
977 public-private partnership agreement.

978 (2) The operator may issue debt, equity or other securities or obligations, enter into sale  
979 and leaseback transactions and secure any financing with a pledge of, security interest in or lien  
980 on any or all of its property, including any property interests in the eligible project.

981 (c) In operating the eligible project, the operator may do any of the following, to the  
982 extent permitted by the public-private partnership agreement:

983 (1) make classifications according to reasonable categories for assessment of user fees;

984 (2) with the consent of the public agency, make and enforce reasonable rules to the same  
985 extent that the public agency may make and enforce rules with respect to similar facilities;

986 (d) In operating the eligible project, the operator shall:

987 (1) design, construct, improve, renovate, expand, equip, maintain, operate or finance the  
988 eligible project in accordance with the public-private partnership agreement;

989 (2) keep the eligible project open for use by members of the public as appropriate based  
990 upon the use of the facility after its initial opening upon payment of the applicable user fee or  
991 service payment; provided, however, that the operator may temporarily close the eligible project,  
992 because of emergencies or with the consent of the public agency, to protect the safety of the  
993 public or for reasonable construction or maintenance procedures as set forth under the public-  
994 private partnership agreement;

995 (3) maintain or provide by contract for the maintenance of the eligible project, if required  
996 by the public-private partnership agreement;

997 (4) cooperate with the public agency in making best efforts to establish any  
998 interconnection with the eligible project requested by the public agency; and

999 (5) comply with the public private-partnership agreement and any service contract.

1000 (e) This section does not prohibit an operator of an eligible project from providing  
1001 additional services for the eligible project to private entities or local agencies other than the  
1002 public agency that is party to the public-private partnership agreement, if the provision of  
1003 additional service does not impair the operator's ability to meet its commitments to the public  
1004 agency under the public-private partnership agreement.

1005 Section 9. (a) Upon the occurrence of a material default by the operator not caused by an  
1006 event of force majeure, the public agency may exercise all rights and remedies available to it  
1007 pursuant to the public private partnership agreement, including without limitation the termination  
1008 of the public private partnership agreement. In addition to such rights and remedies, if the public  
1009 agency determines that the operator has failed or will fail to provide adequate and reasonable  
1010 service to the persons served by the eligible project, the public agency may, by written notice to  
1011 the operator, temporarily assume some or all of the responsibilities and duties of the operator, at  
1012 the sole expense of the operator. If a public agency shall temporarily assume the responsibilities  
1013 of the operator pursuant to this subsection (a), the public agency may design, construct, improve,  
1014 renovate, operate, expand, equip or maintain the eligible project, impose user fees, collect  
1015 revenue and comply with service contracts as if it were the operator. Revenue subject to a pre-  
1016 existing lien shall be collected for the benefit of and paid to secured parties, as their interests may

1017 appear, to the extent necessary to satisfy the operator's obligations to secured parties, including  
1018 the maintenance of reserves; provided, however, that revenue shall first be allocated to pay  
1019 current operation and maintenance costs of the eligible project, including compensation to the  
1020 public agency for its services in operating and maintaining the eligible project. Assumption of  
1021 operation of the eligible project shall not obligate the public agency to pay any obligation of the  
1022 operator from sources other than revenue from such eligible project.

1023 (b) A public agency which is a party to a public-private partnership agreement, and  
1024 which has the power of condemnation under state law, may exercise the power of condemnation  
1025 to acquire the operator's rights and interests in the eligible project as may be needed to cure a  
1026 material default or otherwise to advance a public purpose. Upon such taking, the public entity  
1027 shall succeed to the operator's rights and interests in the eligible project, subject to any liens on  
1028 revenue previously granted by the operator to any person providing financing. The operator and  
1029 any person who has a lien on the revenue generated by the eligible project shall have standing to  
1030 intervene in the condemnation proceedings.

1031 (c) The public agency may make or cause to be made, at any time, any appropriate  
1032 claims under maintenance, performance or payment bonds, lines of credit or other forms of  
1033 security required under this chapter.

1034 Section 10. This chapter shall not be construed or deemed to constitute a waiver of the  
1035 governmental immunity of a public agency.

1036 SECTION 32. Section 6F of chapter 62 of the General Laws, as appearing in the 2016  
1037 Official Edition, is hereby amended by inserting after the word "under," in line 52, the following  
1038 words:- subsections (a) or (c) of.

1039 SECTION 33. Section 5 of chapter 65C, as so appearing, is hereby amended by adding  
1040 the following subsection:-

1041 (d)(1) As used in this subsection, the following words shall have the following  
1042 meanings:-

1043 “Applicable date”, the date upon which the 10 year period that the estate shall be liable  
1044 for assessment under paragraph (4) of this subsection begins. For qualifying agricultural land and  
1045 associated land, the applicable date shall be the date of death of the decedent. For qualifying non-  
1046 committed land, the applicable date shall be 2 years from the date of death of the decedent.

