

# **HOUSE . . . . . No. 4438**

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, April 30, 2018.

The committee on Environment, Natural Resources and Agriculture to whom were referred the message from His Excellency the Governor relative to promoting climate change adaptation, environmental and natural resource protection, and investment in recreational assets and opportunity (House, No. 4318), the petition (accompanied by bill, Senate, No. 2379) of Bruce E. Tarr, Mark C. Montigny, David F. DeCoste, Joan B. Lovely and other members of the General Court for legislation to finance fishing and farming investment, the joint petition (accompanied by bill, House, No. 4266) of Paul A. Schmid, III and Michael J. Rodrigues relative to the retention of animal inspection records, and the joint petition (accompanied by bill, House, No. 4321) of Paul A. Schmid, III and Michael J. Rodrigues that the Director of Animal Health be authorized to require annual training for municipal animal inspectors, reports recommending that the accompanying bill (House, No. 4438) ought to pass.

For the committee,

SMITTY PIGNATELLI.

**HOUSE . . . . . No. 4438**

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninetieth General Court  
(2017-2018)**  
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An Act promoting climate change adaptation, environmental and natural resource protection, and investment in recreational assets and opportunity.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to provide for climate change adaptation and the immediate preservation and improvement of the environmental and energy assets of the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. To provide for a program of climate change adaptation, and the  
2 preservation and improvement of the environmental and energy assets of the commonwealth, the  
3 sums set forth in this act, for the several purposes and subject to the conditions specified in this  
4 act, are hereby made available, subject to the provisions of law regulating the disbursement of  
5 public funds, which sums shall be in addition to any other amounts previously made available for  
6 these purposes; provided, that the amounts specified for a particular project may be adjusted in  
7 order to facilitate projects authorized in this act.

8           SECTION 2.

9           EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

10 Office of the Secretary.

11 1100-3000. For a program to provide grants and low interest loans to owners or  
12 operators of a dispensing facility, as defined in section 1 of chapter 21J, that retails gasoline and  
13 other petroleum products, for the purpose to replace and modernize existing single walled  
14 underground petroleum storage tank equipment and related leak detection equipment, and to  
15 reduce the risk of pollution from potential leakage; provided that program grants and loans shall  
16 be made available for costs, to include without limitation, engineering, tank removal,  
17 construction and infrastructure replacement, to install double walled underground petroleum  
18 storage tank equipment and related leak detection equipment; provided further, that the  
19 installation of such underground storage tank and leak inspection equipment funded under the  
20 program, shall comply with any applicable law and regulation of the commonwealth, and the  
21 federal government; provided further, that such program grants and loans shall be made available  
22 only to small business owners or operators of any eligible dispensing facility not located on land  
23 owned by the commonwealth; provided further, that priority for providing grants and loans  
24 under the program shall be for any eligible dispensing facility that is located in a rural area;  
25 provided further, that the secretary of administration and finance shall make available the funds  
26 under this item to the Massachusetts Development Finance Agency to administer the grant and  
27 loan program; and provided further, that the Massachusetts Development Finance Agency in  
28 consultation with the department of environmental protection shall, no later than January 31,  
29 2019, adopt standards to implement the program, including general guidelines and requirements  
30 for owners and operators to make application for such grants and loans, and the criteria used to  
31 evaluate applications to provide grants and loans under the program.....\$2,000,000

32 EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

*Office of the Secretary*

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2000-7071. For improvements and replacements to the infrastructure and holdings of the executive office of energy and environmental affairs and its departments and divisions; provided, that these improvements and replacements may include, but shall not be limited to, buildings, equipment, vehicles and communication and technology equipment; 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; and provided further, that any expenditures for communication and technology equipment under this item shall be considered in consultation with the secretary of technology services and security; provided further, that \$500,000 shall be expended to the town of Saugus for the purposes of purchasing a Vactor for the purposes of cleaning drains and culverts in the town of Saugus

.....\$10,500,000

2000-7072. For grant programs for land, soil, water and natural resource conservation; open space preservation; watershed remediation; coastal resource protection; recreation; environmental equity and wildlife and endangered species protection, including, but not limited to, the local acquisition for natural diversity grant program, the parkland acquisition and renovation for communities grant program, conservation partnership grant programs including programs to support landscape-scale land conservation projects, the drinking water supply protection grant program, grant programs to assist and provide funding to conservation districts, and grants to support local, regional and state land use planning and management capabilities to advance smart growth efforts, all pursuant to rules or regulations adopted by the secretary of

56 energy and environmental affairs to effectuate this item; provided, that the secretary of energy  
57 and environmental affairs may provide guidance for planning, prioritization, selection and  
58 implementation of projects in furtherance of the goals of climate change mitigation and  
59 adaptation and consistent with the integrated state hazard mitigation and climate change  
60 adaptation plan; and provided further, that all projects shall provide appropriate public access as  
61 determined by the secretary; provided further, that \$925,000 shall be expended to the town of  
62 Falmouth to design, engineer, and permit upgraded drainage systems for the region of Woods  
63 Hole surrounded by Millfield St, Gardiner Road, and school street; provided further, that  
64 \$5,000,000 shall be expended on construction and restoration of East Chop Drive in Oak Bluffs,  
65 including, but not limited to, stone revetment, coastal bank restoration, improving the public  
66 access walkway, landscaping with native species, and restoring the roadway to two-way traffic;  
67 provided further, that no less than \$4,750,000 shall be expended for a flood management study of  
68 the Assawompset Pond Complex that is a part of the Taunton River Watershed, comprising the  
69 towns of Freetown, Lakeville, Middleborough, Rochester, and the cities of New Bedford  
70 including, but not limited to, an analysis of existing conditions and recommendations for flood  
71 management and mitigation, ecological sustainability and river flow improvements, and relating  
72 to the water flows of the Nemasket River into the Taunton River and related water storage and  
73 flooding issues of Assawompset and Long Pond; provided further, that \$5,000,000 shall be  
74 expended for improvements to Fredericks Park in the city of Revere; provided further, that no  
75 less than \$300,000 shall be expended to Bay Coast Rowing Center for the refurbishment and  
76 upgrade of an existing boat house building to house a community boating program in the city of  
77 Fall River; provided further, that \$1,500,000 shall be expended for the installation of a high  
78 efficiency irrigation system and the planting of native trees, shrubs, groundcover, and restoration

79 of the historic hedge row to promote water conservation, manage stormwater, and reduce runoff  
80 at Tanglewood in the town of Lenox; provided further, that \$300,000 shall be expended for bog  
81 bridging and trail construction, rehabilitation, and accessibility in Kennedy Park in the town of  
82 Lenox; provided further, that \$400,000 shall be expended to the Great Barrington Land  
83 Conservancy for improvements, and upkeep of the W.E.B. DuBois River Garden Park and for  
84 improvements, upkeep, and extension of the Housatonic River Walk; provided further, that  
85 \$8,000,000 shall be expended for a dredging project and to improve, manage and protect the  
86 water quality, in Lake Wickaboag in the town of West Brookfield; provided further, that \$10,000  
87 shall be expended for improvements to Powder Mill Park in the town of Spencer; provided  
88 further, that \$5,000 shall be expended for improvements to Luther Hill Park in the town of  
89 Spencer; provided further, that \$25,000 shall be expended for improvements to Turkey Hill Pond  
90 in the town of Rutland; provided further, that \$25,000 shall be expended for improvements to  
91 Demond Hill Pond in the town of Rutland; provided further, that \$600,000 shall be expended for  
92 improvements to O'Gara Park in the town of Spencer, including but not limited to the  
93 construction of a fieldhouse and improvements to the grandstand.....\$151,840,000

94 2000-7073. For the design, construction, reconstruction, rehabilitation, retrofitting,  
95 repair or removal of coastal infrastructure and resiliency measures, including, but not limited to,  
96 seawalls, jetties, revetments, retaining walls, beach nourishment and natural solutions; provided,  
97 that costs payable from this item may include, but shall not be limited to, the costs of engineering  
98 and other technical assistance and planning services essential to these projects rendered by the  
99 office of coastal zone management in the executive office of energy and environmental affairs,  
100 the office of waterways in the department of conservation and recreation and other  
101 commonwealth employees or consultants; provided further, that grants and loans may be made to

102 local government units to carry out this item; and provided further, that the secretary of energy  
103 and environmental affairs may provide guidance for planning, prioritization, selection and  
104 implementation of projects in furtherance of the goals of climate change mitigation and  
105 adaptation and consistent with the integrated state hazard mitigation and climate change  
106 adaptation plan; provided further, that \$525,000 shall be expended for the town of Falmouth  
107 Division of Marine and Environmental Services to design and construct a replacement fresh  
108 water culvert under Surf Drive; provided further, that not less than \$2,000,000 shall be expended  
109 to the town of Duxbury for costs associated with coastal infrastructure improvements; provided  
110 further, that no less than \$15,100,000 shall be expended to the city of Quincy to repair and  
111 restore damaged seawalls; provided further, that \$4,000,000 shall be expended to repair and  
112 replace the failing seawall along Winthrop Parkway in the city of Revere; provided further, that  
113 \$350,000 shall be expended for the repair of tide gates in the town of Saugus; provided further,  
114 that \$2,500,000 shall be expended for shoreline and park restoration at Blessing of the Bay park  
115 in the city of Somerville; and provided further, that not less than \$3,000,000 shall be expended  
116 for seawall and revetment work at Plymouth Long Beach; and provided further, that not less than  
117 \$1,000,000 shall be expended for cobble nourishment at Plymouth Long Beach  
118 .....\$53,475,000

119 2000-7074. For the design, construction, reconstruction, rehabilitation, retrofitting,  
120 repair or removal of municipally-owned dams, publicly-owned dams and other dams for which  
121 emergency action or statewide hazard mitigation is required and for inland flood control projects  
122 and projects for any related facilities and equipment, including, but not limited to, seawalls,  
123 jetties, revetments, retaining walls, beach nourishment and natural solutions, on publicly-owned  
124 land or related to state or municipal climate change adaptation and preparedness or for which

125 emergency action or statewide hazard mitigation is required; provided, that the secretary of  
126 energy and environmental affairs shall give priority to dams and flood control projects that pose  
127 the greatest risk to public health or safety, or to the environment; provided further, that funds  
128 shall be available for a program of planning, permitting and construction of fish ways and other  
129 aquatic habitat improvements, including the removal or breaching of selected dams and  
130 impoundments on state-owned land and waterways; and provided further, that the secretary may  
131 provide guidance for planning, prioritization, selection and implementation of projects in  
132 furtherance of the goals of climate change mitigation and adaptation and consistent with the  
133 integrated state hazard mitigation and climate change adaptation plan; provided further, that  
134 \$600,000 shall be expended for engineering, improvements and repairs to the Hamilton  
135 Reservoir dam in the town of Holland; provided further, that \$4,400,000 shall be expended for  
136 engineering and construction costs for the rehabilitation and improvements to the Whitney Pond  
137 dam in the town of Winchendon; provided further, that \$350,000 shall be expended for  
138 improvements to the Queen Lake Dam in the town of Phillipston; and provided further, that not  
139 less than \$500,000 shall be expended for repairs to Jenny Grist Mill Dam in the town of  
140 Plymouth.....\$70,850,000

141           2000-7075. For the acquisition of land and interests in land by the executive office of  
142 energy and environmental affairs and its departments and divisions and for associated costs,  
143 including planning, study, due diligence, title and appraisal services, site restoration, monitoring  
144 and stewardship, including, but not limited to, agricultural preservation restrictions under  
145 sections 23 to 26, inclusive, of chapter 20 of the General Laws, and acquisitions for open space,  
146 recreation, conservation, wildlife and endangered species protection, and forest land protection;  
147 for related costs and activities in support of conservation goals, including, but not limited to,



148 capitalization of the Transfer of Development Rights Revolving Fund established under section  
149 35GGG of chapter 10; provided, that funds under this item may be used to develop and  
150 implement a stewardship program on lands under the care and control of the executive office or  
151 its departments and divisions or subject to conservation restrictions or other related interests in  
152 land purchased through this item, including, but not limited to, resource and land use monitoring,  
153 signage, boundary delineation and monitoring, preparation of baseline documentation,  
154 stewardship planning, ecological monitoring and enforcement of conservation or other related  
155 restrictions or detection and resolution of encroachments on land and rights in land, and repair of  
156 damage to property related to illegal uses, including off-road vehicle trespass; provided further,  
157 that funds may be used for inventory, restoration and reclamation of acquired land, including  
158 demolition of structures, removal of debris, eradication of non-native species and other services  
159 essential to these reclamation efforts; and provided further, that the secretary of energy and  
160 environmental affairs may provide guidance for preservation, maintenance, and acquisition of  
161 land and interests in land in furtherance of the goals of climate change mitigation and adaptation  
162 and consistent with the integrated state hazard mitigation and climate change adaptation plan and  
163 may expend funds under this item for such purposes; provided further, that no less than  
164 \$20,000,000 shall be expended for the agricultural preservation restriction program; and  
165 provided further, that \$2,000,000 be expended for the acquisition of an old rail bed for the  
166 extension of the Bruce Freeman Trail into Framingham

167 .....\$32,000,000

168 2000-7079. For natural resource restoration and protection and in compliance with  
169 laws and regulations, and for purposes of improvements and costs associated with site  
170 assessment, containment, cleanup, control, disposal, removal or exchange of or response actions

171 concerning hazardous materials or substances; provided further, that \$15,500,000 shall be  
172 expended on environmental justice projects in South Framingham .....\$75,500,000

173 2511-2000. For grants administered through the agricultural innovation fund established  
174 under section 3 of this act; provided further, that not more than \$5,000,000 per fiscal year shall  
175 be made available for grants under this item .....\$5,000,000

176 *Department of Environmental Protection*

177 2200-7022. For investment in water and air quality protection, including but not  
178 limited to investments necessary to meet the legislative and regulatory requirements of the  
179 Rivers Protection Act, the federal and state Clean Water Acts and the Massachusetts Wetlands  
180 Protection Act; to provide for integrated energy and environmental projects to optimize and  
181 preserve environmental quality and public health and provide for appropriate protection,  
182 restoration, management and best use of air, energy, water and land resources, assets and  
183 infrastructure, including upgrades to laboratory equipment; to provide for research, studies and  
184 the collection of data to support investment in environmental assets, including sampling and  
185 analysis of water and air quality, monitoring cumulative environmental impacts in  
186 environmental justice communities, the development of Geographic Information System maps  
187 for wetlands conservancy and tidelands, stormwater infrastructure and public water supplies, the  
188 development of water quality analyses known as Total Maximum Daily Loads, the assessment of  
189 water quality health and impaired use of waterways, and projects related to nonpoint and point  
190 sources of water pollution and the wetlands circuit rider program; to provide for local grants and  
191 research for implementation of the commonwealth's sustainable water management initiative,  
192 including grants and research to provide the data necessary for municipalities to invest in

193 efficient and effective mitigation practice to restore and preserve the commonwealth's water  
194 resources, assets and infrastructure; to provide for sustainable water management initiative  
195 related research and implementation projects conducted by the department of fish and game and  
196 its divisions; to provide for the department's statewide air monitoring network, upgrades of air  
197 monitoring equipment to comply with federal requirements, implementation of a water quality  
198 monitoring network and eelgrass mapping to track water quality improvements; to provide for  
199 investments in water quality restoration of degraded estuarine habitat for projects deemed  
200 consistent with a current area-wide water resources management plan adopted under section 208  
201 of the federal Clean Water Act; to fund pilot projects that test innovative and green wastewater  
202 management technologies and approaches; for sustainable technologies at wastewater treatment  
203 facilities; for long-term monitoring and stewardship of restoration projects developed under the  
204 oversight of natural resources damages trustees; to provide grants and technical assistance to  
205 public water suppliers for energy efficiency improvements for drinking water systems; to provide  
206 for municipal grants for water and air quality protection, including to support training and  
207 workforce development for drinking water and wastewater treatment facilities; to support the  
208 preparation and implementation of geographic response plans for the commonwealth's inland  
209 waterways; and to provide grants to municipalities to support compliance with the federal  
210 Municipal Separate Storm Sewer System permit; provided, that the secretary of energy and  
211 environmental affairs may provide guidance for planning, prioritization, selection and  
212 implementation of projects in furtherance of the goals of climate change mitigation and  
213 adaptation and consistent with the integrated state hazard mitigation and climate change  
214 adaptation plan; provided further, that no less than \$250,000 shall be expended for the Nash  
215 Road Water Quality Improvement project in the city of New Bedford for the weed eradication,

216 mitigation of storm water impacts, and refurbishment of Nash Road Pond Frontage; provided  
217 further, that no less than \$550,000 shall be expended for the Lake Street Ponds Water Quality  
218 Improvement project located in the town of Acushnet, part of the New Bedford Reservoir  
219 System, for area specific evaluation, nitrogen mitigation, evaluation of storm water impacts, and  
220 weed eradication; provided further, that no less than \$1,000,000 shall be expended for the Long  
221 Pond Water Quality and Invasive Weed Management project, located in the towns of Freetown  
222 and Lakeville, for support of an integrated, early detection and rapid response system for  
223 invasive species and completion of a strategic management plan for invasive species to prevent,  
224 control, eradicate and restore natural management areas; provided further, that \$10,000,000 shall  
225 be expended for the purpose of municipal grants for all non-federally covered costs to remove  
226 the combined sewer outflows which discharge effluent and storm water into the Connecticut  
227 River from the cities of Springfield, Chicopee and Holyoke and the town of Ludlow, to comply  
228 with administrative mandates from the United States Environmental Protection Agency and to  
229 remediate river pollution from such outflows, and to make any necessary modifications and  
230 improvements to sewer system infrastructure in those municipalities directly resulting from such  
231 removal and subject to the requirement that the expenditure of funds shall comply with the  
232 federal mandates and shall be expended to the Connecticut River Clean-up Committee of the  
233 Pioneer Valley planning commission for those municipalities; provided further, that no less than  
234 \$3,500,000 shall be expended to the Springfield water and sewer commission for the design and  
235 construction of improvements to potable water storage tanks to protect potable water quality,  
236 improve water system resiliency, and support regulatory compliance for the regional water  
237 supply; provided further, that \$5,000,000 shall be expended for repairs and other related  
238 improvements to culverts along Route 57 in the towns of Sandisfield, Monterey, and New

239 Marlborough; provided further, that \$2,000,000 shall be expended for improvements to the  
240 Wheelwright Wastewater Treatment Plant in the town of Hardwick; provided further, that  
241 \$12,000,000 shall be expended for construction of a sewer line in the town of Hardwick;  
242 provided further, that \$4,460,000 shall be expended for water and sewer improvements in the  
243 town of Palmer including but not limited to the replacement of a sewer siphon, a generator, and  
244 expansion of the Palmer sewer system, installation of a centrifuge at the Palmer Wastewater  
245 Treatment Plant, replacement of a scum concentrator, and the replacement of grinder pumps on  
246 Lake Thompson; provided further, that \$10,000,000 shall be expended for shall be expended for  
247 extensions to the public water line in the town of Sturbridge; provided further, that \$15,000 shall  
248 be expended for the construction of a new well to provide drinking water for the Phillipston  
249 Town Hall .....\$93,775,000

250           2200-7024. For discovery, assessment, containment, monitoring, cleanup and closure  
251 of existing or closed solid waste facilities causing or threatening to cause pollution as authorized  
252 by section 4 of chapter 21H of the General Laws; and for capital expenditure associated with  
253 composting and recycling programs consistent with the comprehensive statewide solid waste  
254 master plan authorized by section 21 of chapter 16 of the General  
255 Laws.....\$7,500,000