1047 “Associated land”, land under the same ownership as and contiguous to qualifying  
1048 agricultural land and which, as of the date of death of the decedent, is not committed to  
1049 residential, industrial or commercial use. Land shall be deemed contiguous if it is separated from  
1050 other land under the same ownership only by a public or private way or waterway. Land under  
1051 the same ownership shall be deemed contiguous if it is connected to other land under the same  
1052 ownership by an easement for water supply. Any such land in excess of 100 per cent of the  
1053 acreage of qualifying agricultural land shall be deemed qualifying non-committed land.

1054 “Closely held agricultural land”, qualifying agricultural land, associated land and  
1055 qualifying non-committed land for which an election is made under this subsection.

1056 “Qualifying agricultural land”, land which meets the definition of forest land under  
1057 chapter 61, land actively devoted to agricultural, horticultural or agricultural and horticultural  
1058 uses under chapter 61A or recreational land under chapter 61B that is also used for farming or  
1059 agriculture, as defined in section 1A of chapter 128, and has been devoted to such use or uses for  
1060 at least 2 of the tax years immediately preceding the death of the decedent; provided, however,

1061 that the land need not be classified by municipal assessors as forest land under chapter 61, land  
1062 actively devoted to agricultural, horticultural or agricultural and horticultural uses under chapter  
1063 61A or recreational land under chapter 61B to qualify for valuation as closely held agricultural  
1064 land under this subsection.

1065 “Qualifying non-committed land”, land which is not qualifying agricultural land and is  
1066 not committed to residential, industrial or commercial use, including associated land in excess of  
1067 100 per cent of the acreage of qualifying agricultural land.

1068 “Savings”, the difference between the estate taxes paid as a result of an election made  
1069 under this subsection and the estate taxes that would have otherwise been paid had the election  
1070 not been made.

1071 (2) If the gross estate of a decedent includes real property that is qualifying agricultural  
1072 land, associated land or qualifying non-committed land, the estate may elect, in lieu of the  
1073 election available under subsection (c) of this section, to value such property, or any portion  
1074 thereof, as closely held agricultural land pursuant to the valuation set by the farmland valuation  
1075 advisory commission established pursuant to section 11 of chapter 61A for the fiscal year of the  
1076 most recent growing season. The value of closely held agricultural land as determined pursuant  
1077 to such election shall only be for the purposes of computing the tax due under this chapter. Such  
1078 election shall be subject to the provisions of paragraphs (3) through (5), inclusive, of this  
1079 subsection.

1080 (3) Unless the property is restricted by a non-development covenant that (i) is approved  
1081 by the commissioner of agriculture, (ii) is for the purposes of maintaining the land in agricultural  
1082 use, (iii) precludes non-agricultural development of the land, (iv) is recorded at the registry of

1083 deeds in the counties or districts in which the property is located and (v) does not expire within  
1084 10 years of the applicable date, the commissioner shall forthwith cause to be recorded in the  
1085 registry of deeds of the counties or districts in which the property is situated a statement which  
1086 shall constitute a lien upon the land covered by election under this subsection. The statement  
1087 shall include the owner or owners of record, the savings as a result of such election, the fair  
1088 market value of the property and a description of the land adequate for identification. Unless  
1089 such a statement is recorded the lien shall not be effective with respect to a bona fide purchaser  
1090 or other transferee without actual knowledge of such lien.

1091           Upon application by any record owner, such liens shall be released by the commissioner  
1092 with respect to any property upon the facts being established by their records or by affidavits or  
1093 otherwise that all assessments have been paid, or it being more than 10 years past the applicable  
1094 date, no assessment being due. All recording fees paid under this subsection whether for  
1095 statements of liens, certificates, releases or otherwise shall be borne by the owner of record of the  
1096 land. Property restricted by an agricultural preservation restriction as defined by section 31 of  
1097 chapter 184 and signed by the commissioner of agriculture shall be deemed to be restricted by a  
1098 non-development covenant that (i) is approved by the commissioner of agriculture, (ii) is for the  
1099 purposes of maintaining the land in agricultural use, (iii) precludes non-agricultural development  
1100 of the land, (iv) is recorded at the registry of deeds in the counties or districts in which the  
1101 property is located and (v) does not expire within 10 years of the applicable date.

1102           (4)(i) When land valued as closely held agricultural land under this subsection, within a  
1103 period of 10 years from the applicable date, is sold for other use or no longer qualifies as closely  
1104 held agricultural land, the owner or owners shall immediately notify the commissioner of such  
1105 sale or change of use and an assessment shall be due the commonwealth. Such assessment shall

1106 be calculated with interest based on the date of sale for other use or based on the last date of use  
1107 as closely held agricultural land as follows:

1108           The assessment shall be equal to 100 per cent of the savings if such date is within 1 year  
1109 of the applicable date; 90 per cent of the savings if such date is within 2 years, but more than 1  
1110 year, of the applicable date; 80 per cent of the savings if such date is within 3 years, but more  
1111 than 2 years, of the applicable date; 70 per cent of the savings if such date is within 4 years, but  
1112 more than 3 years, of the applicable date; 60 per cent of the savings if such date is within 5 years,  
1113 but more than 4 years, of the applicable date; 50 per cent of the savings if such date is within 6  
1114 years, but more than 5 years, of the applicable date; 40 per cent of the savings if such date is  
1115 within 7 years, but more than 6 years, of the applicable date; 30 per cent of the savings if such  
1116 date is within 8 years, but more than 7 years, of the applicable date; 20 per cent of the savings if  
1117 such date is within 9 years, but more than 8 years, of the applicable date; 10 per cent of the  
1118 savings if such date is within 10 years, but more than 9 years, of the applicable date; and no  
1119 assessment shall be due if such date is more than 10 years from the applicable date.