256           2200-7016. For the assessment, containment, monitoring, cleanup, control, removal of  
257 or response actions concerning oil or hazardous materials or for any other actions necessary to  
258 implement chapter 21E of the General Laws and the Massachusetts Contingency Plan; provided  
259 further, that \$1,500,000 shall be expended for the demolition of the former Microfab building in  
260 the city of Amesbury; provided further, that not less than \$1,500,000 shall be expended for the  
261 removal of hazardous materials and drainage improvements to the old Dalton High School site in

262 the town of Dalton; provided further, that no less than \$1,000,000 shall be expended for the  
263 remediation, restoration and removal of hazardous materials at the old New England Log Homes  
264 site in the town of Great Barrington.....\$40,000,000

265 *Department of Fish and Game*

266 2300-0100. For grants administered through the fishing innovation fund established  
267 under section 2 of this act; provided further, that not more than \$10,000,000 per fiscal year shall  
268 be made available for grants under this item.....\$10,000,000

269 2300-7019. For planning, design, engineering, construction, reconstruction,  
270 renovation, repair, demolition, acquisition, enhancements, improvements, removal and  
271 replacement of the infrastructure, facilities and equipment under the care and control of the  
272 department of fish and game and its divisions, including, but not limited to buildings and other  
273 structures, education centers, district headquarters, hatchery facilities, offices, storage buildings,  
274 shooting ranges, archery facilities, dams, laboratories, equipment, vehicles, vessels, and site  
275 clearance; provided, that any such facilities supported by this item may incorporate energy  
276 efficiency and renewable technologies to decrease energy use and greenhouse gas emissions,  
277 such as solar, wind and geothermal power; provided further, that funds shall also be available  
278 for investments for protection, remediation and restoration of aquatic and marine fisheries,  
279 wildlife species, land and marine plants, and the habitats that support them; and provided further,  
280 that the secretary of energy and environmental affairs may provide guidance for planning,  
281 prioritization, selection and implementation of projects in furtherance of the goals of climate  
282 change mitigation and adaptation and consistent with the integrated state hazard mitigation and  
283 climate change adaptation plan; provided further, that \$100,000 shall be expended for handicap

284 access improvements at the Dick and Paula Woodward Fisherman's Access Area and public  
 285 dock, at South Pond in the town of Brookfield; provided further, that \$25,000 shall be expended  
 286 to conduct a feasibility study on the eradication of zebra mussels at Laurel Lake in the town of  
 287 Lee; provided further, \$800,000 shall be expended for the reconstruction, improvements, and  
 288 accessibility to the boat ramp, parking lot, and shorefishing facility at Laurel Lake in the town of  
 289 Lee .....\$45,925,000

290 2300-7022. For river and wetland restoration programs in the division of ecological  
 291 restoration, riverways program and the commissioner's office within the department of fish and  
 292 game; provided, that funds authorized in this item may be utilized for river, wetland and river  
 293 corridor revitalization, ecological restoration and protection of aquatic ecosystems and functions  
 294 throughout the commonwealth including, but not limited to, dam and barrier removal, instream  
 295 improvements, flow, water quality, riverine habitat, protection of high quality riparian and  
 296 wetland habitat, assessment and mitigation of threats from climate change and improving  
 297 recreational opportunities; provided further, that these costs may include, but shall not be limited  
 298 to, equipment to implement these programs; provided further, that the commissioner or a  
 299 designee may enter into cooperative agreements with state and federal government agencies and  
 300 municipalities, may contract for services related to this item including, but not limited to,  
 301 engineering and monitoring, and may award grants to public and nonpublic entities to foster and  
 302 carry out this item; provided further that no less than \$9,100,000 shall be expended for the design  
 303 and construction of Phase 1 of the Hoosac River Restoration Project in the city of North  
 304 Adams.....\$39,100,000

305 *Department of Agricultural Resources*

306           2500-7021. For the purpose of developing and implementing programs designed to  
307 address agricultural economic and environmental sustainability, urban agriculture, research,  
308 industry promotion, technology transfer and education and to facilitate improvements to  
309 agricultural infrastructure, energy conservation and efficiency, and climate change adaptation  
310 and resiliency; provided, that a grant program shall be established to provide grants to public and  
311 nonpublic entities for the development and implementation of new procedures for energy  
312 conservation and efficiency and for renewable and alternative energy sources to assist the  
313 agricultural community to grow and develop; provided further, that there shall be established a  
314 program to assist in the preservation and rehabilitation of facilities and land resources of  
315 agricultural fairs through short-term preservation covenants, grants, demonstration projects and  
316 other means; provided further, that funds in this item may be expended for infrastructure and  
317 equipment upgrades to prevent or reduce food safety risk, programs to control invasive species  
318 and provide pesticide disposal, and programs to support aquaculture, including that not less than  
319 \$300,000 to be expended annually, in consultation with the department of agricultural resources  
320 and division of marine fisheries, for the Southeastern Massachusetts Aquaculture Center at  
321 Barnstable County Cooperative Extension, the Northeastern Massachusetts Aquaculture Center  
322 at Salem State College, and the Western Massachusetts Center for Sustainable Aquaculture at the  
323 University of Massachusetts at Amherst, dairy digesters and agricultural composters; provided  
324 further, that funds in this item may be expended for the agricultural environmental enhancement  
325 program on the abatement of all forms of pollution generated from agricultural activities;  
326 provided further, that funds in this item may be allocated by the commissioner through  
327 competitive grants pursuant to rules or regulations adopted by the commissioner to implement  
328 this item; provided further, that \$5,000,000 be expended for the purposes of the University of



329 Massachusetts Cranberry Station at East Wareham section of the town of Wareham for the  
330 design, construction, retrofitting and outfitting of enhanced laboratory space, including  
331 associated equipment and support to improve research performed by the station dealing with  
332 concerns including, but not limited to: (i) water quality and quantity; (ii) integrated pest  
333 management; and (iii) pollinator health and minimization of nutrient and pesticide use with the  
334 goal to reduce environmental impacts and at the same time enhance the sustainability of  
335 cranberry production in the commonwealth; provided further, that such funds may be carried  
336 over from year to year with subsequent appropriations; and provided further, that use of such  
337 funds shall be done with the advice and consent of the Cranberry Health Research Center  
338 advisory board.....\$26,500,000

339 *Department of Conservation and Recreation*

340 2800-7020. For natural resource restoration and protection, including protection and  
341 rehabilitation of lakes, ponds, rivers and streams and associated watersheds, and for  
342 improvements and costs associated with site assessment, containment, cleanup, control, removal  
343 of or response actions concerning hazardous materials or substances at forests, parks,  
344 reservations, waterbodies and other properties of the department of conservation and recreation;  
345 provided, that the secretary of energy and environmental affairs may provide guidance for  
346 planning, prioritization, selection and implementation of projects in furtherance of the goals of  
347 climate change mitigation and adaptation and consistent with the integrated state hazard  
348 mitigation and climate change adaptation plan.....\$20,000,000

349 2800-7014. For the design, construction, reconstruction, improvement or rehabilitation  
350 of department or navigable coastal and inland waterways projects including, but not limited to,

351 design, permitting, operation, maintenance of waterways, operation and maintenance of state  
352 piers, coastal protection, dredging, river and stream cleaning, coastal structure maintenance,  
353 piers, dune stabilization, culvert repair, renourishment, erosion control, waterfront access and  
354 transportation improvements and improvements to related facilities and equipment; provided,  
355 that funds from this item may be expended to support state coordination with a cooperative  
356 federal-state program with the United States Geological Survey, Department of Interior, for  
357 continuous data collection and analysis regarding water resources; and provided further, that the  
358 secretary of energy and environmental affairs may provide guidance for planning, prioritization,  
359 selection and implementation of projects in furtherance of the goals of climate change mitigation  
360 and adaptation and consistent with the integrated state hazard mitigation and climate change  
361 adaptation plan; provided further that no less than \$2,000,000 shall be expended for the dredging  
362 of Squantum and Wollaston Yacht Club emergency boat access in Wollaston Beach in the city of  
363 Quincy; provided further that \$2,500,000 shall be expended for repairs to the Sales Creek culvert  
364 and related improvements in the city of Revere; provided further that \$1,500,000 shall be  
365 expended for the repair and replacement of the Howard and Spring Streets culverts in the town of  
366 Saugus.....\$21,000,000

367 2800-7025. For the design, construction, reconstruction, rehabilitation, retrofitting,  
368 repair or removal of state-owned dams for which emergency action or statewide hazard  
369 mitigation is required and for inland flood control projects and projects for any related facilities  
370 and equipment, including, but not limited to, seawalls, jetties, revetments, retaining walls, beach  
371 nourishment and natural solutions, on state-owned land or related to state climate change  
372 adaptation and preparedness or for which emergency action or statewide hazard mitigation is  
373 required; provided, that the department of conservation and recreation shall give priority to dams

374 and flood control projects that pose the greatest risk to public health or safety, or to the  
375 environment; provided further, that funds shall be available for a program of planning,  
376 permitting and construction of fish ways and other aquatic habitat improvements, including the  
377 removal or breaching of selected dams and impoundments on state-owned land and waterways;  
378 and provided further, that the secretary of energy and environmental affairs may provide  
379 guidance for planning, prioritization, selection and implementation of projects in furtherance of  
380 the goals of climate change mitigation and adaptation and consistent with the integrated state  
381 hazard mitigation and climate change adaptation plan; provided further, that \$600,000 shall be  
382 expended for repairs at Spring Pond Dam and Griswold Dam in the town of Saugus; provided  
383 further, that \$20,000,000 shall be expended to purchase and install a fourth pump at the Amelia  
384 Earhart Dam in the city of Somerville.....\$100,600,000

385           2840-7025. For the planning, design, acquisition, construction, reconstruction, repair,  
386 removal, demolition, improvement, furnishing, equipping or rehabilitation of department  
387 reservations, forests, parks, campgrounds, comfort stations, harbor islands, skating rinks, skate  
388 parks, swimming and wading pools, spray parks, golf courses, tennis courts, basketball courts,  
389 ball fields, playgrounds, exercise and fitness paths, tracks, other recreational facilities, historic  
390 sites, beaches and related facilities, storage buildings, office buildings, visitor centers, fire  
391 towers, maintenance facilities and other park buildings, and equipment, including upgrades to  
392 information technology equipment to be considered in consultation with the secretary of  
393 technology services and security, and for the planning, design, acquisition, construction,  
394 reconstruction, repair, removal, improvement or rehabilitation of department bike paths,  
395 greenways, recreational trails and related facilities and equipment; provided, that the secretary of  
396 energy and environmental affairs may provide guidance for planning, prioritization, selection

397 and implementation of projects in furtherance of the goals of climate change mitigation and  
398 adaptation and consistent with the integrated state hazard mitigation and climate change  
399 adaptation plan; provided further, that the department of conservation and recreation may expend  
400 funds in this item for technical assistance and grants to cities and towns in accordance with rules  
401 or regulations adopted by the department to implement this item; and provided further, that in the  
402 expenditure of funds under this item, the commissioner will prioritize public health and safety  
403 and capital maintenance needs of commonwealth facilities; provided further, the land in the  
404 northern section of Riverbend Park in the town of Medford, bounded by the Mystic River,  
405 Riverside Yacht Club and the northern-most paved path in Riverbend Park be transferred to the  
406 department of conservation and recreation; provided further, that no less than \$500,000 shall be  
407 expended for the design and construction of a visitors and education center for the Freetown  
408 State Forest, located in the town of Freetown; provided further, that \$7,500,000 shall be  
409 expended for repairs and improvements to the Revere Beach Reservation, including, but not  
410 limited to re-nourishment of Revere Beach, repairs to any failing seawalls, and restorations to  
411 pavilions and period lighting structures; provided further, that \$6,000,000 shall be expended for  
412 improvements to Ocean Avenue and Eliot Circle in the Revere Beach Reservation; provided  
413 further, that \$6,000,000 shall be expended to reimburse the city of Revere for costs associated  
414 with construction of a new Department of Conservation and Recreation maintenance facility in  
415 the Revere Beach Reservation; provided further, that \$15,000,000 shall be expended for the  
416 design and construction of a combined public safety facility within the Revere Beach  
417 Reservation for the purpose of housing the state police contingent at Revere Beach; provided  
418 further, that \$300,000 shall be expended for a study to determine solutions to flooding issues in  
419 the Riverside, Point of Pines, and Beachmont neighborhoods in the city of Revere, and \$500,000

420 shall be expended for the implementation of such findings; provided further, that \$2,750,000  
421 shall be expended for maintenance and improvements to the Condon Shell and surrounding park  
422 on the Mystic Valley parkway in the city of Medford and for pedestrian improvements on the  
423 Mystic Valley parkway; provided further, that \$2,000,000 shall be expended for repairs and  
424 improvements to Foss Park in the city of Somerville; provided further, that no more than  
425 \$1,500,000 shall be expended for the design and construction of the Southeastern Massachusetts  
426 Bioreserve Discovery Center in the 15,000 acre Bioreserve; provided further, that \$6,700,000  
427 shall be expended for the construction of new recreational fields in the town of Sturbridge;  
428 provided further, that \$100,000 shall be expended for improvements to Howe State Park in the  
429 town of Spencer; provided further, that \$100,000 shall be expended for improvements to Moore  
430 State Park in the town of Paxton; and provided further, that not less than \$15,000,000 shall be  
431 expended for the construction of the outdoor center, campgrounds, recreational trail system and  
432 event parking area at the Greylock Glen in the town of Adams, of which not less than \$2,300,000  
433 shall be expended for necessary infrastructure improvements in the town of Adams to support the  
434 Glen project .....\$413,950,000

435           2890-7034. For the planning, design, construction, reconstruction, repair,  
436 improvement or rehabilitation of department of conservation and recreation parkways,  
437 boulevards, multi-use trails, internal state park roads and recreational trails, pedestrian bridges  
438 and related appurtenances and equipment including, but not limited to, the costs of planning,  
439 design and engineering and other services for those projects rendered by commonwealth  
440 employees or by consultants; provided, that funds may be expended for pedestrian and bicycle  
441 safety, traffic calming, landscape improvements, street lighting, safety equipment, and  
442 accessibility; provided further, that all work funded by this item shall be carried out according to

443 standards developed by the department pursuant to historic parkways preservation treatment  
444 guidelines to protect the scenic and historic integrity of the bridges and parkways under its  
445 control; and provided further, that the secretary of energy and environmental affairs may provide  
446 guidance for planning, prioritization, selection and implementation of projects in furtherance of  
447 the goals of climate change mitigation and adaptation and consistent with the integrated state  
448 hazard mitigation and climate change adaptation plan; provided further, that not less than  
449 \$1,000,000 shall be expended for flood and drainage improvements surrounding the Skyline  
450 Trail in the town of Hinsdale; provided further, that no more than \$2,000,000 shall be expended  
451 for phase 4 of the Quequechan River Rail Trail to connect the urban river trail to Father  
452 Travassos Park in the city of Fall River; provided further, that \$4,000,000 shall be expended on  
453 the Upper Charles bike trail in the town of Ashland.....\$157,000,000

454 SECTION 2A.

455 EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

456 *Office of the Secretary*

457 2000-7080. For implementation of the integrated state hazard mitigation and climate  
458 change adaptation plan; provided, that the secretary of energy and environmental affairs shall  
459 give priority to critical actions and strategies identified in the  
460 plan.....\$60,000,000

461 2000-7081. For the municipal vulnerability preparedness grant program to support and  
462 provide technical assistance for cities and towns to complete climate-related vulnerability  
463 assessments, develop action-oriented resiliency plans, and complete integrated climate change  
464 adaptation plans and local hazard mitigation plans; and to implement local and regional

465 adaptation solutions identified through such plans, including changes to policies, bylaws, and  
466 plans, municipal infrastructure improvements, nature-based climate adaptation strategies, and  
467 repairs to address vulnerability and improve resiliency.....\$50,000,000

468           2000-7084. To capitalize the Global Warming Solutions Trust Fund established in  
469 section 35EEE of chapter 10 of the General Laws.....\$3,000,000

470           2000-7085. For the climate change science and data program to support the  
471 development and maintenance of data including statewide, basin scale, and other relevant climate  
472 change projections and data, the establishment of datasets to track and monitor ongoing impacts  
473 from climate change, and the maintenance and expansion of the climate change clearinghouse  
474 data and tools available to cities and towns; provided, that any expenditures for communication  
475 and technology equipment under this item shall be considered in consultation with the secretary  
476 of technology services and security.....\$5,000,000

477   *Department of Environmental Protection*

478           2200-7019. For the Massachusetts Electric Vehicle Incentive Program to provide  
479 grants to public entities to acquire passenger plug-in vehicles for fleets, install charging stations  
480 for public electric vehicles, and promote the establishment of vehicle charging stations; provided  
481 further, that \$5,000,000 shall be expended for the Massachusetts Electric Vehicle Incentive  
482 Program to provide matching grants to employers to install electric vehicle charging stations at  
483 workplaces.....\$9,000,000

484           EXECUTIVE OFFICE OF EDUCATION

485   *Office of the Secretary*

486           7009-2007. To close workforce skills gaps across a range of occupations where  
487 climate change impacts such as extreme weather are likely to require adaptation to reduce risks  
488 and vulnerability from the impacts of climate change, by providing skills capital and workforce  
489 training grants to support education and training providers, in consultation with the workforce  
490 skills cabinet and the secretary of energy and environmental affairs; provided further, that  
491 \$20,000,000 shall be expended for the design, rehabilitation or construction of a research and  
492 extension building of approximately 20,000 square feet at the University of Massachusetts  
493 Center for Urban Sustainability in the city of Waltham to conduct research and advance urban  
494 sustainable agriculture through public-private partnerships, to include, without limitation urban  
495 agricultural issues related to food security, safety and access, environmental stewardship and  
496 workforce development; provided further that best efforts shall be made to construct a zero-net  
497 energy building; provided further, that no less than \$6,000,000 shall be expended for the  
498 construction, equipment and maintenance of the Commonwealth Energy Storage Testing Facility  
499 .....\$28,000,000

500                                   EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

501   *Office of the Secretary*

502           8000-2007. For the development and support of climate oriented emergency response  
503 and natural hazard preparedness programs and climate change coordination with the executive  
504 office of energy and environmental affairs; provided further, that \$500,000 shall be allocated to  
505 fund a regional hazard mitigation initiative for the towns of Cohasset, Hingham, Hull, and  
506 Scituate, which shall include, but not be limited to, coordinating a prioritized regional hazard



507 mitigation plan to improve collective hazard planning, increasing public safety, and streamlining  
508 emergency response. ....\$6,500,000

509 SECTION 2B.

510 OFFICE OF THE TREASURER AND RECEIVER GENERAL

511 0620-1002. For the Clean Water Trust established in section 2 of chapter 29C of the  
512 General Laws for deposit in the Water Pollution Abatement Revolving Fund established in  
513 section 2L of chapter 29 of the General Laws for application by the trust to the purposes  
514 specified in section 5 of said chapter 29C, any portion of which may be used as a matching grant  
515 by the commonwealth to federal capitalization grants received under Title VI of the federal  
516 Clean Water Act or for deposit in the Drinking Water Revolving Fund established in section  
517 2QQ of said chapter 29 for application by the trust to the purposes specified in section 18 of said  
518 chapter 29C, any portion of which may be used as a matching grant by the commonwealth to  
519 federal capitalization grants received under the federal Safe Drinking Water  
520 Act.....\$60,333,000

521 SECTION 2C.

522 EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

523 *Office of the Secretary*

524 2000-7064. For a program to be administered by the secretary of energy and  
525 environmental affairs to acquire land for the purposes of open space, recreation and  
526 conservation, to be protected pursuant to Article 97 of the Amendments to the Constitution,  
527 which lands are located near or adjacent to the mean high water mark of coastal areas, on coastal

528 barrier beaches, or in coastal high risk flooding zones and which lands or structures thereon have  
529 suffered or are projected to be subject to repeated damage from flooding, storm surges, wave  
530 action, or erosion caused by ocean waves or waters, or are otherwise impacted or projected to be  
531 impacted catastrophically by extreme weather events, astronomical high tides or elevated sea  
532 levels related to climate change, and cause a substantial risk to public health, public safety or the  
533 environment; provided that funds may be used to purchase adjoining coastal parcels next to such  
534 acquired land or any other Article 97 coastal land to achieve the purposes of this item; provided  
535 further, that grants may be made to cities and towns to acquire such coastal lands for the  
536 purposes of this item, and may as a condition of any grant require the municipality to hold title to  
537 the acquired land jointly with the commonwealth under the terms of the grant; and provided  
538 further, that funds from this item shall not be used to compensate land owners for lands taken by  
539 eminent domain..... \$20,000,000

540           2000-7077. For the acquisition, development, construction and improvement of parks  
541 in urban and suburban neighborhoods currently underserved with parks consistent with  
542 attainment of environmental equity, including planning related to these parks; provided, that  
543 funds shall be available for the completion of urban forestry and tree planting projects,  
544 assessment and remediation of brownfield and grayfield sites intended for reuse as parks,  
545 drafting of architectural renderings, construction documents and other technical documents  
546 necessary for parks construction, acquisition of land or interests in land for the creation of parks  
547 pursuant to article 97 of the amendments to the state constitution and for the construction,  
548 rehabilitation and improvement of parks including, but not limited to, all related facilities,  
549 landscaping, monuments and features, parking areas and roadways; provided, that the secretary  
550 of energy and environmental affairs may issue grants to public and nonpublic entities to

551 implement these projects; and provided further, that the secretary may provide guidance for  
552 planning, prioritization, selection of parks to promote environmental equity and in furtherance of  
553 the goals of climate change mitigation and adaptation and consistent with the integrated state  
554 hazard mitigation and climate change adaptation plan.....\$47,000,000

555           2000-7078. For investment in trails to include planning, engineering, design,  
556 permitting, construction, repair, technical assistance and improvement of trails and the  
557 acquisition of property interests for trail purposes; provided, that funds may be granted at the  
558 discretion of the secretary of energy and environmental affairs to public and non-public entities  
559 including municipalities, regional planning agencies, and non-profit organizations, or expended  
560 directly by the executive office of energy and environmental affairs and its departments and  
561 division; provided further, that trails are to be broadly defined to include water, recreational,  
562 multi-use, and motorized for use by recreational and snow vehicles, and may be paved,  
563 improved, natural surface, or on-road for limited distances when necessary to make key  
564 connections; provided further that any project funded under this item is to be open to the public;  
565 provided further that wherever practicable property interests acquired are to be permanently  
566 conserved such that the trail thereon is permanently accessible to the public, but may be long-  
567 term leases where necessary to advance trail projects; provided further, that a match from the  
568 funding recipient may be required at the discretion of the secretary of energy and environmental  
569 affairs; and provided further, that funds expended from this item for the cost of employees shall  
570 not exceed 5 percent of funds expended from this item in any fiscal  
571 year.....\$25,000,000

572   *Department of Conservation and Recreation*

573           2800-7023. For a forestry and tree planting program for projects throughout the  
574 commonwealth, including, but not limited to, the evaluation and planning of forestry and tree  
575 planting projects, tree stock and planting and the care and protection of trees and forests;  
576 provided, that the secretary of energy and environmental affairs shall give priority to the planting  
577 of trees in areas underserved with tree cover, affected by severe weather events or insect  
578 infestation, in areas where aquifers, recharge areas, wells, reservoirs and other water bodies are  
579 located that will improve water quality as part of a natural ecosystem, and in furtherance of  
580 environmental equity, climate change mitigation, adaptation and resiliency strategies; provided  
581 further, that funds from this item may be expended to provide technical assistance and support to  
582 landowners to engage in sustainable forest management and long-term conservation practices  
583 and to undertake projects and activities to protect the ecological integrity of the commonwealth's  
584 forestlands under the forest vision plan.....\$25,000,000

585           SECTION 2D.

586                           MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

587           6121-1315. For the complete streets program established pursuant to chapter 90I of the  
588 General Laws, as amended, for complete streets grants to municipalities; provided further, that  
589 \$100,000 shall be expended for drainage pipe improvements on Stoddard Place in the town of  
590 North Brookfield; provided further, that no more than \$200,000 shall be expended for the repair  
591 and construction to eliminate the excessive drainage where the Route 24 Northbound Exit 8a  
592 abuts the Fall River Industrial Park in the city of Fall River; provided further, that not less than  
593 \$50,000 shall be expended to improve pedestrian safety and access to local businesses along  
594 State Route 38/Mystic Avenue in the city of Medford; and provided further, that not less than

595 \$100,000 shall be expended to improve pedestrian safety and access to public transportation  
596 along State Route 38/Mystic Avenue in the city of Somerville  
597 .....\$50,450,000

598 SECTION 3. To meet the expenditures necessary in carrying out section 2, the state  
599 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an  
600 amount to be specified by the governor from time to time but not exceeding, in the aggregate,  
601 \$1,361,530,000. All such bonds issued by the commonwealth shall be designated on their face,  
602 Environmental Loan Act of 2018, and shall be issued for a maximum term of years, not  
603 exceeding 20 years, as the governor may recommend to the general court under section 3 of  
604 Article LXII of the Amendments to the Constitution. The bonds shall be payable not later than  
605 June 30, 2043. All interest and payments on account of principal on these obligations shall be  
606 payable from the General Fund. Bonds and interest thereon issued under this section shall,  
607 notwithstanding any other provision of this act, be general obligations of the commonwealth.

608 SECTION 4. To meet the expenditures necessary in carrying out section 2A, the state  
609 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an  
610 amount to be specified by the governor from time to time but not exceeding, in the aggregate,  
611 \$161,500,000. All such bonds issued by the commonwealth shall be designated on their face,  
612 Climate Change Preparedness Loan Act of 2018, and shall be issued for a maximum term of  
613 years, not exceeding 20 years, as the governor may recommend to the general court under  
614 section 3 of Article LXII of the Amendments to the Constitution. The bonds shall be payable not  
615 later than June 30, 2043. All interest and payments on account of principal on these obligations  
616 shall be payable from the General Fund. Bonds and interest thereon issued under this section

617 shall, notwithstanding any other provision of this act, be general obligations of the  
618 commonwealth.

619 SECTION 5. To meet the expenditures necessary in carrying out section 2B, the state  
620 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an  
621 amount to be specified by the governor from time to time but not exceeding, in the aggregate,  
622 \$60,333,000. All such bonds issued by the commonwealth shall be designated on their face,  
623 Clean Water Loan Act of 2018, and shall be issued for a maximum term of years, not exceeding  
624 20 years, as the governor may recommend to the general court under section 3 of Article LXII of  
625 the Amendments to the Constitution. The bonds shall be payable not later than June 30, 2043.  
626 All interest and payments on account of principal on these obligations shall be payable from the  
627 General Fund. Bonds and interest thereon issued under this section shall, notwithstanding any  
628 other provision of this act, be general obligations of the commonwealth.

629 SECTION 6. To meet the expenditures necessary in carrying out section 2C, the state  
630 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an  
631 amount to be specified by the governor from time to time but not exceeding, in the aggregate,  
632 \$117,000,000. All such bonds issued by the commonwealth shall be designated on their face,  
633 Commonwealth 21st Century Parks and Trails Act of 2018, and shall be issued for a maximum  
634 term of years, not exceeding 20 years, as the governor may recommend to the general court  
635 under section 3 of Article LXII of the Amendments to the Constitution. The bonds shall be  
636 payable not later than June 30, 2043. All interest and payments on account of principal on these  
637 obligations shall be payable from the General Fund. Bonds and interest thereon issued under this  
638 section shall, notwithstanding any other provision of this act, be general obligations of the  
639 commonwealth.

640 SECTION 7. To meet the expenditures necessary in carrying out section 2D, the state  
641 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an  
642 amount to be specified by the governor from time to time but not exceeding, in the aggregate,  
643 \$50,450,000. All such bonds issued by the commonwealth shall be designated on their face,  
644 Complete Streets Grants Act of 2018, and shall be issued for a maximum term of years, not  
645 exceeding 10 years, as the governor may recommend to the general court under section 3 of  
646 Article LXII of the Amendments to the Constitution. The bonds shall be payable not later than  
647 June 30, 2033. All interest and payments on account of principal on these obligations shall be  
648 payable from the General Fund. Bonds and interest thereon issued under this section shall,  
649 notwithstanding any other provision of this act, be general obligations of the commonwealth.

650 SECTION 8. Chapter 10 of the General Laws is hereby amended by inserting, after  
651 Section 35DDD, the following 5 sections:-

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

662 (b) Amounts credited to the fund may be used, without further appropriation, to provide  
663 grants or loans to governmental, quasi-governmental or non-profit entities for costs incurred in  
664 relation to implementation of the Global Warming Solutions Act, chapter 298 of the acts of  
665 2008, as subsequently amended; the Clean Energy and Climate Plan published by the executive  
666 office of energy and environmental affairs, as subsequently amended; and state and local  
667 strategies for climate change adaptation. Such expenditures may include, but are not limited to,  
668 payment of costs associated with planning, monitoring, and managing carbon reduction  
669 measures; development and deployment of mitigation strategies and best practices to reduce  
670 carbon emissions; planning, monitoring and managing strategies to adapt to and prepare for the  
671 impacts of climate change; priority adaptation projects with potential co-benefits for climate  
672 change mitigation, environmental protection, public health, or other factors, as determined by the  
673 secretary of energy and environmental affairs; and pilot projects for new technologies or  
674 strategies to support carbon emission reductions. The amounts expended from the fund during  
675 any fiscal year for the costs of employees shall not exceed 5 per cent of total funds expended  
676 from the fund in that fiscal year. Monies deposited into the fund that are unexpended at the end  
677 of the fiscal year shall not revert to the General Fund and shall be available for expenditure in the  
678 subsequent fiscal year.

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



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

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

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

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

711 Section 35HHH. (a) There shall be established and set up on the books of the  
712 commonwealth a separate fund to be known as the Fishing Innovation Fund, whose purpose shall  
713 be to finance grants for permit banks, the design, construction and modification of commercial  
714 fishing vessels; including but not limited to research, development and construction of  
715 innovative fishing vessels with attributes including but not limited to increased fuel efficiency,  
716 reduced carbon emissions, improved stability, and the capability of supporting sustainable  
717 fishing practices through harvesting and on-board storage and processing methods, research,  
718 development, acquisition and deployment of advanced and/or innovative technologies including  
719 but not limited to sonar, radar, radio communications, satellite and global position and other  
720 locating and tracking devices; the research and development, acquisition and deployment of  
721 safety equipment and technologies provided, that any such grants may be conditioned on a vessel  
722 or guarantor or other reasonable condition remaining active in commercial fishing in the  
723 commonwealth, landing or processing fish in the commonwealth, and/or maintaining permits or  
724 licenses to do so without regard or preference to any particular geographic location or region of  
725 the commonwealth; provided that grants shall be distributed in a manner developed by the  
726 advisory committee established under clause (b) of this section.

727 Amounts shall be credited to the fund pursuant to line item 2300-0100, provided  
728 that the fund may be supplemented through appropriation from the general fund or other

729 available sources including but not limited to any interest earned on monies in the fund; any  
730 funds from private sources including, but not limited to, gifts, grants and donations received by  
731 the commonwealth that are specifically designated to be credited to the fund, provided further  
732 that the department of fish and game shall also seek to the fullest extent any federal monies, any  
733 federal monies, matching funds, and grants.

734           The state treasurer shall deposit the moneys in the fund in accordance with section  
735 34 of chapter 29 in a manner that will secure the highest interest available consistent with the  
736 safety of the fund and with the requirement that all amounts on deposit shall be available for  
737 immediate withdrawal at all times. The fund shall be expended at the direction of the  
738 Commissioner of the Department of Fish and Game in consultation with the advisory committee  
739 established in clause (b) of this section, subject to approval by the secretary of administration and  
740 finance only for the purposes stated in this section and any unexpended balances in the fund at  
741 the end of the fiscal year shall not revert and shall be available for expenditures in the subsequent  
742 fiscal year.

743           (b) There shall be an advisory committee to be appointed by the governor  
744 consisting of 13 members including the director of the division of marine fisheries who shall  
745 serve as chair; 2 of whom with academic and/or research experience in fishing and the marine  
746 economy and 10 members from geographically diverse regions of the commonwealth, with at  
747 least one from each of these gear types: mobile gear such as trawls, hooks, gillnets, and traps.

748           The advisory committee shall file a report detailing the amount, types, and nature  
749 of grants made and impacts of such grants, said report shall be submitted to the clerks of the  
750 house and senate no later than September 30 of each calendar year.

751                   The advisory committee shall annually hold at least one public hearing to receive  
752 public testimony to inform its efforts in developing and deploying grant programs.

753                   Section 35III. There shall be established and set up on the books of the commonwealth a  
754 separate fund to be known as the Agricultural Innovation Fund, whose purpose shall be to  
755 finance grants for the commonwealth's agricultural and cranberry producers through the  
756 Agricultural Innovation Center that may add value to the producers products and services;  
757 provided further that the Agricultural Innovation Center shall develop an outreach program to  
758 identify and foster new, innovative ideas and approaches to adding value to the commonwealth's  
759 agricultural and cranberry economy; and provided further that the Agricultural Innovation Center  
760 may solicit requests from the commonwealth's agricultural and cranberry industry for funding  
761 and technical assistance in reclamation and revitalization of cranberry bogs; training, marketing,  
762 distribution, applied research, agri-tourism, aquaculture, forestry, processing, fiber and  
763 agricultural resource management research, development, poultry and red meat processing and  
764 construction of energy efficient agricultural buildings and structures; research, development and  
765 construction of energy efficient agricultural equipment; provided further that grants shall be  
766 administered in a manner developed by the advisory committee established under clause (b) of  
767 this section.

768                   Amounts shall be credited to the fund pursuant to line item 2511-2000, provided  
769 that the fund may be supplemented through appropriation from the general fund or other  
770 available sources including but not limited to any interest earned on monies in the fund; any  
771 funds from private sources including, but not limited to, gifts, grants and donations received by  
772 the commonwealth that are specifically designated to be credited to the fund, provided further

773 that the department of fish and game shall also seek to the fullest extent any federal monies,  
774 matching funds, and grants.

775           The state treasurer shall deposit the moneys in the fund in accordance with section  
776 34 of chapter 29 in a manner that will secure the highest interest available consistent with the  
777 safety of the fund and with the requirement that all amounts on deposit shall be available for  
778 immediate withdrawal at all times. The fund shall be expended at the direction of the  
779 commissioner of the department of agricultural resources in consultation with the secretary of  
780 energy and environmental affairs and the advisory committee established under clause (b) in this  
781 section, subject to approval by the secretary of administration and finance only for the purposes  
782 stated in this section and any unexpended balances in the fund at the end of the fiscal year shall  
783 not revert and shall be available for expenditures in the subsequent fiscal year.

784           (b) There shall be an advisory committee to be appointed by the governor  
785 consisting of 13 members including the commissioner of the department of agricultural resources  
786 who shall serve as chair; 2 of whom with academic and/or research experience in the agriculture  
787 and cranberry economy and 10 members of geographically diverse regions of the  
788 commonwealth, with at least one from the following sectors: horticulture, cranberry growing,  
789 dairy farming, raising livestock, and raising crops. The Agricultural Innovation Center shall  
790 consult with the advisory committee in matters related to the fund and in the implementation of  
791 this section.

792           The advisory committee shall file a report detailing the amount, types, and nature  
793 of grants made and impacts of such grants, said report shall be submitted to the clerks of the  
794 house and senate no later than September 30 of each calendar year.

795                   The advisory committee shall annually hold at least one public hearing to receive  
796 public testimony to inform its efforts in developing and deploying grant programs.

797                   SECTION 9. Section 6C of chapter 20 of the General Laws, as appearing in the 2014  
798 Official Edition, is hereby amended by striking, in line 3, the figure “17” and inserting in place  
799 thereof the following figure:- 18

800                   SECTION 10. Said section 6C of said chapter 20, as so appearing, is further amended by  
801 inserting in line 16 after the word “designee” the following words: -; 1 of whom shall be an  
802 expert in regenerative agriculture under chapter 128 appointed by the secretary of energy and  
803 environmental affairs.

804                   SECTION 11. Said section 6C of said chapter 20, as so appearing, is hereby further  
805 amended by inserting after the word “foods” in line 35 the following words: -; especially those  
806 produced using regenerative agriculture under chapter 128.

807                   SECTION 12. Said section 6C of said chapter 20, as so appearing, is hereby further  
808 amended by inserting after the word “resources” in line 42 the following words: -particularly  
809 through regenerative agriculture under chapter 128.

810                   SECTION 13. Section 10H of chapter 21A of the General Laws, as appearing in the 2016  
811 Official Edition, is hereby amended by striking out the sixth, seventh and eighth paragraphs, and  
812 inserting in place thereof the following 4 paragraphs:-

813                   A person notified to appear before the clerk of a district court, as provided in said section  
814 10G, for any violation of sections 17A, 18, 19, 30, 31, 33, 34, 35, 36, 51, 51A, 66, 69, 70, 71, 72,  
815 100C or 102 of chapter 130 may so appear within the time specified and pay a fine of \$100.

816 A person notified to appear before the clerk of a district court, as provided in said section  
817 10G, for any violation of sections 13, 17, 21, 29, 37, 38, 38A, 39, 40, 41, 41A, 44, 44A, 44B, 47,  
818 49, 80, 81, 82, 92, 100A, 100B or 106 of chapter 130 may so appear within the time specified  
819 and pay a fine of \$200.

820 A person notified to appear before the clerk of a district court, as provided in said section  
821 10G, for any violation of sections 23, 25, 67, 68, 75, 95 or 100D of chapter 130 may so appear  
822 within the time specified and pay a fine of \$400.

823 A person notified to appear before the clerk of a district court, as provided in said section  
824 10G, for any violation of sections 17, 17A, 34, 35, 37, 40, 41, 41A, 44, 44A, 44B, 95, 100A,  
825 100B or 100C of chapter 130 may so appear within the time specified and pay, in addition to the  
826 applicable base fine specified in this section for a violation of any of the sections listed above, a  
827 supplemental fine of \$10 per fish for a violation of each said section. For the purpose of this  
828 paragraph, the term “fish” shall be defined as provided in section 1 of chapter 130, except that it  
829 shall not include bi-valve shellfish.

830 SECTION 14. Said chapter 21A of the General Laws is hereby amended by adding the  
831 following 2 sections:-

832 Section 27. (a) There shall be established within the executive office of energy and  
833 environmental affairs a program to facilitate the transfer of development rights, as defined in  
834 section 1A of chapter 40A, through municipal ordinances or bylaws as a way to protect  
835 conservation values and encourage development through market incentives. The secretary, in  
836 consultation with the secretary of housing and economic development and other agencies or  
837 offices as appropriate, shall manage and oversee the program, including the administration of the

838 Transfer of Development Rights Revolving Fund established in section 35GGG of chapter 10.  
839 The secretary may promulgate regulations to carry out the provisions of this section.