1120           Such assessment shall also include interest calculated at a simple interest rate of 5 per  
1121 cent per annum on the savings from the applicable date. There shall be an additional assessment  
1122 equal to 30 per cent of the savings if the date of sale for other use or the last date of use while  
1123 qualified as closely held agricultural land occurs within 1 year of the applicable date; and 15 per  
1124 cent of the savings if such date occurs within 2 years, but more than 1 year, of the applicable  
1125 date.

1126           (ii) If an election has been made with respect to qualifying non-committed land which, on  
1127 the applicable date, fails to meet the definition of forest land under chapter 61, land actively

1128 devoted to agricultural, horticultural or agricultural and horticultural uses under chapter 61A or  
1129 recreational land under chapter 61B that is also used for farming or agriculture, as defined in  
1130 section 1A of chapter 128, an assessment shall be due the commonwealth and payable by the  
1131 owner or owners within 30 days of the applicable date; provided, however, that the land need not  
1132 be classified by municipal assessors as forest land under chapter 61, land actively devoted to  
1133 agricultural, horticultural or agricultural and horticultural uses under chapter 61A or recreational  
1134 land under chapter 61B. Such assessment shall be equal to the sum of (A) 100 per cent of the  
1135 savings; (B) interest calculated at a simple interest rate of 5 per cent per annum on the savings  
1136 from the date of death of the decedent; and (C) an additional assessment equal to 30 per cent of  
1137 the savings.

1138 (iii) Notwithstanding this paragraph, there shall be no assessment if the land involved, or  
1139 a lesser interest in the land, is acquired for a natural resource by the commonwealth or by a  
1140 nonprofit conservation organization; provided, however, that if any portion of the land is sold or  
1141 converted to commercial, residential or industrial use within 10 years after the applicable date by  
1142 a nonprofit conservation organization, an assessment shall be imposed against the nonprofit  
1143 conservation organization in the amount that would have been imposed at the time of acquisition  
1144 of the subject parcel by the nonprofit conservation organization had the transaction been subject  
1145 to an assessment or, in the case of qualifying non-committed land acquired by a nonprofit  
1146 conservation organization before the applicable date, the amount that would have been imposed  
1147 on the applicable date under clause (ii) of this paragraph.

1148 (iv) In the case of sale for other use of closely held agricultural land, other than  
1149 qualifying non-committed land sold for other use before the applicable date, assessments  
1150 imposed by this subsection shall be due and payable by the grantor at the time of transfer of the



1151 property by deed or other instrument of conveyance. In the case of qualifying non-committed  
1152 and sold for other use before the applicable date, assessments imposed by this subsection shall be  
1153 due and payable by the grantor on the applicable date. In the case of change to a non-qualifying  
1154 use, assessments imposed by this subsection shall be due and payable by the owner or owners  
1155 within 30 days of the of the last date of use as closely held agricultural land, regardless of the  
1156 date on which the commissioner was notified by said owner or owners of such change of use.

1157 (v) An assessment shall be imposed on only that portion of land on which the use has  
1158 changed. If, by conveyance or other action of the owner thereof, a portion of land which is  
1159 valued as closely held agricultural land under this subsection is separated for other use, the land  
1160 separated shall be subject to liability for assessment, interest and additional assessment under this  
1161 paragraph based on the proportion which the acreage of the land so separated bears to the total  
1162 acreage of land valued as closely held agricultural land under this subsection.

1163 (5) The commissioner shall promulgate regulations as necessary to carry out the  
1164 provisions of this subsection.

1165 SECTION 34. Section 25 of chapter 90B of the General Laws, as so appearing, is hereby  
1166 amended by inserting after the word “way,” in line 44, the following words:- , or upon but to the  
1167 extreme right of such travelled portion,.

1168 SECTION 35. The fourth paragraph of said section 25 of said chapter 90B, as so  
1169 appearing, is hereby amended by adding the following sentence:- This paragraph shall also apply  
1170 to any portion of a public way designated by the governmental entity with jurisdiction over such  
1171 public way, with approval of the chief of police of the municipality in which such portion lies, to  
1172 permit travel by a recreational vehicle from one authorized operating area to another, or permit

1173 access by a recreational vehicle to essential services such as fuel, food, and lodging from an  
1174 authorized operating area. The designated portion shall be the minimum distance necessary to  
1175 permit such travel or access, but in no event shall exceed 4 miles.

1176 SECTION 36. Section 18 of chapter 129 of the General Laws, as so appearing, is hereby  
1177 amended by adding the following sentence:- An inspector, within 12 months of appointment,  
1178 shall be required to complete all state-funded training courses as determined by the director and  
1179 shall be further required to renew such training on a schedule determined by the director.

1180 SECTION 37. Section 2 of chapter 130 of the General Laws, as so appearing, is hereby  
1181 amended by striking out the fourth and fifth paragraphs and inserting in place thereof the  
1182 following paragraph:-

1183 Whoever violates any provision of this chapter or regulation made under the authority of  
1184 this chapter, unless otherwise provided, shall be (a) punished by a fine of not less than \$400 or  
1185 more than \$10,000, or by imprisonment in the house of correction for not more than 2 ½ years,  
1186 or both; or (b) liable for a civil penalty not to exceed \$10,000 for each such violation. Such civil  
1187 penalty may be assessed in an action brought on behalf of the commonwealth in the superior or  
1188 district court.

1189 SECTION 38. Section 13 of said chapter 130, as so appearing, is hereby amended by  
1190 striking out the third paragraph.

1191 SECTION 39. Said chapter 130 is hereby further amended by striking out section 18, as  
1192 so appearing, and inserting in place thereof the following section:-

1193           Section 18. No person shall, without right, enter in or upon any building or other structure  
1194 or any area of land, flats or water, set apart and used by or under authority of the director for  
1195 conducting scientific experiments or investigations or for propagation or protection of fish, or  
1196 contrary to regulations fish in waters so set apart and used after the director has caused printed  
1197 notices of such occupation and use and the purposes thereof to be placed in a conspicuous  
1198 position upon any such building or other structure or adjacent to any such area of land, flats or  
1199 water, or injure or deface any such building or other structure or any notice posted as aforesaid,  
1200 or injure or deface any property used in such experiments or investigations or for such purposes,  
1201 or otherwise interfere therewith.

1202           SECTION 40. Section 19 of said chapter 130, as so appearing, is hereby amended by  
1203 striking out the fifth paragraph.

1204           SECTION 41. Said section 19 of said chapter 130, as so appearing, is hereby further  
1205 amended by striking out the third sentence of the sixth paragraph.

1206           SECTION 42. Section 21 of said chapter 130, as so appearing, is hereby amended by  
1207 striking out the fifth paragraph.

1208           SECTION 43. Said chapter 130 is hereby amended by striking out section 23, as so  
1209 appearing, and inserting in place thereof the following section:-

1210           Section 23. Except in the case of emergency imperiling life or property or an unavoidable  
1211 accident or except in accordance with the terms of a permit issued pursuant to state or federal  
1212 water pollution control laws, no person shall, from any source, put, throw, discharge or suffer or  
1213 permit to be discharged or escape into any coastal waters any oil, poisonous or other injurious  
1214 substance, including but not limited to, sawdust, shavings, garbage, ashes, acids, sewage and

1215 dye-stuffs, whether simple, mixed or compound, or heated effluent, which directly or indirectly  
1216 materially injure fish, fishspawn or seed therein, or takes any such fish by such means, or  
1217 whoever kills or destroys fish in such waters by the use of dynamite or other explosives, or takes  
1218 any such fish in such waters by such means, or explodes dynamite or other explosive in such  
1219 waters.

1220 SECTION 44. Section 29 of said chapter 130, as so appearing, is hereby amended by  
1221 striking out the second paragraph and inserting in place thereof the following paragraph:- No  
1222 person shall construct or maintain a weir, pound net or a fish trap in the tide water except in  
1223 accordance with the requirements of this section.

1224 SECTION 45. Section 30 of said chapter 130, as so appearing, is hereby amended by  
1225 striking out the second sentence.

1226 SECTION 46. Said chapter 130 is hereby amended by striking out section 31, as so  
1227 appearing, and inserting in place thereof the following section:-

1228 Section 31. No person shall, without the consent of the owner, take or use or destroy,  
1229 injure or molest any weir, pound net, fish trap, seine, set net or lobster or crab pot or other  
1230 fishing gear, or any fish car or other contrivance used for the purpose of storing fish, including  
1231 any such fishing gear which is swept ashore by storm or tide or other natural causes and  
1232 deposited upon the shore, beaches or flats, whether public or private, or take fish therefrom  
1233 without the consent of the owner.

1234 SECTION 47. Section 33 of said chapter 130, as so appearing, is hereby amended by  
1235 striking out the sixth sentence.

1236 SECTION 48. Section 34 of said chapter 130, as so appearing, is hereby amended by  
1237 striking out the first sentence and inserting in place thereof the following sentence:- Between  
1238 March 15 and the following June 15 of any year, no person shall catch or take any smelt from the  
1239 waters of the commonwealth, or buy, receive, sell or offer or expose for sale, transport or possess  
1240 a smelt so taken.

1241 SECTION 49. Section 35 of said chapter 130, as so appearing, is hereby amended by  
1242 striking out the first paragraph and inserting in place thereof the following paragraph:-

1243 No person shall take or attempt to take a smelt in any other manner than by angling. This  
1244 section shall not apply to smelt inadvertently taken in a seine or net during the time and in the  
1245 manner in which fishing is allowed for perch, herring or alewives; provided, that such smelt so  
1246 taken shall be immediately liberated alive in the waters from which taken.