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

842 (1) Establish a municipal transfer of development rights revolving fund under section  
843 53E½ of chapter 44 to be used in connection with the purchase and sale of transferable  
844 development rights, as defined in section 1A of chapter 40A; and

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

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

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

854 (iii) Requires that the land from which development rights will be extinguished be  
855 subject to a permanent conservation, watershed preservation, agricultural preservation, or  
856 preservation restriction in accordance with sections 31 to 33, inclusive, of chapter 184, which  
857 shall be recorded with the registry of deeds or registered in the registry district of the land court  
858 for the county or district wherein the land lies; or, if the land is submitted for approval by the



859 appropriate state official but does not qualify, or is otherwise not approved, for a restriction  
860 under these sections, shall be subject to a restrictive covenant extended in perpetuity in  
861 accordance with sections 26 to 30, inclusive, of said chapter 184, which shall be approved by the  
862 planning board and the city council or board of selectmen, as appropriate, held by the  
863 municipality or a non-profit organization permitted to hold restrictions pursuant to section 32 of  
864 said chapter 184, and as applicable duly recorded or registered;

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

870 (v) Establishes a procedure for the planning board to issue development rights  
871 certificates, in a form specified by the secretary, indicating ownership of transferable  
872 development rights, and to provide for and document the creation, acquisition, disposition,  
873 exercise and redemption of transferable development rights, including procedures for the filing  
874 of development rights certificates with the municipal clerk and recording with the registry of  
875 deeds or registration in the registry district, as applicable, for both the land from which  
876 development rights are extinguished and the land to which such rights are transferred; procedures  
877 for documenting the recording or registration of the original restriction or restrictive covenant as  
878 required in clause (iii); and procedures, including limitations if any, for the exercise of  
879 transferable development rights in the event of subsequent amendments to zoning ordinances and  
880 bylaws affecting the development authorized by the transferable development right.

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

892 (d) Loans from the Transfer of Development Rights Revolving Fund shall carry 0 per  
893 cent interest for the first 5 years from the date of origination, and the prime rate plus 1 per cent  
894 from the sixth to the tenth year from the date of origination. A municipality that has not repaid its  
895 loan within 10 years of the origination date shall be considered in default. In addition to other  
896 remedies specified under any loan agreement, if any municipality shall fail to pay to the  
897 Transferable Development Rights Revolving Fund when due and after demand any principal,  
898 interest or other charges payable under a loan or loan agreement, the secretary may certify to the  
899 state treasurer the amount owing to the Transferable Development Rights Revolving Fund by  
900 said municipality, and may request that the state treasurer reduce annual local aid to the recipient  
901 by the amount necessary to repay the principal, interest or other charges in arrears over 10 years.  
902 The state treasurer shall promptly pay over to the secretary for deposit in the Transferable  
903 Development Rights Fund without further appropriation any local aid distributions in the

904 amounts requested by the secretary and otherwise certified to the state treasurer as payable to the  
905 municipality. The loan terms set forth in this subsection may be modified by regulations  
906 promulgated by the secretary; provided, however, that no such modification shall be made before  
907 January 1, 2022.

908 Section 28. (a) As used in this section, the following words shall, unless the context  
909 clearly indicates otherwise, have the following meanings:-

910 "Department," the department of environmental protection.

911 "Environmental justice," the right to be protected from environmental pollution and to  
912 live in and enjoy a clean and healthful environment regardless of race, income, national origin or  
913 English language proficiency. Environmental justice shall include the equal protection and  
914 meaningful involvement of all people with respect to the development, implementation, and  
915 enforcement of environmental laws, regulations, and policies and the equitable distribution of  
916 environmental benefits.

917 "Environmental Benefits," access to funding, open space, enforcement, technical  
918 assistance, training, or other beneficial resources disbursed by the executive secretariats and their  
919 agencies and offices.

920 "Environmental Justice Population," a neighborhood in which the annual median  
921 household income is equal to or less than 65 percent of the statewide median or in which  
922 minorities comprise 25 percent or more of the population or in which in which 25 percent or  
923 more of households lack English language proficiency or as defined by the Executive Office of  
924 EEA or its subordinate agencies in an environmental justice strategy issued pursuant to this Act.

925 "Equal Protection," that no group of people, because of race, ethnicity, class, gender, or  
926 handicap bears an unfair share of environmental pollution from industrial, commercial, state and  
927 municipal operations or have limited access to natural resources, including waterfronts, parks  
928 and open space, and water resources.

929 "Lacking English Language Proficiency" refers to households that, according to federal  
930 census forms, do not have an adult proficient in English.

931 "MEPA," the Massachusetts Environmental Policy Act, as defined in, sections 61-62H of  
932 chapter 30.

933 "Neighborhood," a census block group as defined by the U.S. Census Bureau but not  
934 including people who live in college dormitories or people under formally authorized, supervised  
935 care or custody such as federal or state prisons.

936 "Secretariats," the Executive Offices of the Commonwealth and their Secretaries,  
937 inclusive of but not limited to the Executive Offices and Secretaries of Energy and  
938 Environmental Affairs, Health and Human Services, and Transportation.

939 "Supplemental Environmental Project" or "SEP", environmentally beneficial projects, the  
940 implementation of which primarily benefits public health, safety and welfare, and the  
941 environment.

942 "Toxics Release Inventory" or "TRI", the Toxics Release Inventory and Toxics Release  
943 Inventory Program of the United States Environmental Protection Agency.

944 "TRI Facility," any industrial or commercial facility subject to the regulations, policies,  
945 or reporting requirements of the Toxics Release Inventory Program of the United States

946 Environmental Protection Agency or comparable laws or regulations of the Commonwealth for  
947 the management and control of pollutants or toxins that pose a significant risk to public health or  
948 the environment.

949 (b) There shall be established an environmental justice advisory council, hereinafter  
950 called the advisory council. The advisory council shall provide independent advice and  
951 recommendations to the Governor, the secretary, and other secretariats about issues related to  
952 environmental justice and on policies and practices and specific actions that the commonwealth  
953 should implement to ensure that the objectives of this act are accomplished.

954 The advisory council shall consist of at least nine, but not more than 15 persons,  
955 including a chair designated by the council members and approved by the Governor. No less than  
956 two persons shall be appointed by the senate president and no less than two persons by the  
957 speaker of the house of representatives, with the remainder appointed by the governor. The  
958 advisory council shall be comprised of environmental justice stakeholders including: scientific or  
959 other experts in environmental or public health matters holding academic position in colleges,  
960 universities or other research institutions and who work regularly in, or conduct substantial  
961 research regarding environmental justice concerns; representatives of the environmental  
962 nonprofit sector; representatives of conservation commissions or boards of health; residents or  
963 elected officials of environmental justice population neighborhoods. No fewer than four of the  
964 persons appointed to the advisory council shall be residents of environmental justice population  
965 neighborhoods within the commonwealth.

966 A majority of the serving members of the advisory council shall be deemed a quorum.  
967 The advisory council shall establish such rules for conducting its activities and may amend such

968 rules as it deems reasonable, subject to the governor's approval and consistent with the  
969 provisions and purposes of this act.

970 The advisory council shall meet at such times and places as determined by the advisory  
971 council and its chair and shall submit an initial report to the governor within six months  
972 following the appointment of the advisory council's members. Thereafter the advisory council  
973 shall meet at least semi-annually and submit supplemental reports giving advice and  
974 recommendations to the governor and secretary of no less often than once per year.

975 The advisory council may hold public meetings, at its discretion or at the request of the  
976 governor or the secretary, for the purpose of fact-finding, receiving public comments, and  
977 conducting inquiries concerning environmental justice, and shall prepare for public review and  
978 include in its reports a summary of the comments and recommendations made at the public  
979 meetings.

980 The governor and secretary shall provide the advisory council with staffing and  
981 administrative support sufficient to accomplish the goals set out in this section.

982 (c) The department shall develop and implement a strategy prioritizing enforcement in  
983 neighborhoods with environmental justice populations. The department shall compile an annual  
984 report due at the end of each calendar year, detailing the number and types of enforcement  
985 actions in neighborhoods with environmental justice populations.

986 The strategy shall also address ensuring equal compliance and enforcement for facilities  
987 subject to environmental regulatory programs or permitting requirements and located in or near  
988 environmental justice population neighborhoods; establishing a process for reviewing which  
989 MEPA thresholds apply for enhanced public participation and substantive review; ensuring

990 brownfield remediation in or near environmental justice population neighborhoods; and creating  
991 an online environmental justice repository of information about the commonwealth's  
992 environmental justice initiatives for the general public and project proponents.

993           In order to secure environmental justice and equal protection, the department may issue  
994 and amend, for purposes of its strategy, a definition of environmental justice population that  
995 departs from the definition provided in subsection (a). However, any definition of environmental  
996 justice population issued by the department must, at a minimum, include neighborhoods meeting  
997 any one of the following criteria or combination thereof: the annual median household income is  
998 equal to or less than 65 percent of the statewide median; minorities make up 25 percent or more  
999 of the population; persons lacking English language proficiency make up 25 percent or more of  
1000 the population.

1001           (d) The department shall establish and maintain a Supplemental Environmental Project  
1002 bank. Such bank shall maintain an inventory of environmentally beneficial projects in  
1003 communities with environmental justice populations that may be funded by violators in lieu of  
1004 paying penalties associated with the settlement of enforcement actions. SEPs shall conform to  
1005 the department's policy on Supplemental Environmental Projects, ENF-07.001, as amended. The  
1006 department shall establish and maintain a website portal where the public and potential SEP  
1007 recipients may submit potential SEP projects to be considered for future settlements.

1008           (e) The secretary shall, in consultation with the other secretariats and no less often than  
1009 every five years, publish a progress report on environmental justice, incorporating the  
1010 recommendations of the advisory council as appropriate, incorporating enforcement and SEP  
1011 activities undertaken, reporting metrics on reduction of pollution in neighborhoods with

1012 environmental justice populations, and outlining further policy actions. The report shall be filed  
1013 with the clerk of the house or representatives, the clerk of the senate, the chairs of the joint  
1014 committee on environment, natural resources and agriculture, the chairs of the joint committee  
1015 on public health, and the chairs of the joint committee of telecommunications, utilities, and  
1016 energy.

1017 (f) The department shall work with the department of public health, and using the best  
1018 available science, establish health risk assessment guidelines and develop a mapping tool,  
1019 accessible by the public, that helps identify communities most affected by sources of pollution.  
1020 The tool should employ environmental, health, and socioeconomic information to produce scores  
1021 for every census tract in the commonwealth. The department of public health shall prioritize the  
1022 census tracts with the highest scores for health studies and developing strategies for reducing  
1023 public health threats.

1024 (g) The secretary shall direct each department, board, or other agency or program with  
1025 jurisdiction over the permitting of any TRI facility to issue recommendations for ways to  
1026 substantially decrease the further siting or expansion of TRI facilities within environmental  
1027 justice population neighborhoods.

1028 By no later than 180 days after the effective date of this act, the secretary shall initiate a  
1029 rule-making process that shall establish a cap on the total number of TRI facilities that may be  
1030 sited or expanded within any environmental justice population neighborhood. That rule-making  
1031 process shall prioritize and give substantial weight to achieving a substantial reduction of the risk  
1032 of the exposure of residents of the neighborhood to toxins listed in the TRI Inventory and shall  
1033 prioritize and give substantial weight to providing and preserving the access of the residents of



1034 the neighborhood to a clean and healthful environment regardless of race, income, national  
1035 origin or English language proficiency.

1036 (h) The secretary shall appoint a director of environmental justice for the secretariat. The  
1037 director of environmental justice shall have such duties and authority as the secretary deems  
1038 reasonable to ensure that the purposes of this act are carried out. The director shall liaise with the  
1039 advisory council and other secretariats and may have any other duties that the secretary deems  
1040 necessary to secure environmental justice. The secretary shall not permit the position of director  
1041 of environmental justice to be vacant for more than sixty days.

1042 All secretariats shall designate an environmental justice coordinator. The environmental  
1043 justice coordinator shall be the main point of contact regarding environmental justice matters  
1044 within that secretariat, shall liaise with the director of environmental justice, and shall be  
1045 responsible for developing and implementing the environmental justice policy or strategy of that  
1046 Secretariat, as created pursuant to this Act or any other law, regulation, or order.

1047 (i) Except where already provided for elsewhere in this act, each secretariat shall develop  
1048 a specific policy or strategy to promote environmental justice in ways that are tailored to the  
1049 specific authority, mission, and programs under their jurisdiction. Secretariat strategies shall  
1050 include, but not be limited to: i) identification of permitting or other applicable regulatory  
1051 authority over development projects, brownfield remediation, industrial operations, and  
1052 commercial facilities, which may impact environmental justice populations and description of  
1053 any mechanism to ensure that environmental justice populations are protected in the review  
1054 process; ii) identification of economic development opportunities, environmental benefits, and  
1055 other discretionary funding programs that do, or appropriately should, consider the needs of an

1056 environmental justice population in the award process; and iii) an enhanced public participation  
1057 plan for environmental justice populations potentially affected by development projects,  
1058 brownfield remediation, industrial operations, and commercial facilities that focuses secretariat  
1059 resources on outreach activities that enhance public participation opportunities in environmental  
1060 justice populations, including a plan for communicating in multiple languages and scheduling  
1061 public meetings at locations and times convenient for neighborhood stakeholders. In determining  
1062 whether a program protects and/or considers the needs of an environmental justice population,  
1063 the policy or strategy may use an existing definition of protected or priority population that  
1064 varies from the definition under this act so long as the intent of this act is substantially met.  
1065 Secretariat policies or strategies shall be reviewed every five years, and updated as needed.

1066 (j) An interagency environmental justice working group shall be established to maximize  
1067 state resources, research, and technical assistance to further the purposes of this act and of  
1068 environmental justice in the commonwealth. The environmental justice coordinators shall serve  
1069 as their secretariat representatives to the interagency environmental justice working group. The  
1070 director of environmental justice of the executive office of energy and environmental affairs  
1071 shall convene meetings of the interagency environmental justice working group and serve as  
1072 chair. By no later than 90 days from the effective date of this Act, the interagency environmental  
1073 justice working group shall hold at least one meeting and develop a schedule for subsequent  
1074 meetings, which shall take place no less than once a year.

1075 SECTION 15. Section 1 of chapter 21N of the General Laws, as appearing in the 2016  
1076 Official Edition, is hereby amended by inserting after the first paragraph the following  
1077 definition:-

1078           “Adaptation”, adjustments in natural or human systems in response to actual or expected  
1079 climatic stimuli and associated impacts, including but not limited to changes in processes,  
1080 practices, and built and natural structures to increase resiliency, moderate potential damages, or  
1081 benefit from opportunities associated with climate change.

1082           SECTION 16. Said section 1 of said chapter 21N, as so appearing, is hereby further  
1083 amended by inserting after the definition of “Greenhouse gas emissions source” the following  
1084 definition:-

1085           “Hazard mitigation”, actions that reduce or eliminate long-term risks caused by natural or  
1086 man-made disasters.

1087           SECTION 17. Said section 1 of said chapter 21N, as so appearing, is hereby further  
1088 amended by inserting after the definition of “Market-based compliance mechanism” the  
1089 following definition:-

1090           “Nature-Based Solutions”, strategies that conserve, create, restore and employ natural  
1091 resources to enhance climate adaptation, resilience, and mitigation. Nature-based solutions  
1092 mimic natural processes or work in tandem with man-made engineering approaches to address  
1093 natural hazards like flooding, erosion, drought, and heat islands. Nature-based solutions can also  
1094 maintain healthy natural cycles to sequester and maintain carbon and other greenhouse gases.

1095           SECTION 18. Said section 1 of said chapter 21N, as so appearing, is hereby further  
1096 amended by inserting after the definition of “Secretary” the following definition:-

1097           “State plan”, the integrated state climate adaptation and hazard mitigation plan which  
1098 shall include the state hazard mitigation plan, required by the Robert T. Stafford Disaster Relief

1099 and Emergency Assistance Act, Public Law 93-288; 42 U.S.C. 5121 et seq., and any subsequent  
1100 revisions of the plan developed pursuant to this chapter.

1101 SECTION 19. Said section 1 of said chapter 21N, as so appearing, is hereby further  
1102 amended by adding the following definition:-

1103 “Vulnerability assessment”, an evaluation of degree of susceptibility to, or ability to cope  
1104 with, adverse effects of climate change, such as climate variability and extremes, including an  
1105 evaluation of adaptive capacity and subsequent adaptation strategies and options for the asset,  
1106 system, institution or other subject being assessed.

1107 SECTION 20. Said chapter 21N is hereby amended by adding the following 2 sections:-

1108 Section 10. (a) The secretary and the secretary of the executive office of public safety and  
1109 security shall coordinate efforts across the commonwealth to strengthen the resilience of our  
1110 communities, prepare for the impacts of climate change, and prepare for and mitigate damage  
1111 from extreme weather events. In order to facilitate this coordination, the secretaries shall publish,  
1112 every 5 years, a state plan that includes a statewide adaptation strategy incorporating (1) a  
1113 vulnerability assessment of populations subject to environmental justice protections, as defined  
1114 in section 3 of chapter 21A of the general laws. Such assessment shall evaluate the risk to those  
1115 populations of the impacts of climate change including excessive heat, stronger storms and  
1116 associated flooding, and accelerated sea-level rise. (2) observed and projected climate trends  
1117 based on the best available data, including but not limited to, extreme weather events, drought,  
1118 coastal and inland flooding, sea level rise and increased storm surge, wildfire, and extreme  
1119 temperatures; (3) risk analysis and vulnerability assessment of key physical assets and functions  
1120 of state government, natural resources, local economies, municipalities, and the built

1121 environment, to identify impacts and opportunities from climate change; provided, however this  
1122 analysis and assessment shall include key findings from vulnerability assessments conducted  
1123 pursuant to subsection (b); (4) an evaluation of the commonwealth's adaptive capacity to  
1124 respond and make adjustments to adapt to climate change impacts and opportunities; (5)  
1125 guidance and strategies for state agencies and authorities, municipalities and regional planning  
1126 agencies to proactively address these impacts through adaptation and resiliency measures,  
1127 including guidance regarding changes to plans, by-laws, regulations, and policies; (6) clear goals,  
1128 expected outcomes, and a path to achieving results; (7) approaches for the commonwealth to lead  
1129 by example to increase the resiliency of state government operations; (8) policies and strategies  
1130 for ensuring that adaptation and resiliency efforts complement and do not conflict with efforts to  
1131 reduce greenhouse gas emissions and contribute to meeting statewide emission limits,  
1132 established pursuant to this chapter; and (9) strategies that conserve and sustainably employ the  
1133 natural resources of the commonwealth to enhance climate adaptation, build resilience and  
1134 mitigate climate change.

1135 (b) The secretary and the secretary of the executive office of public safety and security  
1136 shall further (1) establish and maintain a framework for each executive office, established under  
1137 section 2 of chapter 6A, to complete a vulnerability assessment for such office and each agency  
1138 under the jurisdiction of such office to be incorporated continuously into the state plan; (2)  
1139 establish and maintain a framework enabling each municipality in the commonwealth that so  
1140 chooses to complete a vulnerability assessment that can be incorporated continuously into the  
1141 state plan; (3) continuously implement the state plan; and (4) incorporate information learned  
1142 from implementing the state plan in plan updates, including the experiences of executive offices,  
1143 agencies, and municipalities in assessing and responding to climate change vulnerability.