1247 SECTION 50. Section 36 of said chapter 130, as so appearing, is hereby amended by  
1248 striking out the second sentence and inserting in place thereof the following sentence:- No person  
1249 shall violate the provisions of this section or molest or disturb smelt or their spawn within such  
1250 closed areas.

1251 SECTION 51. Section 37 of said chapter 130, as so appearing, is hereby amended by  
1252 striking out the first sentence of the fourth paragraph.

1253 SECTION 52. Section 38 of said chapter 130, as so appearing, is hereby amended by  
1254 striking out, in lines 82 to 84, the words “, and upon failure to do so shall be punished by a fine  
1255 of not less than twenty-five nor more than one hundred dollars or imprisonment for one month or  
1256 both”.

1257 SECTION 53. Section 38A of said chapter 130, as so appearing, is hereby amended by  
1258 striking out the third paragraph.

1259 SECTION 54. Section 39 of said chapter 130, as so appearing, is hereby amended by  
1260 striking out the second sentence.

1261 SECTION 55. Section 40 of said chapter 130, as so appearing, is hereby amended by  
1262 striking out the second sentence.

1263 SECTION 56. Section 47 of said chapter 130, as so appearing, is hereby amended by  
1264 striking out the third sentence.

1265 SECTION 57. Said chapter 130 is hereby amended by striking out section 49, as so  
1266 appearing, and inserting in place thereof the following section:-

1267 Section 49. No carrier shall knowingly receive or carry from place to place any lobster or  
1268 lobster meat in barrels, boxes or other containers not marked as provided in section 47.

1269 SECTION 58. Section 51 of said chapter 130, as so appearing, is hereby amended by  
1270 striking out the second sentence.

1271 SECTION 59. Section 51A of said chapter 130, as so appearing, is hereby amended by  
1272 striking out the third sentence.

1273 SECTION 60. Said chapter 130 is hereby amended by striking out section 66, as so  
1274 appearing, and inserting in place thereof the following section:-

1275 Section 66. No person shall willfully injure, deface, destroy or remove any mark or  
1276 bound used to define the extent of any shellfish license or grant, or place any unauthorized mark

1277 thereon, or tie or fasten any boat or vessel thereto. Any person who violates this section shall be  
1278 liable in tort for double damages and costs to the licensee or transferee injured by such act.

1279 SECTION 61. Said chapter 130 is hereby amended by striking out section 67, as so  
1280 appearing, and inserting in place thereof the following section:-

1281 Section 67. No person shall work a dredge, oyster tongs or rakes, or any other implement  
1282 for the taking of shellfish of any description upon any shellfish grounds or beds covered by a  
1283 license granted under section 57 or corresponding provisions of earlier laws, or in any way  
1284 disturb the growth of the shellfish thereon, or discharge any substance which may directly or  
1285 indirectly injure the shellfish upon any such grounds or beds, without the consent of the licensee  
1286 or transferee, as the case may be, or, while upon or sailing over any such grounds or beds, cast,  
1287 haul, or have overboard any such dredge, tongs, rake or other implement for the taking of  
1288 shellfish of any description, under any pretense or for any purpose whatever, without the consent  
1289 of the licensee or transferee, as the case may be.

1290 SECTION 62. Section 68 of said chapter 130, as so appearing, is hereby amended by  
1291 striking out the second paragraph and inserting in place thereof the following paragraph:-

1292 No person shall, without the consent of the licensee or transferee, dig or take any  
1293 shellfish or shells from any waters, flats or creeks described in any license granted under section  
1294 57, or corresponding provisions of earlier laws, during the continuance of such license or of any  
1295 renewal thereof.

1296 SECTION 63. Section 70 of said chapter 130, as so appearing, is hereby amended by  
1297 striking out the seventh sentence.

1298 SECTION 64. Section 71 of said chapter 130, as so appearing, is hereby amended by  
1299 striking out the second sentence.

1300 SECTION 65. Section 72 of said chapter 130, as so appearing, is hereby amended by  
1301 striking out the second sentence.

1302 SECTION 66. Section 75 of said chapter 130, as so appearing, is hereby amended by  
1303 striking out the first and second sentences of the second paragraph and inserting in place thereof  
1304 the following sentence:-

1305 Whoever, without a permit as provided in this section or contrary to the provisions of  
1306 such permit, digs or takes shellfish for any purpose from any area determined under section 74 or  
1307 section 74A or under corresponding provisions of earlier laws to be contaminated, while such  
1308 determination is in force, or knowingly transports or causes to be transported or has in his or her  
1309 possession or offers for sale shellfish so dug or taken, shall be punished by imprisonment in the  
1310 house of correction for not more than 2 ½ years, by imprisonment in the state prison for not more  
1311 than 3 years, a fine of not less than \$500 and not more than \$10,000, or by both such fine and  
1312 imprisonment.

1313 SECTION 67. Section 80 of said chapter 130, as so appearing, is hereby amended by  
1314 striking out, in line 73, the words “ten dollars” and inserting in place thereof the following  
1315 figure:- \$400.

1316 SECTION 68. Section 81 of said chapter 130, as so appearing, is hereby amended by  
1317 striking out, in lines 21 to 22, the words “one hundred nor more than ten thousand dollars” and  
1318 inserting in place thereof the following words:- \$400 nor more than \$10,000.



1319 SECTION 69. Section 82 of said chapter 130, as so appearing, is hereby amended by  
1320 striking out, in line 18, the words “one hundred” and inserting in place thereof the following  
1321 figure:- \$400.

1322 SECTION 70. Section 92 of said chapter 130, as so appearing, is hereby amended by  
1323 striking out the first two paragraphs and inserting in place thereof the following paragraph:-

1324 No person shall sell, exchange, transport or deliver, or offer or expose for sale, exchange  
1325 or deliver, or have in his custody or possession with intent to sell, exchange, transport or deliver,  
1326 any scallops or sea scallops which have been soaked and shall tag such scallops in accordance  
1327 with regulations promulgated by the director.

1328 SECTION 71. Said chapter 130 is hereby amended by striking out section 95, as so  
1329 appearing, and inserting in place thereof the following section:-

1330 Section 95. No person shall take, kill or haul onshore or disturb, injure, hinder or obstruct  
1331 the passage of any herring, alewives or other swimming marine food fish in a fishery created by  
1332 a city or town, without its permission or that of its lessees, or in a fishery legally created by a  
1333 corporation, without the permission of such corporation, or in a public fishery regulated and  
1334 controlled by a city or town, contrary to its regulations. Prosecutions under this section shall be  
1335 commenced within 30 days after the commission of the offence.

1336 SECTION 72. Section 99 of said chapter 130 is hereby repealed.

1337 SECTION 73. Section 100A of said chapter 130, as appearing in the 2016 Official  
1338 Edition, is hereby amended by striking out the second sentence.

1339 SECTION 74. Section 100B of said chapter 130, as so appearing, is hereby amended by  
1340 striking out the second sentence.

1341 SECTION 75. Section 100C of said chapter 130, as so appearing, is hereby amended by  
1342 striking out the second sentence.

1343 SECTION 76. Section 100D of said chapter 130, as so appearing, is hereby amended by  
1344 striking out the third paragraph.

1345 SECTION 77. Said chapter 130 is hereby amended by striking out section 102, as so  
1346 appearing, and inserting in place thereof the following section:-

1347 Section 102. No person shall harvest for sale or engage in the aquaculture of marine  
1348 plants except in accordance with any regulations adopted by the director and subject to a permit  
1349 or written approval issued by the director.

1350 SECTION 78. Section 103 of said chapter 130 is hereby repealed.

1351 SECTION 79. The fifth paragraph of section 11 of chapter 131 of the General Laws, as  
1352 appearing in the 2016 Official Edition, is hereby amended by adding the following sentence:-  
1353 The director, with the approval of the fisheries and wildlife board, may discount the fees charged  
1354 for sporting, hunting, fishing, and trapping licenses issued to veterans, as defined in section 6A  
1355 of chapter 115.

1356 SECTION 80. Subdivision (2) of section 2D of chapter 132A of the General Laws, as so  
1357 appearing, is hereby amended by adding the following sentence:- The commissioner may also  
1358 offer discounts or waive charges or fees for parking passes for veterans, as defined in section 6A  
1359 of chapter 115.

1360 SECTION 81. Section 14A of chapter 132B of the General Laws, as so appearing, is  
1361 hereby amended by striking out subsections (a) and (b) and inserting in place thereof the  
1362 following 2 subsections:-

1363 (a) Notwithstanding any other section in this chapter, the department may assess a civil  
1364 administrative penalty, not to exceed \$1,000 per violation, on any person who violates any  
1365 provision of this chapter or any regulations promulgated under this chapter. Each day a violation  
1366 continues shall constitute a separate violation.

1367 (b) The remedies provided in this section are available in addition to, and without  
1368 limiting, any other penalties or remedies provided by law or equity. The department may adopt  
1369 and promulgate such regulations as may be necessary to effectuate the purposes of this section.

1370 SECTION 82. Subsection (c) of said section 14A of said chapter 132B, as so appearing,  
1371 is hereby amended by striking out the first paragraph and inserting in place thereof the following  
1372 paragraph:-

1373 This penalty shall be assessed in addition to any other civil penalty otherwise provided  
1374 for by law. Notice of assessment of a penalty pursuant to this section shall be made by service in  
1375 hand, or by certified mail, return receipt requested, and shall state the amount of the  
1376 administrative penalty, the date the penalty shall be due, a statement of the violator's right to an  
1377 adjudicatory hearing pursuant to chapter 30A regarding the assessment, a statement of the  
1378 actions the person may take in order to avoid assessment of additional penalties or to avoid  
1379 waiving the right to a hearing relative to the penalty, and the manner of acceptable payment if an  
1380 election to waive a hearing is made.