1144 (c) The secretary of each executive office established under section 2 of chapter 6A shall  
1145 designate an employee to serve as the climate change coordinator of such office. Each climate  
1146 change coordinator shall: (1) serve as such office’s principal liaison regarding climate change  
1147 mitigation, adaptation, and resiliency efforts; (2) assist in the development and implementation  
1148 of the state plan under the leadership of personnel from the executive office of energy and  
1149 environmental affairs and the executive office of public safety and security; (3) work with  
1150 agencies under the jurisdiction of such office to complete vulnerability assessments for each  
1151 agency and assist in incorporating these assessments into the state plan, on a schedule  
1152 determined by the executive office of energy and environmental affairs and the executive office  
1153 of public safety and security; (4) complete vulnerability assessments for such office, informed by  
1154 the vulnerability assessments of each agency under the jurisdiction of such office and assist in  
1155 incorporating these assessments into the state plan, on a schedule determined by the executive  
1156 office of energy and environmental affairs and the executive office of public safety and security;  
1157 and (5) continuously implement priority strategies and recommendations from the vulnerability  
1158 assessment, to moderate risk from climate change.

1159 Section 11. (a) The secretary shall develop and support a municipal vulnerability  
1160 preparedness grant program. The program shall consist of: (1) financial assistance to  
1161 municipalities to complete a community-led resilience building process and vulnerability  
1162 assessment that enables climate change information and adaptation actions to be directly  
1163 incorporated into existing municipal plans, policies, and spending programs; (2) technical  
1164 planning guidance to increase resilience in municipalities through climate vulnerability  
1165 assessments; (3) a statewide catalogue of municipal climate vulnerabilities and impacts identified  
1166 through the assessment process that may be incorporated into the state plan; and (4) support for

1167 implementation projects to address vulnerabilities identified through the planning process; and  
1168 (5) provide technical assistance to help communities identify, prioritize, and optimize solutions,  
1169 including, but not limited to, nature-based solutions.

1170 (b) A grant of financial assistance issued under this section shall be used to advance  
1171 efforts to adapt land use, zoning, infrastructure, financial decision-making, policies and programs  
1172 to reduce the vulnerability of the built and natural environment to changing environmental  
1173 conditions that are a result of climate change.

1174 (c) The secretary shall develop and implement an outreach and education program about  
1175 climate change and its effects for low-income, environmental justice and urban communities to  
1176 increase participation in the grant program established in this section.

1177 SECTION 21. Section 21 of chapter 25 of the General Laws, as so appearing, is hereby  
1178 amended by striking out in lines 4, 14, 19, 24, and 101, the word “reduction,” and inserting in  
1179 place thereof, in each instance, the following word:- management.

1180 SECTION 22. Said section 21 of said chapter 25, as so appearing, is hereby further  
1181 amended by striking out, in line 11, the word “electric” and inserting in place thereof the  
1182 following word:- energy.

1183 SECTION 23. Said section 21 of said chapter 25, as so appearing, is hereby further  
1184 amended by inserting after the words “management programs,” in line 34, the following words:-  
1185 including energy storage and other active demand management technologies, and strategic  
1186 electrification, such as measures that are designed to result in cost-effective reductions in  
1187 greenhouse gas emissions through the use of expanded electricity consumption while minimizing  
1188 ratepayer costs;.

1189 SECTION 24. Said section 21 of said chapter 25, as so appearing, is hereby further  
1190 amended by striking out, in line 51, the word “and”.

1191 SECTION 25. Said section 21 of said chapter 25, as so appearing, is hereby further  
1192 amended by inserting after the word “management,” in line 52, the following words:- ; and (J)  
1193 programs that result in customers switching to renewable energy sources.

1194 SECTION 26. Chapter 29 of the General Laws, as appearing in the 2014 Official Edition,  
1195 is hereby amended by striking out section 2III and inserting in place thereof the following  
1196 section:-

1197 Section 2III. There shall be established and set upon the books of the commonwealth a  
1198 separate fund to be known as the Agricultural Resolve and Security Fund, the funds of which  
1199 shall be expended to foster agriculture, as defined in section 1A of chapter 128, in the  
1200 commonwealth and for furthering other purposes and programs of the department of agricultural  
1201 resources as set forth in any general or special law including, but not limited to, agricultural  
1202 education, support for sustainable agriculture and pollution prevention, agricultural integrated  
1203 pest management programs, agricultural land preservation, control of animal diseases,  
1204 emergency preparedness, agricultural innovation, the agricultural food safety improvement  
1205 program, the farm viability enhancement program and the urban agriculture program.

1206 The Agricultural Resolve and Security Fund may receive monies from: (1) gifts, grants  
1207 and donations from public or private sources; (2) federal reimbursements and grants-in-aid; (3)  
1208 revenues retained equal to 10 per cent, but not exceeding \$400,000, of annual pesticide product  
1209 registration fees collected pursuant to section 7 of chapter 132B; and (4) any interest earned from  
1210 the fund. The state treasurer shall receive, deposit and invest funds held in such a manner as to



1211 ensure the highest interest rate available consistent with the safety of the fund. The books and  
1212 records of the fund shall be subject to an annual audit by the state auditor. The department may  
1213 expend such funds and no expenditure from the fund shall cause it to be in deficiency at the close  
1214 of a fiscal year. The commissioner of the department of agricultural resources shall report  
1215 annually to the house and senate committees on ways and means and the joint committee on  
1216 environment, natural resources and agriculture on income received into the fund and sources of  
1217 that income, any expenditure from the fund and their purposes and fund balances. Monies  
1218 deposited in the fund that are unexpended at the end of the fiscal year shall not revert to the  
1219 General Fund and shall be available for expenditure in the subsequent year and shall not be  
1220 subject to section 5C of chapter 29.

1221 SECTION 27. Chapter 29 of the General Laws, as so appearing, is hereby amended by  
1222 inserting after section 2VVVV the following section:-

1223 Section 2WWWW. (a) There shall be a fund to be known as the Massachusetts Healthy  
1224 Soils Program Fund. The fund shall be administered by the department of agricultural resources.  
1225 Notwithstanding any general or special law to the contrary, there shall be credited to the fund  
1226 any revenue from appropriations or other money authorized by the general court and specifically  
1227 designated to be credited to the fund and any gifts, grants, private contributions or investment  
1228 income earned by the fund's assets and all other sources. No expenditure from the fund shall  
1229 cause the fund to be in deficiency at the close of the fiscal year. Money in the fund at the end of  
1230 the fiscal year shall not revert to the General Fund and shall be available for expenditure in the  
1231 subsequent year and shall not be subject to section 5C of chapter 29.

1232 (b) Funds shall be expended to enhance the education, training, employment, income,  
1233 productivity and retention of those working or aspiring to work in the field of regenerative  
1234 agriculture, and in providing incentives for regenerative agriculture in the commonwealth. The  
1235 department of agricultural resources, in consultation with the department of environmental  
1236 protection and the commission for conservation of soil, water and related resources, shall  
1237 establish, develop and implement the Massachusetts Healthy Soils Program in furtherance of this  
1238 purpose. Amounts credited to the fund shall be used, without further appropriation, for the costs  
1239 associated with administering and implementing the program and may also be used to provide  
1240 grants or loans on a competitive basis to public, private and charitable entities to finance projects  
1241 in furtherance of the Massachusetts Healthy Soils Program. Expenditures from the fund for this  
1242 purpose shall complement and not replace existing local, state, private or federal funding for  
1243 related training and educational programs.

1244 SECTION 28. Section 62B of chapter 30 of the General Laws is hereby amended by  
1245 striking the first sentence of the third paragraph and inserting, in place thereof, the following  
1246 sentence:-

1247 An environmental impact report shall contain statements describing the nature and extent  
1248 of the proposed project; potential environmental impacts and public health impacts resulting  
1249 from the construction and operation of the proposed project; proposed studies or program of  
1250 studies designed to evaluate potential environmental impacts and public health consequences that  
1251 cannot be avoided should the project be undertaken; and reasonable alternatives to the proposed  
1252 project and their environmental consequences and public health consequences that cannot be  
1253 avoided should the project be undertaken; and reasonable alternatives to the proposed project and  
1254 their environmental consequences and public health consequences.

1255 SECTION 29. Section 62C of chapter 30 of the General Laws is hereby amended by  
1256 inserting, after the second paragraph, the following paragraph:-

1257 To enable the public to participate in decisions that affect their health and safety and the  
1258 environment, the executive office shall maximize opportunities for public involvement. Such  
1259 opportunities shall encourage consultation with the public early in the application processes to  
1260 foster a robust analysis and the active involvement of the interested or affected persons. In cases  
1261 where the proposed project has the potential to impact a neighborhood with an environmental  
1262 justice population lacking English language proficiency, said environmental impact report shall  
1263 be in English and in any other language spoken by the environmental justice population,  
1264 describing the proposed facility and its location, the range of potential environmental and health  
1265 impacts of each pollutant, the application and review process, and a contact person, with phone  
1266 number and address, from whom information will be available as the application proceeds.

1267 SECTION 30. Section 62E of Chapter 30 of the General Laws is hereby amended by  
1268 inserting, after the first paragraph, the following paragraph:-

1269 However, no agency shall exempt any project located in an Environmental Justice  
1270 Population neighborhood and reasonably likely to cause damage to the environment as defined in  
1271 section 61, from the provisions of sections 62 to 62H inclusive. This paragraph shall not apply to  
1272 emergency actions essential to avoid or eliminate a threat to public health or safety, or a threat to  
1273 any natural resources, undertaken in compliance with section 62F.

1274 SECTION 31. Section 1A of chapter 40A of the General Laws, as so appearing, is hereby  
1275 amended by inserting after the definition of “Special permit granting authority” the following 2  
1276 definitions:-

1277 “TDR zoning”, zoning that authorizes transfer of development rights by permitting  
1278 landowners in specific preservation areas identified as sending areas to sell their development  
1279 rights to landowners in specific development districts identified as receiving areas.

1280 “Transfer of development rights”, the regulatory procedure whereby the owner of a  
1281 parcel may convey development rights, extinguishing those rights on the first parcel, and where  
1282 the owner of another parcel may obtain and exercise those rights in addition to the development  
1283 rights already existing on that second parcel.

1284 SECTION 32. Section 9 of said chapter 40A, as so appearing, is hereby amended by  
1285 inserting after the word “interests,” in line 34, the following words:- ; provided, however, that  
1286 nothing herein shall prohibit a zoning ordinance or by-law from allowing transfer of  
1287 development rights to be permitted as of right, without the need for a special permit or other  
1288 discretionary zoning approval.

1289 SECTION 33. Section 6F of chapter 62 of the General Laws, as appearing in the 2016  
1290 Official Edition, is hereby amended by inserting after the word “under,” in line 52, the following  
1291 words:- subsections (a) or (c) of.

1292 SECTION 34. Section 5 of chapter 65C, as so appearing, is hereby amended by striking  
1293 out subsection (c) and inserting in place thereof the following subsections:-

1294 (c) If the gross estate of a decedent, dying on or before December 31, 2018, includes real  
1295 property devoted to use as a farm for farming purposes, the estate may elect to value such  
1296 property in accordance with section 2032A of the Code, in effect on January 1, 1985. If a federal  
1297 return is required to be filed, such election shall be consistent with the election made for federal  
1298 estate tax purposes. All the substantive and procedural provisions of said section 2032A shall,

1299 insofar as pertinent and consistent, apply to such election. The commissioner shall promulgate  
1300 regulations to carry out the provisions of this subsection.

1301 (d)(1) As used in this subsection, the following words shall have the following  
1302 meanings:-

1303 “Applicable date”, the date upon which the 10 year period that the estate shall be liable  
1304 for assessment under paragraph (4) of this subsection begins. For qualifying agricultural land and  
1305 associated land, the applicable date shall be the date of death of the decedent. For qualifying non-  
1306 committed land, the applicable date shall be 2 years from the date of death of the decedent.

1307 “Associated land”, land under the same ownership as and contiguous to qualifying  
1308 agricultural land and which, as of the date of death of the decedent, is not committed to  
1309 residential, industrial or commercial use. Land shall be deemed contiguous if it is separated from  
1310 other land under the same ownership only by a public or private way or waterway. Land under  
1311 the same ownership shall be deemed contiguous if it is connected to other land under the same  
1312 ownership by an easement for water supply. Any such land in excess of 100 per cent of the  
1313 acreage of qualifying agricultural land shall be deemed qualifying non-committed land.

1314 “Closely held agricultural land”, qualifying agricultural land, associated land and  
1315 qualifying non-committed land for which an election is made under this subsection.

1316 “Qualifying agricultural land”, land which meets the definition of forest land under  
1317 chapter 61, land actively devoted to agricultural, horticultural or agricultural and horticultural  
1318 uses under chapter 61A or recreational land under chapter 61B that is also used for farming or  
1319 agriculture, as defined in section 1A of chapter 128, and has been devoted to such use or uses for  
1320 at least 2 of the tax years immediately preceding the death of the decedent; provided, however,

1321 that the land need not be classified by municipal assessors as forest land under chapter 61, land  
1322 actively devoted to agricultural, horticultural or agricultural and horticultural uses under chapter  
1323 61A or recreational land under chapter 61B to qualify for valuation as closely held agricultural  
1324 land under this subsection.

1325 “Qualifying non-committed land”, land which is not qualifying agricultural land and is  
1326 not committed to residential, industrial or commercial use, including associated land in excess of  
1327 100 per cent of the acreage of qualifying agricultural land.

1328 “Savings”, the difference between the estate taxes paid as a result of an election made  
1329 under this subsection and the estate taxes that would have otherwise been paid had the election  
1330 not been made.

1331 (2) If the gross estate of a decedent, dying on or after January 1, 2019, includes real  
1332 property that is qualifying agricultural land, associated land or qualifying non-committed land,  
1333 the estate may elect to value such property, or any portion thereof, as closely held agricultural  
1334 land pursuant to the valuation set by the farmland valuation advisory commission established  
1335 pursuant to section 11 of chapter 61A for the fiscal year of the most recent growing season. The  
1336 value of closely held agricultural land as determined pursuant to such election shall only be for  
1337 the purposes of computing the tax due under this chapter. Such election shall be subject to the  
1338 provisions of paragraphs (3) through (6), inclusive, of this subsection.

1339 (3) Unless the property is restricted by a non-development covenant that (i) is approved  
1340 by the commissioner of agriculture, (ii) is for the purposes of maintaining the land in agricultural  
1341 use, (iii) precludes non-agricultural development of the land, (iv) is recorded at the registry of  
1342 deeds in the counties or districts in which the property is located and (v) does not expire within

1343 10 years of the applicable date, the commissioner shall forthwith cause to be recorded in the  
1344 registry of deeds of the counties or districts in which the property is situated a statement which  
1345 shall constitute a lien upon the land covered by election under this subsection. The statement  
1346 shall include the owner or owners of record, the savings as a result of such election, the fair  
1347 market value of the property and a description of the land adequate for identification. Unless  
1348 such a statement is recorded the lien shall not be effective with respect to a bona fide purchaser  
1349 or other transferee without actual knowledge of such lien. Upon application by any record owner,  
1350 such liens shall be released by the commissioner with respect to any property upon the facts  
1351 being established by their records or by affidavits or otherwise that all assessments have been  
1352 paid, or it being more than 10 years past the applicable date, no assessment being due. All  
1353 recording fees paid under this subsection whether for statements of liens, certificates, releases or  
1354 otherwise shall be borne by the owner of record of the land.

1355           Property restricted by an agricultural preservation restriction as defined by section 31 of  
1356 chapter 184 and signed by the commissioner of agriculture shall be deemed to be restricted by a  
1357 non-development covenant that (i) is approved by the commissioner of agriculture, (ii) is for the  
1358 purposes of maintaining the land in agricultural use, (iii) precludes non-agricultural development  
1359 of the land, (iv) is recorded at the registry of deeds in the counties or districts in which the  
1360 property is located and (v) does not expire within 10 years of the applicable date.

1361           (4)(i) When land valued as closely held agricultural land under this subsection, within a  
1362 period of 10 years from the applicable date, is sold for other use or no longer qualifies as closely  
1363 held agricultural land, the owner or owners shall immediately notify the commissioner of such  
1364 sale or change of use and an assessment shall be due the commonwealth. Such assessment shall

1365 be calculated with interest based on the date of sale for other use or based on the last date of use  
1366 as closely held agricultural land as follows:

1367           The assessment shall be equal to 100 per cent of the savings if such date is within 1 year  
1368 of the applicable date; 90 per cent of the savings if such date is within 2 years, but more than 1  
1369 year, of the applicable date; 80 per cent of the savings if such date is within 3 years, but more  
1370 than 2 years, of the applicable date; 70 per cent of the savings if such date is within 4 years, but  
1371 more than 3 years, of the applicable date; 60 per cent of the savings if such date is within 5 years,  
1372 but more than 4 years, of the applicable date; 50 per cent of the savings if such date is within 6  
1373 years, but more than 5 years, of the applicable date; 40 per cent of the savings if such date is  
1374 within 7 years, but more than 6 years, of the applicable date; 30 per cent of the savings if such  
1375 date is within 8 years, but more than 7 years, of the applicable date; 20 per cent of the savings if  
1376 such date is within 9 years, but more than 8 years, of the applicable date; 10 per cent of the  
1377 savings if such date is within 10 years, but more than 9 years, of the applicable date; and no  
1378 assessment shall be due if such date is more than 10 years from the applicable date.

1379           Such assessment shall also include interest calculated at a simple interest rate of 5 per  
1380 cent per annum on the savings from the applicable date.

1381           There shall be an additional assessment equal to 30 per cent of the savings if the date of  
1382 sale for other use or the last date of use while qualified as closely held agricultural land occurs  
1383 within 1 year of the applicable date; and 15 per cent of the savings if such date occurs within 2  
1384 years, but more than 1 year, of the applicable date.

1385           (ii) If an election has been made with respect to qualifying non-committed land which, on  
1386 the applicable date, fails to meet the definition of forest land under chapter 61, land actively



1387 devoted to agricultural, horticultural or agricultural and horticultural uses under chapter 61A or  
1388 recreational land under chapter 61B that is also used for farming or agriculture, as defined in  
1389 section 1A of chapter 128, an assessment shall be due the commonwealth and payable by the  
1390 owner or owners within 30 days of the applicable date; provided, however, that the land need not  
1391 be classified by municipal assessors as forest land under chapter 61, land actively devoted to  
1392 agricultural, horticultural or agricultural and horticultural uses under chapter 61A or recreational  
1393 land under chapter 61B. Such assessment shall be equal to the sum of (A) 100 per cent of the  
1394 savings; (B) interest calculated at a simple interest rate of 5 per cent per annum on the savings  
1395 from the date of death of the decedent; and (C) an additional assessment equal to 30 per cent of  
1396 the savings.

1397 (iii) Notwithstanding this paragraph, there shall be no assessment if the land involved, or  
1398 a lesser interest in the land, is acquired for a natural resource by the commonwealth or by a  
1399 nonprofit conservation organization; provided, however, that if any portion of the land is sold or  
1400 converted to commercial, residential or industrial use within 10 years after the applicable date by  
1401 a nonprofit conservation organization, an assessment shall be imposed against the nonprofit  
1402 conservation organization in the amount that would have been imposed at the time of acquisition  
1403 of the subject parcel by the nonprofit conservation organization had the transaction been subject  
1404 to an assessment or, in the case of qualifying non-committed land acquired by a nonprofit  
1405 conservation organization before the applicable date, the amount that would have been imposed  
1406 on the applicable date under clause (ii) of this paragraph.

1407 (iv) In the case of sale for other use of closely held agricultural land, other than  
1408 qualifying non-committed land sold for other use before the applicable date, assessments  
1409 imposed by this subsection shall be due and payable by the grantor at the time of transfer of the

1410 property by deed or other instrument of conveyance. In the case of qualifying non-committed  
1411 land sold for other use before the applicable date, assessments imposed by this subsection shall  
1412 be due and payable by the grantor on the applicable date. In the case of change to a non-  
1413 qualifying use, assessments imposed by this subsection shall be due and payable by the owner or  
1414 owners within 30 days of the of the last date of use as closely held agricultural land, regardless of  
1415 the date on which the commissioner was notified by said owner or owners of such change of use.

1416 (v) An assessment shall be imposed on only that portion of land on which the use has  
1417 changed. If, by conveyance or other action of the owner thereof, a portion of land which is  
1418 valued as closely held agricultural land under this subsection is separated for other use, the land  
1419 so separated shall be subject to liability for assessment, interest and additional assessment under  
1420 this paragraph based on the proportion which the acreage of the land so separated bears to the  
1421 total acreage of land valued as closely held agricultural land under this subsection.

1422 (5) All buildings located on land which is valued as closely held agricultural land under  
1423 this subsection and all land occupied by a dwelling or regularly used for family living shall not  
1424 be valued as provided under this subsection.

1425 (6) The commissioner shall promulgate regulations as necessary to carry out the  
1426 provisions of this subsection.

1427 SECTION 35. Chapter 75 of the General Laws, as so appearing, is hereby amended by  
1428 inserting after section 47 the following new section:-

1429 Section 48. (a) An “Energy Storage System” shall be defined as a technology that is  
1430 capable of absorbing energy, storing it for a period of time and thereafter dispatching the energy;  
1431 provided, however, that an energy storage system shall: (i) reduce the emission of greenhouse

1432 gases; (ii) reduce demand for peak electrical generation; (iii) defer or substitute for an investment  
1433 in generation, transmission or distribution assets; or (iv) improve the reliable operation of the  
1434 electrical transmission or distribution grid; and provided further, that an energy storage system  
1435 shall: (1) use mechanical, chemical or thermal processes to store energy that was generated for  
1436 use at a later time; (2) store thermal energy for direct heating or cooling use at a later time in a  
1437 manner that avoids the need to use electricity at that later time; (3) use mechanical, chemical or  
1438 thermal processes to store energy generated from renewable resources for use at a later time; or  
1439 (4) use mechanical, chemical or thermal processes to capture or harness waste electricity and to  
1440 store the waste electricity generated from mechanical processes for delivery at a later time.

1441 (b) There shall be established a Commonwealth Energy Storage Testing Facility that shall  
1442 serve as a resource for companies developing energy storage systems.

1443 (c) The Commonwealth Energy Storage Testing Facility shall be located upon a campus  
1444 within the University of Massachusetts, as defined by section 1 of chapter 75 of the General  
1445 Laws, that meets the following criteria: (1) located within a gateway city; (2) located near the  
1446 Emerging Technologies and Innovation Center; and (3) has access to academic resources  
1447 necessary for civil, environmental, and nuclear engineering.

1448 (d) The purposes and responsibilities of the Commonwealth Energy Storage Testing  
1449 Facility shall be to:

1450 (1) Provide research and development, testing and product certification equipment, for  
1451 the creation of energy storage systems;

1452 (2) Conduct research, development, and certification for new or modified technologies  
1453 for energy storage systems that can be utilized by business, industry, and government;

1454 (3) Provide a clearinghouse for the dissemination of information and data on existing and  
1455 new energy storage technologies for the commonwealth and other companies and governmental  
1456 entities;

1457 (4) Provide expertise and assistance to public officials responsible for establishing  
1458 government policy and regulations overseeing energy storage systems in an effort to meet  
1459 statewide energy storage deployment goals.”

1460 (e) The Commonwealth Energy Storage Testing Facility shall be allowed to charge a fee  
1461 for its services.

1462 SECTION 36. Section 25 of chapter 90B of the General Laws, as so appearing, is hereby  
1463 amended by inserting after the word “way,” in line 44, the following words:- , or upon but to the  
1464 extreme right of such travelled portion,.

1465 SECTION 37. The fourth paragraph of said section 25 of said chapter 90B, as so  
1466 appearing, is hereby amended by adding the following sentence:- This paragraph shall also apply  
1467 to any portion of a public way designated by the governmental entity with jurisdiction over such  
1468 public way, with approval of the chief of police of the municipality in which such portion lies, to  
1469 permit travel by a recreational vehicle from one authorized operating area to another, or permit  
1470 access by a recreational vehicle to essential services such as fuel, food, and lodging from an  
1471 authorized operating area. The designated portion shall be the minimum distance necessary to  
1472 permit such travel or access, but in no event shall exceed 4 miles.

1473 SECTION 38. Chapter 94 of the General Laws hereby amended by inserting after section  
1474 13 the following section:-

1475                   Section 13 A ½. (a) Licensed raw milk farmers shall be allowed to deliver raw  
1476 milk directly to the consumer, off-site from the farm, provided that the raw milk farmer has a  
1477 direct, contractual relationship with the consumer. The raw milk farmer may contract with a third  
1478 party for delivery provided that the raw milk farmer shall maintain the contractual relationship  
1479 with the consumer. The raw milk farmer may deliver raw milk through a community supported  
1480 agriculture (CSA) delivery system provided that the raw milk farmer shall maintain a contractual  
1481 relationship with the consumer. Delivery may be made directly to the consumer’s residence or to  
1482 a pre-established receiving site; said sites shall not be in a retail setting with the exception of  
1483 CSA delivery. In such instances, raw milk shall be kept separated from retail items for sale and  
1484 will not be accessible to the general public.

1485                   (b) Raw milk farmers may sell raw milk from their farm stands even if not  
1486 contiguous to their raw milk dairy and shall comply with section 3 of chapter 40 of the General  
1487 Laws.

1488                   (c) The department of agricultural resources and the department of public health,  
1489 acting jointly, shall adopt and promulgate reasonable rules and regulations governing the  
1490 handling, packaging, storage, testing, and transportation of raw milk, provided that non-  
1491 mechanical refrigeration shall be permitted.

1492                   SECTION 39. Section 7A of chapter 128 of the General Laws, as so appearing, is hereby  
1493 amended by inserting after the definition of “Garden” the following definition:-

1494                   “Regenerative agriculture”, agriculture that improves the health of soils, including but not  
1495 limited to consideration of depth of topsoil horizons, water infiltration rate, organic carbon  
1496 content, bulk density, biological activity, biological diversity, and bare ground, and as achieved

1497 through practices such as conservation tillage or no-till, cover-cropping, planned grazing,  
1498 integrated crop-livestock systems, synthetic chemicals reduction, and other methodologies, and  
1499 in consultation with the commission for conservation of soil, water, and related resources  
1500 established by chapter 21 section 19.

1501 SECTION 40. Section 18 of chapter 129 of the General Laws, as so appearing, is hereby  
1502 amended by adding the following sentence:- An inspector, within 12 months of appointment,  
1503 shall be required to complete all state-funded training courses as determined by the director and  
1504 shall be further required to renew such training on a schedule determined by the director.

1505 SECTION 41. Section 25 of chapter 129 of the General Laws, as appearing in the 2016  
1506 Official Edition, is hereby amended by striking out, in lines 3 and 4, the words “but such returns  
1507 need not be retained for more than two years” and inserting in place thereof the following  
1508 words:- “which shall be retained in an electronic record for 10 years.”

1509 SECTION 42. Section 2 of chapter 130 of the General Laws, as so appearing, is hereby  
1510 amended by striking out the fourth and fifth paragraphs and inserting in place thereof the  
1511 following paragraph:-

1512 Whoever violates any provision of this chapter or regulation made under the authority of  
1513 this chapter, unless otherwise provided, shall be (a) punished by a fine of not less than \$400 or  
1514 more than \$10,000, or by imprisonment in the house of correction for not more than 2 ½ years,  
1515 or both; or (b) liable for a civil penalty not to exceed \$10,000 for each such violation. Such civil  
1516 penalty may be assessed in an action brought on behalf of the commonwealth in the superior or  
1517 district court.

1518 SECTION 43. Section 13 of said chapter 130, as so appearing, is hereby amended by  
1519 striking out the third paragraph.

1520 SECTION 44. Said chapter 130 is hereby further amended by striking out section 18, as  
1521 so appearing, and inserting in place thereof the following section:-

1522 Section 18. No person shall, without right, enter in or upon any building or other structure  
1523 or any area of land, flats or water, set apart and used by or under authority of the director for  
1524 conducting scientific experiments or investigations or for propagation or protection of fish, or  
1525 contrary to regulations fish in waters so set apart and used after the director has caused printed  
1526 notices of such occupation and use and the purposes thereof to be placed in a conspicuous  
1527 position upon any such building or other structure or adjacent to any such area of land, flats or  
1528 water, or injure or deface any such building or other structure or any notice posted as aforesaid,  
1529 or injure or deface any property used in such experiments or investigations or for such purposes,  
1530 or otherwise interfere therewith.

1531 SECTION 45. Section 19 of said chapter 130, as so appearing, is hereby amended by  
1532 striking out the fifth paragraph.

1533 SECTION 46. Said section 19 of said chapter 130, as so appearing, is hereby further  
1534 amended by striking out the third sentence of the sixth paragraph.

1535 SECTION 47. Section 21 of said chapter 130, as so appearing, is hereby amended by  
1536 striking out the fifth paragraph.

1537 SECTION 48. Said chapter 130 is hereby amended by striking out section 23, as so  
1538 appearing, and inserting in place thereof the following section:-

1539           Section 23. Except in the case of emergency imperiling life or property or an unavoidable  
1540 accident or except in accordance with the terms of a permit issued pursuant to state or federal  
1541 water pollution control laws, no person shall, from any source, put, throw, discharge or suffer or  
1542 permit to be discharged or escape into any coastal waters any oil, poisonous or other injurious  
1543 substance, including but not limited to, sawdust, shavings, garbage, ashes, acids, sewage and  
1544 dye-stuffs, whether simple, mixed or compound, or heated effluent, which directly or indirectly  
1545 materially injure fish, fishspawn or seed therein, or takes any such fish by such means, or  
1546 whoever kills or destroys fish in such waters by the use of dynamite or other explosives, or takes  
1547 any such fish in such waters by such means, or explodes dynamite or other explosive in such  
1548 waters.

1549           SECTION 49. Section 29 of said chapter 130, as so appearing, is hereby amended by  
1550 striking out the second paragraph and inserting in place thereof the following paragraph:- No  
1551 person shall construct or maintain a weir, pound net or a fish trap in the tide water except in  
1552 accordance with the requirements of this section.

1553           SECTION 50. Section 30 of said chapter 130, as so appearing, is hereby amended by  
1554 striking out the second sentence.

1555           SECTION 51. Said chapter 130 is hereby amended by striking out section 31, as so  
1556 appearing, and inserting in place thereof the following section:-

1557           Section 31. No person shall, without the consent of the owner, take or use or destroy,  
1558 injure or molest any weir, pound net, fish trap, seine, set net or lobster or crab pot or other  
1559 fishing gear, or any fish car or other contrivance used for the purpose of storing fish, including  
1560 any such fishing gear which is swept ashore by storm or tide or other natural causes and



1561 deposited upon the shore, beaches or flats, whether public or private, or take fish therefrom  
1562 without the consent of the owner.

1563 SECTION 52. Section 33 of said chapter 130, as so appearing, is hereby amended by  
1564 striking out the sixth sentence.

1565 SECTION 53. Section 34 of said chapter 130, as so appearing, is hereby amended by  
1566 striking out the first sentence and inserting in place thereof the following sentence:- Between  
1567 March 15 and the following June 15 of any year, no person shall catch or take any smelt from the  
1568 waters of the commonwealth, or buy, receive, sell or offer or expose for sale, transport or possess  
1569 a smelt so taken.

1570 SECTION 54. Section 35 of said chapter 130, as so appearing, is hereby amended by  
1571 striking out the first paragraph and inserting in place thereof the following paragraph:-

1572 No person shall take or attempt to take a smelt in any other manner than by angling. This  
1573 section shall not apply to smelt inadvertently taken in a seine or net during the time and in the  
1574 manner in which fishing is allowed for perch, herring or alewives; provided, that such smelt so  
1575 taken shall be immediately liberated alive in the waters from which taken.

1576 SECTION 55. Section 36 of said chapter 130, as so appearing, is hereby amended by  
1577 striking out the second sentence and inserting in place thereof the following sentence:- No person  
1578 shall violate the provisions of this section or molest or disturb smelt or their spawn within such  
1579 closed areas.

1580 SECTION 56. Section 37 of said chapter 130, as so appearing, is hereby amended by  
1581 striking out the first sentence of the fourth paragraph.

1582 SECTION 57. Section 38 of said chapter 130, as so appearing, is hereby amended by  
1583 striking out, in lines 82 to 84, the words “, and upon failure to do so shall be punished by a fine  
1584 of not less than twenty-five nor more than one hundred dollars or imprisonment for one month or  
1585 both”.

1586 SECTION 58. Section 38A of said chapter 130, as so appearing, is hereby amended by  
1587 striking out the third paragraph.

1588 SECTION 59. Section 39 of said chapter 130, as so appearing, is hereby amended by  
1589 striking out the second sentence.

1590 SECTION 60. Section 40 of said chapter 130, as so appearing, is hereby amended by  
1591 striking out the second sentence.

1592 SECTION 61. Section 47 of said chapter 130, as so appearing, is hereby amended by  
1593 striking out the third sentence.

1594 SECTION 62. Said chapter 130 is hereby amended by striking out section 49, as so  
1595 appearing, and inserting in place thereof the following section:-

1596 Section 49. No carrier shall knowingly receive or carry from place to place any lobster or  
1597 lobster meat in barrels, boxes or other containers not marked as provided in section 47.

1598 SECTION 63. Section 51 of said chapter 130, as so appearing, is hereby amended by  
1599 striking out the second sentence.

1600 SECTION 64. Section 51A of said chapter 130, as so appearing, is hereby amended by  
1601 striking out the third sentence.

1602 SECTION 65. Section 52 of said chapter 130, as so appearing, is hereby amended by  
1603 inserting after the word “therefore”, in line 61, the following words:-

1604 ; provided, however, that such city or town shall not charge a veteran, as defined in  
1605 clause Forty-third of section 7 of chapter 4, who is a resident of the commonwealth, a fee greater  
1606 than the fee charged to a resident of such city or town.

1607 SECTION 66. Said chapter 130 is hereby amended by striking out section 66, as so  
1608 appearing, and inserting in place thereof the following section:-

1609 Section 66. No person shall willfully injure, deface, destroy or remove any mark or  
1610 bound used to define the extent of any shellfish license or grant, or place any unauthorized mark  
1611 thereon, or tie or fasten any boat or vessel thereto. Any person who violates this section shall be  
1612 liable in tort for double damages and costs to the licensee or transferee injured by such act.

1613 SECTION 67. Said chapter 130 is hereby amended by striking out section 67, as so  
1614 appearing, and inserting in place thereof the following section:-

1615 Section 67. No person shall work a dredge, oyster tongs or rakes, or any other implement  
1616 for the taking of shellfish of any description upon any shellfish grounds or beds covered by a  
1617 license granted under section 57 or corresponding provisions of earlier laws, or in any way  
1618 disturb the growth of the shellfish thereon, or discharge any substance which may directly or  
1619 indirectly injure the shellfish upon any such grounds or beds, without the consent of the licensee  
1620 or transferee, as the case may be, or, while upon or sailing over any such grounds or beds, cast,  
1621 haul, or have overboard any such dredge, tongs, rake or other implement for the taking of  
1622 shellfish of any description, under any pretense or for any purpose whatever, without the consent  
1623 of the licensee or transferee, as the case may be.

1624 SECTION 68. Section 68 of said chapter 130, as so appearing, is hereby amended by  
1625 striking out the second paragraph and inserting in place thereof the following paragraph:-

1626 No person shall, without the consent of the licensee or transferee, dig or take any  
1627 shellfish or shells from any waters, flats or creeks described in any license granted under section  
1628 57, or corresponding provisions of earlier laws, during the continuance of such license or of any  
1629 renewal thereof.

1630 SECTION 69. Section 70 of said chapter 130, as so appearing, is hereby amended by  
1631 striking out the seventh sentence.

1632 SECTION 70. Section 71 of said chapter 130, as so appearing, is hereby amended by  
1633 striking out the second sentence.

1634 SECTION 71. Section 72 of said chapter 130, as so appearing, is hereby amended by  
1635 striking out the second sentence.

1636 SECTION 72. Section 75 of said chapter 130, as so appearing, is hereby amended by  
1637 striking out the first and second sentences of the second paragraph and inserting in place thereof  
1638 the following sentence:-

1639 Whoever, without a permit as provided in this section or contrary to the provisions of  
1640 such permit, digs or takes shellfish for any purpose from any area determined under section 74 or  
1641 section 74A or under corresponding provisions of earlier laws to be contaminated, while such  
1642 determination is in force, or knowingly transports or causes to be transported or has in his or her  
1643 possession or offers for sale shellfish so dug or taken, shall be punished by imprisonment in the  
1644 house of correction for not more than 2 ½ years, by imprisonment in the state prison for not more

1645 than 3 years, a fine of not less than \$500 and not more than \$10,000, or by both such fine and  
1646 imprisonment.

1647 SECTION 73. Section 80 of said chapter 130, as so appearing, is hereby amended by  
1648 striking out, in line 73, the words “ten dollars” and inserting in place thereof the following  
1649 figure:- \$400.

1650 SECTION 74. Section 81 of said chapter 130, as so appearing, is hereby amended by  
1651 striking out, in lines 21 to 22, the words “one hundred nor more than ten thousand dollars” and  
1652 inserting in place thereof the following words:- \$400 nor more than \$10,000.

1653 SECTION 75. Section 82 of said chapter 130, as so appearing, is hereby amended by  
1654 striking out, in line 18, the words “one hundred” and inserting in place thereof the following  
1655 figure:- \$400.

1656 SECTION 76. Section 92 of said chapter 130, as so appearing, is hereby amended by  
1657 striking out the first two paragraphs and inserting in place thereof the following paragraph:-

1658 No person shall sell, exchange, transport or deliver, or offer or expose for sale, exchange  
1659 or deliver, or have in his custody or possession with intent to sell, exchange, transport or deliver,  
1660 any scallops or sea scallops which have been soaked and shall tag such scallops in accordance  
1661 with regulations promulgated by the director.

1662 SECTION 77. Said chapter 130 is hereby amended by striking out section 95, as so  
1663 appearing, and inserting in place thereof the following section:-

1664 Section 95. No person shall take, kill or haul onshore or disturb, injure, hinder or obstruct  
1665 the passage of any herring, alewives or other swimming marine food fish in a fishery created by

1666 a city or town, without its permission or that of its lessees, or in a fishery legally created by a  
1667 corporation, without the permission of such corporation, or in a public fishery regulated and  
1668 controlled by a city or town, contrary to its regulations. Prosecutions under this section shall be  
1669 commenced within 30 days after the commission of the offence.