1381 SECTION 83. Section 1B of chapter 164 of the General Laws, as so appearing, is hereby  
1382 amended by inserting, in line 79, after the word “bidding,” the following words:- utilizing, when  
1383 practicable, advanced competitive auction methods, including but not limited to reverse auctions,  
1384 that are designed to maximize benefits to all default service customers.

1385 SECTION 84. Said section 1B of said chapter 164 of the General Laws, as so appearing,  
1386 is hereby further amended by striking out, in lines 81 to 82, the words “all bids shall” and  
1387 inserting in place thereof the following words:- the default service rate may.

1388 SECTION 85. Said section 1B of said chapter 164 of the General Laws, as so appearing,  
1389 is hereby further amended by inserting, in line 83, after the word “months,” the following  
1390 words:- and may vary by time of electricity use, as reviewed periodically by the department.

1391 SECTION 86. The fourth paragraph of section 44 of chapter 85 of the acts of 1994, as  
1392 most recently amended by section 127 of chapter 46 of the acts of 2015, is hereby further  
1393 amended by inserting after the words “in the city of Canton” the following words:- Randolph  
1394 Avenue Stables, so called, at 1333 Randolph Avenue in the Blue Hills State Reservation in the  
1395 Town of Milton, 7 Brainard Street, in the Stonybrook State Reservation in the Hyde Park  
1396 neighborhood of the City of Boston.

1397 SECTION 87. Notwithstanding any general or special law to the contrary, the  
1398 commissioner of conservation and recreation may expend, without further appropriation, sums  
1399 collected and held in accordance with chapter 673 of the acts of 1950 on repairs, replacements  
1400 and improvements to the facilities and buildings on the Dilboy Stadium property in the city of  
1401 Somerville.

1402 SECTION 88. Notwithstanding any general or special law to the contrary, when an  
1403 electric or gas distribution company files with the department of public utilities, pursuant to  
1404 section 94 of chapter 164 of the General Laws, any schedules of rates, prices or charges to be  
1405 charged to or collected from customers in the commonwealth for the sale and distribution of gas  
1406 or electricity, and said schedules would result in significant customer bill impacts if approved,  
1407 the electric or gas distribution company shall also file a list of all other rates, prices or charges  
1408 likely to increase or decrease within 90 days of the effective date of the rates, prices or charges  
1409 within the schedules under review; provided, however, that the gas or electric distribution  
1410 company shall supplement the information in said list as additional information becomes  
1411 available. In its review of the schedules that would result in significant customer bill impacts if  
1412 approved, the department shall consider, to the maximum extent practicable without causing  
1413 material delay in the review of said schedules, the aggregate impact of both the rates, prices and  
1414 charges in said schedules and all other increases and decreases likely to occur within 90 days of  
1415 the effective date thereof. The department shall also consider requiring measures to mitigate  
1416 aggregate impacts, including but not limited to additional customer notice and education.

1417 SECTION 89. Notwithstanding any general or special law to the contrary, the director of  
1418 the division of marine fisheries, in consultation with the commissioner of the department of fish  
1419 and game, shall, by June 14, 2019, conduct and publish a study of the current lobster fishery and  
1420 provide a recommendation as to the advisability of enacting statutory and regulatory changes to  
1421 allow the processing of lobster parts, other than lobster tails weighing 3 ounces or more, for sale  
1422 in the commonwealth. The study shall include an economic and market analysis of potential  
1423 impacts and benefits, assessment of potential state and federal law enforcement issues associated  
1424 with a change in legislation or regulations, an assessment on the impacts of such changes on

1425 inter-jurisdictional fisheries management and a review and analysis of the potential biological  
1426 and population dynamics of the species known as *Homarus americanus* as a result of such  
1427 changes.

1428 SECTION 90. Notwithstanding section 30 of chapter 29 of the General Laws or section  
1429 65 of chapter 30 of the General Laws, a portion of the funds authorized under this act may be  
1430 used for the costs associated with the purchase of title insurance and services for title  
1431 examinations, reports and certifications; provided, that any executive department or state agency  
1432 expending such funds shall maximize efforts and utilize all available means to minimize use of  
1433 capital funds for such purposes.

1434 SECTION 91. Notwithstanding any general or special law to the contrary, any executive  
1435 department or state agency expending funds authorized in this act shall maximize efforts and  
1436 utilize all available means to minimize use of capital funds to pay for services rendered by  
1437 agency employees or by consultants.

1438 SECTION 92. Notwithstanding any general or special law to the contrary, upon acquiring  
1439 any fee interest in land for purposes pursuant to Article XCVII of the Amendments to the  
1440 Constitution, all state agencies, commissions and boards expending or receiving state funds  
1441 under this act shall obtain the approval of the secretary of energy and environmental affairs  
1442 before implementing or endorsing any prohibition of fishing, hunting or trapping on that land  
1443 and shall provide the secretary with written justification of the prohibition.

1444 SECTION 93. The sums made available pursuant to sections 2 to 2D, inclusive, shall be  
1445 available for expenditure in the 5 fiscal years following June 30 of the calendar year in which the  
1446 appropriation is made and any portion of such appropriation representing encumbrances

1447 outstanding on the records of the state comptroller's office at the close of the fifth fiscal year  
1448 may be applied to the payment thereof any time thereafter.