1670 SECTION 78. Section 99 of said chapter 130 is hereby repealed.

1671 SECTION 79. Section 100A of said chapter 130, as appearing in the 2016 Official  
1672 Edition, is hereby amended by striking out the second sentence.

1673 SECTION 80. Section 100B of said chapter 130, as so appearing, is hereby amended by  
1674 striking out the second sentence.

1675 SECTION 81. Section 100C of said chapter 130, as so appearing, is hereby amended by  
1676 striking out the second sentence.

1677 SECTION 82. Section 100D of said chapter 130, as so appearing, is hereby amended by  
1678 striking out the third paragraph.

1679 SECTION 83. Said chapter 130 is hereby amended by striking out section 102, as so  
1680 appearing, and inserting in place thereof the following section:-

1681 Section 102. No person shall harvest for sale or engage in the aquaculture of marine  
1682 plants except in accordance with any regulations adopted by the director and subject to a permit  
1683 or written approval issued by the director.

1684 SECTION 84. Section 103 of said chapter 130 is hereby repealed.

1685 SECTION 85. Subdivision (2) of section 2D of chapter 132A of the General Laws, as so  
1686 appearing, is hereby amended by adding the following sentence:- The commissioner may also  
1687 offer discounts or waive charges or fees for parking passes for veterans, as defined in section 6A  
1688 of chapter 115.

1689 SECTION 86. Section 14A of chapter 132B of the General Laws, as so appearing, is  
1690 hereby amended by striking out subsections (a) and (b) and inserting in place thereof the  
1691 following 2 subsections:-

1692 (a) Notwithstanding any other section in this chapter, the department may assess a civil  
1693 administrative penalty, not to exceed \$1,000 per violation, on any person who violates any  
1694 provision of this chapter or any regulations promulgated under this chapter. Provided however,  
1695 that such assessment shall not occur within a one year period until after such person has received  
1696 one warning for the same violation from the department. Each day a violation continues shall  
1697 constitute a separate violation. Penalties collected under this subsection will be directed to the  
1698 Agricultural Reserve and Security Fund.

1699 (b) The remedies provided in this section are available in addition to, and without  
1700 limiting, any other penalties or remedies provided by law or equity. The department may adopt  
1701 and promulgate such regulations as may be necessary to effectuate the purposes of this section.

1702 SECTION 87. Subsection (c) of said section 14A of said chapter 132B, as so appearing,  
1703 is hereby amended by striking out the first paragraph and inserting in place thereof the following  
1704 paragraph:-

1705 This penalty shall be assessed in addition to any other civil penalty otherwise provided  
1706 for by law. Notice of assessment of a penalty pursuant to this section shall be made by service in

1707 hand, or by certified mail, return receipt requested, and shall state the amount of the  
1708 administrative penalty, the date the penalty shall be due, a statement of the violator's right to an  
1709 adjudicatory hearing pursuant to chapter 30A regarding the assessment, a statement of the  
1710 actions the person may take in order to avoid assessment of additional penalties or to avoid  
1711 waiving the right to a hearing relative to the penalty, and the manner of acceptable payment if an  
1712 election to waive a hearing is made.

1713 SECTION 88. The General Laws are hereby amended by inserting after chapter 132B,  
1714 the following chapter:-

1715 CHAPTER 132C

1716 PUBLIC LANDS PRESERVATION ACT.

1717 Section 1. Definitions. As used in this chapter, the following words, unless the context  
1718 clearly requires otherwise, shall have the following meanings:-

1719 “Acquire” or “Acquired” land or an interest in land, obtained by a public owner whether  
1720 by purchase, exchange, devise, grant, lease, eminent domain, or otherwise.

1721 “Article 97” Article 97 of the Articles of Amendments to the Constitution

1722 “Article 97 land” land, or any interest in land, that is subject to protection under Article  
1723 97.

1724 “Article 97 natural resource purposes” the Article 97 purposes that are the conservation,  
1725 development, and utilization of the agricultural, mineral, forest, water, air and other natural  
1726 resources.



1727           “Change in use” a conversion of Article 97 land from a dedicated use to a different  
1728 inconsistent use, excepting any allowed nonconforming reserved use of the Article 97 land.

1729           A valid nonconforming reserved use, including, but not limited to, any building or  
1730 structure, shall be an allowed use of Article 97 land if (i) declared in a written instrument when  
1731 land or an interest in land is taken by eminent domain, acquired, or otherwise dedicated as  
1732 Article 97 land, (ii) the use, when not declared by written instrument, is pre-existing and  
1733 continuing when the Article 97 land is dedicated, provided the use is legally permissible, or (iii)  
1734 allowed by a special law approved by a 2/3rds vote of both branches of the general court.

1735           A conversion of Article 97 land caused by natural causes or occurrences shall not be  
1736 considered a change in use under this definition.

1737           “Disposition” any transfer, conveyance or release of a public owner’s real property  
1738 interest whether by deed, covenant, or other instrument, or lawful means or process.

1739           A transfer or release of the public owner’s right of legal control or in land shall be a  
1740 disposition under this definition.

1741           The termination of a lease for the use of land shall not be a disposition under this  
1742 definition.

1743           A revocable permit or license that authorizes another to use Article 97 land shall not be a  
1744 disposition when (i) the use is consistent with devoted or allowed uses of the Article 97 land, to  
1745 include, if a forest, harvesting conducted pursuant to an approved cutting plan; and (ii) the permit  
1746 or license does not transfer or release a real property interest in the Article 97 land.

1747 “Executive office of environmental affairs” the executive office of energy and  
1748 environmental affairs established under section 1 of chapter 21A.

1749 “Land” land that is without or with water, including, without limitation, estuaries, creeks,  
1750 streams, rivers, ponds, lakes, marshes, floodplains, wetlands and coastal tidelands; but, excluding  
1751 ocean land lying seaward of the mean low water mark of coastal areas that are within the marine  
1752 boundaries of the commonwealth.

1753 “Public owner” the commonwealth, its agencies, executive offices, departments, boards,  
1754 bureaus, divisions, authorities, and political subdivisions, including, without limitation,  
1755 municipalities, counties, districts, and other governmental bodies and instrumentalities of the  
1756 commonwealth that hold Article 97 land.

1757 “Real property interest” or “interest in land” any ownership, or other legal interest, or  
1758 right in land, including, without limitation, fee simple interest, easement, partial interest,  
1759 remainder, future interest, right of legal control, lease; and conservation restriction, agricultural  
1760 preservation restriction, watershed preservation restriction and historical preservation restriction  
1761 as defined under section 31 of chapter 184, and non-development covenant or other covenant or  
1762 restriction that protects natural resources.

1763 “Replacement land” land or an interest in land, (i) required under this chapter to be  
1764 provided by a public owner to replace the loss of Article 97 land as a result of a disposition or  
1765 change in use and (ii) to be taken by eminent domain, acquired or otherwise dedicated, by the  
1766 public owner as Article 97 land. Replacement land shall not include existing Article 97 land,  
1767 unless when taken by eminent domain, acquired, or otherwise dedicated by the public owner as

1768 Article 97 land, it was to substitute for other Article 97 land proposed for disposition or change  
1769 in use.

1770 “Secretary” or “secretary of environment affairs” the secretary of the executive office of  
1771 energy and environmental affairs or his or her authorized representative.

1772 “State agency” a legal entity of state government established by the general court as an  
1773 agency, board, bureau, commission, department, office or division of the commonwealth with a  
1774 specific mission, which may either report to cabinet-level units of government, known as  
1775 executive offices or secretariats, or be independent divisions or departments; provided a state  
1776 agency shall not include the counties listed under the definition of “Counties” under section 1 of  
1777 chapter 7C.

1778 Section 2. (a) To protect the natural resources of the commonwealth and to prevent a net  
1779 loss of Article 97 land, a public owner making a disposition or change in use of Article 97 land  
1780 shall acquire or otherwise provide replacement land. Replacement land for a disposition or  
1781 change in use of Article 97 land shall be: (i) equal or greater in area, (i) comparable or better in  
1782 natural resource value, (iii) located within the same municipal boundaries if feasible, and (iv) not  
1783 less than the equivalent kind of the real property interest being replaced.

1784 (b) A public owner, when acquiring or providing replacement land, shall execute a  
1785 written declaratory instrument to confirm that such land or interest in land is subject to protection  
1786 under Article 97, and record the instrument in the appropriate registry of deeds or land court  
1787 department of the trial court for the county or district where the land is situated. The instrument  
1788 when executed shall include the dedication date of the Article 97 land and a specific description  
1789 of the Article 97 land with the restricted and allowed uses of the land. Such instrument shall not

1790 preempt or limit a public owner's use of any other lawful method to dedicate Article 97 land.  
1791 The failure of the public owner to execute or record a declaratory instrument shall not invalidate  
1792 any existing Article 97 protection of the replacement land.

1793 Section 3. (a) A public owner of Article 97 land shall notify the secretary when the public  
1794 owner proposes making a disposition or change in the use of the Article 97 land. Such  
1795 notification shall be in writing and made in the manner, as the secretary by regulation shall  
1796 prescribe, to include the information and documentation as required under subsections (c) and  
1797 (d).

1798 The secretary shall adopt regulations requiring notification by a public owner be made as  
1799 early as practicable, and prior to the filing of a petition with the general court to authorize the  
1800 proposed Article 97 land disposition or change in use, to allow the secretary adequate time to  
1801 review the proposal. The review shall include any plan of the public owner to provide  
1802 replacement land. Unless otherwise provided under this section, the notification to the secretary  
1803 shall be required at least 20 days before the public owner makes a decision to adopt a proposal  
1804 for a disposition or change in use of its Article 97 land.

1805 For Article 97 land held by a municipality, such notification to the secretary shall be  
1806 required not less than 30 days before a vote of town meeting or city council, whichever is the  
1807 case, on the municipality's proposed disposition or change in use of the Article 97 land. If the  
1808 Article 97 land is located outside the municipality's boundaries then, in addition, the  
1809 municipality shall make like notification to the local conservation commission where the land is  
1810 sited.

1811 For Article 97 land held by a state agency, notification to the secretary shall be required  
1812 in the time and manner provided under subsection (a) of section 8.

1813 The secretary shall post notification information received on Article 97 land proposals  
1814 and replacement plans, on the public website of the executive office of environmental affairs.

1815 (b) In the event Article 97 land is to be taken by eminent domain, the authorized board  
1816 acting for the public owner or other entity shall, within 10 days after adopting a lawful order of  
1817 intention to take the land, notify the secretary of the proposed taking. Such notification shall be  
1818 in writing, and made in the manner with any necessary information relevant to the taking of the  
1819 land, as the secretary by regulation shall prescribe.

1820 (c) Regulations adopted by the secretary under subsection (a) shall require that  
1821 notification of a proposed disposition or change in use of Article 97 land provide sufficient  
1822 information about the proposal, its advantages and disadvantages to the public and the  
1823 environment, and any feasible and practicable alternative to the proposed disposition or change  
1824 in use. Such regulations shall require current information about the Article 97 land proposed for  
1825 disposition or change in use, including, without limitation, the following: (1) a description of the  
1826 land including its location, natural resource uses and benefits, approximate size and boundaries,  
1827 devoted and allowed uses, and buildings and structures thereon; (2) the property's fair market  
1828 value based on the municipal assessment; (3) whether the land or any part is designated as a  
1829 wetland, flood zone, public water supply, public water supply protection area, or priority habitat  
1830 for state-listed species that are endangered, threatened or of special concern; or subject to the  
1831 rivers protection act under chapter 258 of the acts of 1996 or non-development covenant; (4) a  
1832 general description of abutting parcels; (5) owners that hold a real property interest and

1833 description of each respective interest; (6) copies of any deeds, easements, covenants,  
1834 restrictions, declarations and other instruments that are public records and show (i) each owner's  
1835 real property interest and (ii) the land's intended use for a specific natural resource purpose; (7) a  
1836 description of the proposed disposition or change in use and the reasons for the proposal,  
1837 including anticipated changes to the land, and the intended grantees of any proposed transfer of a  
1838 real property interest; (8) whether the public owner's acquisition of the land was obtained with  
1839 funds, grants or loans from any federal, state or local source, or from a donation or bequest  
1840 conditioned that the gift be used for natural resource purposes; and (9) alternatives considered to  
1841 the proposed disposition or change in use.

1842 (d) The regulations adopted by the secretary under subsection (a), shall require current  
1843 information about any plan to acquire or provide replacement land, including, without limitation,  
1844 the following: (1) the same kind of information listed in clauses (1) through (4), inclusive, of said  
1845 subsection (c), however, specific to the replacement land; (2) the condition of the land, and the  
1846 relevant current and prior uses of the land; (3) owners that will hold a real property interest in the  
1847 replacement land, and a description of each respective interest; and (4) a description of the  
1848 intended source of the replacement land to be acquired or provided, and information about any  
1849 funds, grants, loans or other consideration to purchase or obtain such replacement land.

1850 (e) A public owner shall supplement the information in subsections (c) and (d), about an  
1851 Article 97 land proposal and replacement land plan, as the secretary shall prescribe by regulation.

1852 (f) The secretary after receipt of a public owner's notification that contains sufficient  
1853 information shall provide to the public owner a provisional or final opinion on whether the

1854 proposed replacement land plan meets the no net loss requirements under subsection (a) of  
1855 section 2.

1856 Section 4. (a) A public owner may request from the secretary a waiver to provide  
1857 replacement land for a disposition or change in the use of the public owner's Article 97 land,  
1858 notwithstanding the requirements under subsection (a) of section 2. Upon a public owner's  
1859 written request, the secretary may grant full or partial waiver releasing the public owner from  
1860 any requirement to provide replacement land. In granting a waiver, the secretary may impose  
1861 conditions, if necessary, to accomplish the intended purpose of the disposition or change in use  
1862 of the Article 97 land. A decision by the secretary to grant or deny a waiver with any conditions  
1863 shall be in writing and state the reasons for his decision. A waiver shall be limited to the  
1864 following circumstances, when the disposition or change in use of Article 97 land will (1)  
1865 transfer only a right of legal control in the land between state agencies to be held for the same  
1866 Article 97 natural resource purposes and, if applicable, with the same reserved uses; (2) transfer  
1867 only a right of legal control in the land between any department, division, board or agency of the  
1868 same municipality to be held for Article 97 natural resource purposes and, if applicable, with the  
1869 same reserved uses; (3) transfer a lease interest for a natural resource purpose or use for a term  
1870 not exceeding 5 years; (4) serve to largely protect, preserve or promote the existing natural  
1871 resource purposes and uses of the Article 97 land; (5) grant an easement to grade and alter land  
1872 elevations to prevent erosion or provide lateral support to adjacent land; (6) grant an easement to  
1873 allow for the temporary use of the Article 97 land for a different purpose for a period not  
1874 exceeding 5 years, upon the condition that the land be reasonably restored before the easement  
1875 period ends; (7) grant an easement or lease for subterranean use of the land for green energy  
1876 projects that will not affect adversely the dedicated natural resource purposes of the Article 97

1877 land; (8) affect a land area not exceeding 2,500 square feet that is insignificant for the dedicated  
1878 natural resource purposes of the Article 97 land, provided if part of a larger parcel, no other  
1879 disposition or change in use of that parcel has occurred within 5 years before making a waiver  
1880 request to the secretary; or (9) transfer a real property interest of a public owner to another public  
1881 owner, provided upon transfer such interest is protected under Article 97, and is used for the  
1882 same natural resource purposes and allowed uses.

1883           If after a complete review of replacement land alternatives the secretary determines there  
1884 are extraordinary circumstances in providing suitable replacement land within particular  
1885 municipality boundaries or nearby, the secretary may issue a partial waiver to allow for  
1886 modified replacement land, provided however, the overall intent of no net loss of Article 97 land  
1887 will be attained to the maximum extent practicable, and the replacement land allowed is  
1888 comparable or better in natural resource value to the Article 97 land being replaced.

1889           (b) The secretary as a condition in granting to the public owner a full or partial waiver to  
1890 provide replacement land under clause (6) of subsection (a) for the temporary use of land, may  
1891 require a performance bond of satisfactory amount for any uncompleted restoration of the land  
1892 be provided under the terms as specified by the secretary.

1893           (c) The secretary when determining whether the square footage of required replacement  
1894 land is sufficient, shall not include any aboveground area for an allowed use that is exclusively  
1895 for other than natural resources purposes, related to the replacement land or subject Article 97  
1896 protected land.

1897           (d) The secretary when determining whether proposed replacement land is comparable or  
1898 better in natural resource value under clause (ii) of subsection (a) of section 2, shall in addition to



1899 other factors, consider the land's location and condition, intended and allowed uses and overall  
1900 natural resource benefits.

1901 Section 5. The secretary shall provide to the public owners, information and education on  
1902 the policies, requirements and best practices to protect Article 97 land. To assist a public owner,  
1903 the secretary shall offer advice, guidance and technical assistance with the development of  
1904 preliminary and proposed plans for the disposition or change in use of Article 97 land and  
1905 replacement land alternatives. Such assistance shall include an assessment of the anticipated  
1906 effect of regional climate change in the development of a proposed plan and any alternative  
1907 options. Upon request of a public owner, the secretary shall review and make written evaluation  
1908 of whether the public owner's preliminary or proposed plan, or any revision of the plan,  
1909 complies with Article 97 no net loss requirements under subsection (a) of section 2, and related  
1910 regulations. A copy of the written evaluation shall be provided to the public owner.

1911 Section 6. (a) The secretary shall provide to the general court a written recommendation  
1912 to approve or disapprove each legislative petition that proposes a disposition or change in use of  
1913 Article 97 land. If possible, the secretary shall make the recommendation before the first public  
1914 hearing of the petition by a joint legislative committee of the general court. The recommendation  
1915 shall identify the petition and include his or her opinion as to whether (1) the disposition or  
1916 change in use, including any required replacement land complies with the Article 97 no net loss  
1917 requirements under subsection (a) of section 2, and related regulations; (2) the disposition or  
1918 change in use will benefit the public; (3) an alternative to the proposed disposition or change in  
1919 use is not practicable or reasonable based on the circumstances; and (4) the required replacement  
1920 land will provide equal or greater public environmental benefits.

1921           Additionally, the secretary shall include with his recommendation whether the legislation  
1922 adequately identifies the subject Article 97 land and required replacement land and contains the  
1923 necessary terms and conditions. In his statement, the secretary shall detail the reasons for his  
1924 recommendation of the legislative petition. If insufficient information about a proposed  
1925 disposition or change in use of Article 97 land or replacement land precludes the secretary from  
1926 giving a full opinion, the secretary shall make known this circumstance and reason in his  
1927 recommendation.

1928           The secretary shall adopt regulations establishing standards for providing  
1929 recommendations to the general court on Article 97 land legislation. The regulations shall allow  
1930 a recommendation of approval of such legislation, if the secretary's opinion agrees with the  
1931 statements contained in clauses (1) through (4), inclusive of the first paragraph, and if otherwise,  
1932 he shall recommend such legislation not be approved. Notwithstanding, the regulations shall  
1933 allow the secretary to recommend approval of the legislation, if he determines there are  
1934 extraordinary circumstances for a proposed disposition or change in use of Article 97 land or  
1935 plan for replacement land, provided (i) no practicable or feasible alternative exists for the  
1936 proposed legislation, (ii) the proposed disposition or change in use of Article 97 land is for a  
1937 necessary public purpose, (iii) the overall intent of no net loss of Article 97 land will be attained  
1938 to the maximum extent practicable, and (iv) the recommendation provides the reasons for the  
1939 secretary's determination.