1449 SECTION 94. Each agency acquiring land or an interest in land under this act may  
1450 expend an amount not to exceed 5 per cent of the amount appropriated to that agency for the  
1451 purpose of reimbursing nonprofit land conservation organizations or land trusts for reasonable  
1452 expenses directly associated with the acquisition of land or interests in land subsequently  
1453 conveyed to the commonwealth. Reimbursements shall be made at the discretion of the agency.  
1454 The secretary of energy and environmental affairs shall determine by regulation what shall  
1455 constitute reasonable expenses. If the commonwealth does not take title to the property through  
1456 no fault of the nonprofit organization or the commonwealth, the commonwealth may reimburse  
1457 the nonprofit organization for reasonable expenses associated with due diligence. An  
1458 organization receiving a reimbursement under this section shall convey the land or interest in  
1459 land to the agency for an amount not to exceed the actual purchase price paid by the organization  
1460 for the land or interest in land in addition to any reimbursement received under this section.

1461 SECTION 95. To provide for the continued availability of certain bond-funded spending  
1462 authorizations which otherwise would expire, the unexpended balances of the following capital  
1463 accounts are hereby extended through June 30, 2023, for the purposes of and subject to the  
1464 conditions stated for these items in the original authorizations and any amendments to such  
1465 authorizations: 2000-2010, 2000-2011, 2000-2012, 2000-2013, 2000-2014, 2000-2015, 2000-  
1466 2016, 2000-2017, 2000-2018, 2000-2019, 2000-2020, 2000-2021, 2000-2022, 2000-2023, 2000-  
1467 2024, 2000-2025, 2000-2026, 2000-2028, 2000-2029, 2000-2035, 2000-6966, 2000-6967, 2000-  
1468 6969, 2000-7013, 2000-7014, 2000-7015, 2000-7016, 2000-7018, 2000-7022, 2000-7023, 2000-  
1469 7024, 2000-7025, 2000-7026, 2000-7028, 2000-7029, 2000-7031, 2000-7051, 2000-7052, 2000-

1470 7053, 2000-7054, 2000-7055, 2000-7056, 2000-7057, 2000-7058, 2000-7059, 2000-7060, 2000-  
1471 7061, 2000-7062, 2000-7063, 2000-7066, 2000-7070, 2200-2011, 2200-2014, 2200-2015, 2200-  
1472 2017, 2200-2019, 2200-7011, 2200-7012, 2200-7013, 2200-7014, 2200-7015, 2200-7017, 2200-  
1473 7018, 2200-7021, 2200-7023, 2200-7025, 2200-7991, 2240-8820, 2250-8820, 2250-8822, 2300-  
1474 2010, 2300-2011, 2300-2012, 2300-2014, 2300-2017, 2300-7010, 2300-7011, 2300-7013, 2300-  
1475 7014, 2300-7016, 2300-7017, 2300-7018, 2300-7020, 2300-7021, 2300-7023, 2300-7024, 2300-  
1476 7025, 2300-7026, 2300-7027, 2300-7028, 2500-7011, 2500-7012, 2500-7013, 2500-7014, 2500-  
1477 7023, 2500-7024, 2800-0103, 2800-0109, 2800-0611, 2800-2019, 2800-7011, 2800-7012, 2800-  
1478 7013, 2800-7015, 2800-7016, 2800-7017, 2800-7018, 2800-7019, 2800-7022, 2800-7027, 2800-  
1479 7031, 2800-7032, 2800-7035, 2800-7097, 2800-7098, 2800-7107, 2800-7108, 2800-7109, 2810-  
1480 3302, 2810-7872, 2810-8802, 2820-1420, 2820-2011, 2820-2012, 2820-8861, 2840-2013, 2840-  
1481 2014, 2840-2019, 2840-2023, 2840-7017, 2840-7024, 2840-7026, 2840-7027, 2840-7993, 2850-  
1482 6967, 2850-9951, 2890-2023, 2890-2040, 2890-7010, 2890-7011, 2890-7020, 2890-7035, 9300-  
1483 3909, 9300-7010, 9300-7030, 9300-7031, 9300-7909, 9300-7918, 9300-7919.

1484 SECTION 96. The first state plan required by section 15 of this act shall be completed by  
1485 September 16, 2018.

1486 SECTION 97. The department of energy resources shall promulgate regulations to  
1487 establish the clean peak standard pursuant to sections 27 and 28 of this act by no later than  
1488 December 31, 2019.

1489 SECTION 98. Any person serving as an inspector of animals on the date of enactment  
1490 shall, within one year of enactment, complete all state-funded training that the director of animal



1491 health determines is required for newly appointed inspectors of animals under the authority of  
1492 section 36.

1493 SECTION 99. Sections 9, 37 to 71, inclusive, 73 to 77, inclusive, and 81 and 82 shall  
1494 take effect 90 days after enactment.

1495 SECTION 100. Section 33 shall take effect for estates of decedents dying on or  
1496 after January 1, 2019.

1497 SECTION 101. Except as otherwise specified, this bill shall become effective upon  
1498 enactment.