1940           In circumstances when Article 97 land is to be taken by eminent domain from a public  
1941 owner, and no replacement land has been proposed, the regulations shall allow the secretary to  
1942 make a qualified recommendation about the legislation. The secretary as part of the  
1943 recommendation shall provide information about the proposed legislation, its advantages and

1944 disadvantages to the public and the environment, and whether there are any feasible alternatives  
1945 to the proposed disposition. In addition, the secretary shall provide an opinion whether the nature  
1946 of the disposition proposed by the legislation would qualify for a full or partial replacement land  
1947 waiver. The regulations shall require the secretary to detail his reasons for his qualified  
1948 recommendation.

1949 (b) A legislative committee of the general court referred a petition related to Article 97  
1950 land, may solicit from the secretary his written recommendation on the legislation. The secretary  
1951 shall respond to the request expeditiously, and in the manner, and using the standards and criteria  
1952 set forth in the prior subsection.

1953 (c) The secretary shall supplement his recommendation when Article 97 legislation is  
1954 pending, if he determines there is subsequent change or event that materially affects is prior  
1955 response.

1956 (d) The secretary shall post his recommendations on legislation, on the public website of  
1957 the executive office of environmental affairs.

1958 Section 7. (a) A municipality in making a determination for a disposition or change in use  
1959 of Article 97 land, to include a detailed plan to provide any required replacement land, shall first  
1960 obtain the approval of its conservation commission. Approval by the commission shall require a  
1961 2/3rds vote in support of the proposed disposition or change in use, at an open public meeting of  
1962 the commission. No vote shall be held, unless the commission has conducted a public hearing on  
1963 the proposed disposition or change in use. The commission shall give public notice of such  
1964 hearing, not less than 30 days before the scheduled hearing date; and, in addition shall provide  
1965 written notice to the local regional planning agency.

1966            Except, in the event the disposition or change in use of Article 97 land relates to parkland  
1967 under the legal control of its municipal park commission, or agricultural land under the legal  
1968 control of its municipal agricultural commission, then approval shall be by vote of the respective  
1969 commission under the same procedures and requirements in this subsection for conservation  
1970 commissions.

1971            (b) A municipality in making a determination for a disposition or change in use of Article  
1972 97 land and after any approval required in subsection (a), shall obtain the approval of the city  
1973 council or town meeting. If replacement land is required, a detailed plan to provide such land or  
1974 land interest, shall be included as part of the approval determination by the city council or town  
1975 meeting. Such approval shall require a 2/3rds vote by the city council or a 2/3rds vote by an  
1976 annual or special town meeting, whichever is the case, in support of the disposition or change in  
1977 use, including any replacement land plan. Said vote shall be held at an open public meeting.

1978            (c) When a municipality holds Article 97 land sited within the boundaries of another  
1979 municipality, the conservation commission of the other municipality may make a  
1980 recommendation to the secretary on any proposed disposition or change in use of the Article 97  
1981 land. Before making a recommendation, the commission shall hold a public hearing on the  
1982 proposal in the municipality, and provide reasonable notice. A commission's recommendation to  
1983 approve or disapprove the proposed disposition or change in use shall be in writing and include a  
1984 statement on the proposal's local environmental impacts with the reasons for its determination.  
1985 Approval of a recommendation shall require a majority vote of the commissioners in support at  
1986 an open meeting of the commission. Any such recommendation to the secretary shall be made no  
1987 later than 45 days after receiving notification from the municipal owner of the Article 97 land.

1988           Section 8. (a) When the public owner is a state agency that holds or controls Article 97  
1989 land, the executive head of such agency or the secretary of the executive office in which such  
1990 agency is located, shall make the initial proposal for a disposition or change in use of the Article  
1991 97 land, including a plan to provide required replacement land. Such proposal shall be made in  
1992 writing to the commissioner of capital asset management and maintenance and, if not making the  
1993 proposal, to the secretary of environmental affairs.

1994           The commissioner prior to making a determination on the proposal shall within 60 days  
1995 of receipt of the proposal conduct a public hearing with the secretary to consider the proposed  
1996 Article 97 land disposition or change in use, and any replacement land to be provided by the  
1997 commonwealth. The public hearing shall be in the municipality where the Article 97 protected  
1998 land is located. The commissioner with approval of the secretary of environmental affairs may  
1999 waive the public hearing when the proposed disposition or change in use of the Article 97 land:  
2000 (i) affects a land area not exceeding 11,000 square feet, provided the area is not located in a  
2001 public park, (ii) affects a land area of a public park not exceeding 11,000 square feet, provided  
2002 the area does not exceed 20 percent of the total square footage of the park parcel, (iii) transfers  
2003 the land with any existing reserved uses to another state agency to be held for the same or similar  
2004 Article 97 natural resources purposes, (iv) establishes a temporary easement related to  
2005 construction or natural resource project, (v) establishes an easement to alter land grades affecting  
2006 small portions of the parcel, or (vi) allows reserved uses pertaining to small buildings or  
2007 structures with a combined total area not exceeding 2,500 square feet.

2008           The commissioner shall provide public notice of such hearing at least 30 days prior to  
2009 any determination regarding the proposal, including whether the proposal has any current or  
2010 foreseeable direct public use or benefit. Such notice shall be posted in the central register and on

2011 the public website of the executive office of environmental affairs, and additionally, shall be  
2012 placed at least once each week for 4 consecutive weeks prior to the hearing, in newspapers with  
2013 sufficient circulation to inform the people in the locality where the Article 97 land is situated.

2014 In the event the hearing is waived or not required, the commissioner and secretary of  
2015 environmental affairs shall accept written comments for a period of 30 days. Public notice of the  
2016 comment period shall be posted in the central register and on the executive office of  
2017 environmental affairs' public website.

2018 Within 30 days after any required hearing or comment period, the secretary shall make a  
2019 determination whether the proposed disposition or change in use of Article 97 land and any  
2020 replacement land plan, complies with the Article 97 no net loss requirements under subsection  
2021 (a) of section 2. Such determination shall be in writing and give the reasons for his decision with  
2022 any recommendations and comments about the proposal. The secretary shall provide a copy of  
2023 the determination to the commissioner, secretary of administration and finance and state agencies  
2024 affected by the proposal; and shall post the determination on the executive office of  
2025 environmental affairs' public website.

2026 (b) The provisions of section 4 of chapter 7B and sections 33 and 34 of chapter 7C shall  
2027 not limit or modify the requirements under this chapter, applicable to the disposition or change in  
2028 use of Article 97 land, held or controlled by a state agency.

2029 Section 9. (a) When the public owner is a regional conservation district that holds Article  
2030 97 land that it has proposed for disposition or change in use, the supervisors of the conservation  
2031 district shall approve such disposition or change in use, and any plan to provide replacement  
2032 land. Such approval shall require a 2/3rds vote by the supervisors in support of the disposition or

2033 change in use, and any replacement land plan, held at an open meeting. No vote shall be held,  
2034 unless, the supervisors first conduct a public hearing on the proposed disposition or change in  
2035 use and replacement land plan. Such public hearing shall be conducted in the municipality where  
2036 the land protected under Article 97 is located. The chairperson of the district supervisors shall  
2037 provide public notice of the hearing not less than 30 days before the scheduled hearing date.

2038 (b) When the public owner is a county government not abolished by chapter 34 or other  
2039 law, which holds Article 97 land that it proposes for disposition or change in use, the county  
2040 commissioners shall approve such disposition or change in use, and any plan to provide  
2041 replacement land. Such approval shall require a 2/3rds vote by the commissioners in support of  
2042 the disposition or change in use, and any replacement land plan, held at an open meeting. No  
2043 vote shall be held unless the commissioners conduct a public hearing on the proposed disposition  
2044 or change in use and replacement land plan. The commissioners shall give public notice of the  
2045 hearing not less than 30 days before the scheduled hearing date.

2046 (c) When a public owner, other than a municipality, state agency, conservation district, or  
2047 unabolished county government, holds Article 97 land it proposes for disposition or change in  
2048 use, the public owner shall conduct a public hearing not less than 30 days prior to its final  
2049 determination on the proposal and any plan to provide replacement land. A final determination to  
2050 authorize the proposed disposition or change in use of Article 97 land shall be by a vote of an  
2051 authorized board, commission or other body of the public owner, and if no such board,  
2052 commission or body exists, then by a written decision of the public owner's executive officer.  
2053 The hearing shall be conducted in the municipality where the Article 97 land is situated. the  
2054 public owner shall give public notice of the hearing not less than 30 days before the scheduled  
2055 hearing date.

2056           Section 10. For public notice required under sections 8 and 9, separate written notice  
2057 shall also be provided to, fore each city or town in which the Article 97 land is located, the city  
2058 manager in the case of a city under Plan E form of government, the mayor and city council in the  
2059 case of all other cities, the chairman of the board of selectmen in the case of a town; and the  
2060 regional planning agency; and the representative members of the general court.

2061           Section 11. Notwithstanding the provisions of subsection (a) of section 2 to the contrary,  
2062 when a special law allows a disposition or change in use of specific Article 97 land, which  
2063 requires or references any substitute land or interest in land, the public owner’s obligation to  
2064 acquire or provide replacement land shall be governed exclusively by such special law.

2065           Section 12. A public owner having made a disposition or change in use of Article 97 land  
2066 shall notify the secretary, when related to such disposition or change: (i) the public owner  
2067 acquires or provides any required replacement land, (ii) a temporary easement in the Article 97  
2068 land terminates, (iii) an event or act completes that Article 97 land disposition or change in use,  
2069 or (iv) upon any other event or act as the secretary shall establish by regulation. Such notification  
2070 shall be made in the manner, and include any necessary information as the secretary shall  
2071 prescribe.

2072           Section 13. The secretary shall prepare annually a comprehensive report describing the  
2073 work of the executive office of environmental affairs relative to the protection of Article 97 land  
2074 in the commonwealth for the preceding calendar year. The report shall provide information about  
2075 the disposition and change in use of Article 97 land and replacement land, including, without  
2076 limitation, the total number of notifications received, reviews conducted and opinions provided;  
2077 total acreage and description of replacement land required to prevent a no net loss of Article 97



2078 land; and total acreage of Article 97 land that lost protection. The annual report shall be filed  
2079 with the clerks of the house of representatives and senate, and the chairs of the joint committee  
2080 on environment, natural resources and agriculture, and shall be posted on the public website of  
2081 the executive office of environmental affairs, on or before the first Monday of April the  
2082 following year.

2083           Section 14. (a) when a public owner's Article 97 land is taken by eminent domain, the  
2084 public owner upon receiving the entire damage award for taking shall acquire or provide suitable  
2085 replacement land. The replacement land shall meet the no net loss criteria under clauses (1)  
2086 through (4), inclusive, of subsection (a) of section (2); except, the replacement land required  
2087 shall be limited by the total value of the award for damages sustained by the public owner  
2088 resulting from such land taking. The value of any land and additional funds conveyed or  
2089 transferred to the public owner to replace the loss of Article 97 land, and that may be, partially or  
2090 entirely, in lieu of damages, shall be considered an award for damages for the purpose of  
2091 determining the total value limitation under this subsection.

2092           Before acquiring or providing any replacement land, the public owner shall consult with  
2093 the secretary to review the planned replacement land. The secretary in his review shall determine  
2094 whether the replacement land complies with said no net loss criteria; subject to, and, after taking  
2095 into consideration the total value limitations on replacement land. The secretary shall provide the  
2096 public owner with an opinion as to whether the planned replacement land is suitable.

2097           The secretary may grant a full or partial waiver to a public owner to acquire or provide  
2098 replacement land under subsection (a) of section 4, when the public owner's Article 97 land is  
2099 taken by eminent domain from the public owner. Notwithstanding, if the monetary portion of a

2100 damage award and any other compensation received by the public owner's request, the secretary  
2101 may approve using the monies for other public natural resource purposes.

2102 A public owner shall provide to the secretary relevant information about planned  
2103 replacement land under this section, as the secretary shall prescribe by regulation.

2104 (b) Notwithstanding any other general law to the contrary, the secretary shall first  
2105 approve any interest in land conveyed or transferred to a public owner under section 7M of  
2106 chapter 81, if the conveyance or transfer is to replace Article 97 land taken by eminent domain  
2107 from such owner.

2108 Section 15. (a) The secretary shall establish a self-subscribing e-mail notification delivery  
2109 system to send informational e-mails to the public and government organizations about proposed  
2110 dispositions of Article 97 land and recommendations of the secretary on related legislation.

2111 (b) Information required under this chapter to be posted on the executive office of  
2112 environmental affairs' public website, shall, in addition be posted in the environmental monitor.

2113 (c) The secretary shall charge no fee for informational e-mails under subsection (a), or to  
2114 access information posted on the executive office of environmental affairs' public website as  
2115 required under this chapter.

2116 SECTION 89. The secretary of the executive office of energy and environmental affairs  
2117 shall, not later than 1 year after this act takes effect, promulgate regulations for the requirements,  
2118 administration, and enforcement for the chapter established under section 88 of this act.

2119 SECTION 90. The fourth paragraph of section 44 of chapter 85 of the acts of 1994, as  
2120 most recently amended by section 127 of chapter 46 of the acts of 2015, is hereby further

2121 amended by inserting after the words “in the city of Canton” the following words:- Randolph  
2122 Avenue Stables, so called, at 1333 Randolph Avenue in the Blue Hills State Reservation in the  
2123 town of Milton, 7 Brainard Street, in the Stonybrook State Reservation in the Hyde Park  
2124 neighborhood of the city of Boston.

2125 SECTION 91. Notwithstanding any general or special law to the contrary, the  
2126 commissioner of conservation and recreation may expend, without further appropriation, sums  
2127 collected and held in accordance with chapter 673 of the acts of 1950 on repairs, replacements  
2128 and improvements to the facilities and buildings on the Dilboy Stadium property in the city of  
2129 Somerville.

2130 SECTION 92. Notwithstanding any general or special law to the contrary, the director of  
2131 the division of marine fisheries, in consultation with the commissioner of the department of fish  
2132 and game, shall, by June 14, 2019, conduct and publish a study of the current lobster fishery and  
2133 provide a recommendation as to the advisability of enacting statutory and regulatory changes to  
2134 allow the processing of lobster parts, other than lobster tails weighing 3 ounces or more, for sale  
2135 in the commonwealth. The study shall include an economic and market analysis of potential  
2136 impacts and benefits, assessment of potential state and federal law enforcement issues associated  
2137 with a change in legislation or regulations, an assessment on the impacts of such changes on  
2138 inter-jurisdictional fisheries management and a review and analysis of the potential biological  
2139 and population dynamics of the species known as *Homarus americanus* as a result of such  
2140 changes.

2141 SECTION 93. Notwithstanding section 30 of chapter 29 of the General Laws or section  
2142 65 of chapter 30 of the General Laws, a portion of the funds authorized under this act may be

2143 used for the costs associated with the purchase of title insurance and services for title  
2144 examinations, reports and certifications; provided, that any executive department or state agency  
2145 expending such funds shall maximize efforts and utilize all available means to minimize use of  
2146 capital funds for such purposes.

2147 SECTION 94. Notwithstanding any general or special law to the contrary, any executive  
2148 department or state agency expending funds authorized in this act shall maximize efforts and  
2149 utilize all available means to minimize use of capital funds to pay for services rendered by  
2150 agency employees or by consultants.

2151 SECTION 95. Notwithstanding any general or special law to the contrary, upon acquiring  
2152 any fee interest in land for purposes pursuant to Article XCVII of the Amendments to the  
2153 Constitution, all state agencies, commissions and boards expending or receiving state funds  
2154 under this act shall obtain the approval of the secretary of energy and environmental affairs  
2155 before implementing or endorsing any prohibition of fishing, hunting or trapping on that land  
2156 and shall provide the secretary with written justification of the prohibition.

2157 SECTION 96. Notwithstanding any general or special law to the contrary, prior to  
2158 construction of a bridge from the city of Boston to the city of Quincy to Long Island shall require  
2159 a majority vote of both the city of Boston City Council and the city of Quincy City Council.

2160 SECTION 97. Notwithstanding any general or specific law to the contrary, the city of  
2161 Boston shall not construct any structures or provide any services on Long Island other than drug  
2162 and substance abuse recovery and homeless housing and housing assistance.

2163 SECTION 98. The sums made available pursuant to sections 2 to 2D, inclusive, shall be  
2164 available for expenditure in the 5 fiscal years following June 30 of the calendar year in which the

2165 appropriation is made and any portion of such appropriation representing encumbrances  
2166 outstanding on the records of the state comptroller's office at the close of the fifth fiscal year  
2167 may be applied to the payment thereof any time thereafter.

2168           SECTION 99. Each agency acquiring land or an interest in land under this act may  
2169 expend an amount not to exceed 5 per cent of the amount appropriated to that agency for the  
2170 purpose of reimbursing nonprofit land conservation organizations or land trusts for reasonable  
2171 expenses directly associated with the acquisition of land or interests in land subsequently  
2172 conveyed to the commonwealth. Reimbursements shall be made at the discretion of the agency.  
2173 The secretary of energy and environmental affairs shall determine by regulation what shall  
2174 constitute reasonable expenses. If the commonwealth does not take title to the property through  
2175 no fault of the nonprofit organization or the commonwealth, the commonwealth may reimburse  
2176 the nonprofit organization for reasonable expenses associated with due diligence. An  
2177 organization receiving a reimbursement under this section shall convey the land or interest in  
2178 land to the agency for an amount not to exceed the actual purchase price paid by the organization  
2179 for the land or interest in land in addition to any reimbursement received under this section.

2180           SECTION 100. To provide for the continued availability of certain bond-funded spending  
2181 authorizations which otherwise would expire, the unexpended balances of the following capital  
2182 accounts are hereby extended through June 30, 2023, for the purposes of and subject to the  
2183 conditions stated for these items in the original authorizations and any amendments to such  
2184 authorizations: 2000-2010, 2000-2011, 2000-2012, 2000-2013, 2000-2014, 2000-2015, 2000-  
2185 2016, 2000-2017, 2000-2018, 2000-2019, 2000-2020, 2000-2021, 2000-2022, 2000-2023, 2000-  
2186 2024, 2000-2025, 2000-2026, 2000-2028, 2000-2029, 2000-2035, 2000-6966, 2000-6967, 2000-  
2187 6969, 2000-7013, 2000-7014, 2000-7015, 2000-7016, 2000-7018, 2000-7022, 2000-7023, 2000-

2188 7024, 2000-7025, 2000-7026, 2000-7028, 2000-7029, 2000-7031, 2000-7051, 2000-7052, 2000-  
2189 7053, 2000-7054, 2000-7055, 2000-7056, 2000-7057, 2000-7058, 2000-7059, 2000-7060, 2000-  
2190 7061, 2000-7062, 2000-7063, 2000-7066, 2000-7070, 2200-2011, 2200-2014, 2200-2015, 2200-  
2191 2017, 2200-2019, 2200-7011, 2200-7012, 2200-7013, 2200-7014, 2200-7015, 2200-7017, 2200-  
2192 7018, 2200-7021, 2200-7023, 2200-7025, 2200-7991, 2240-8820, 2250-8820, 2250-8822, 2300-  
2193 2010, 2300-2011, 2300-2012, 2300-2014, 2300-2017, 2300-7010, 2300-7011, 2300-7013, 2300-  
2194 7014, 2300-7016, 2300-7017, 2300-7018, 2300-7020, 2300-7021, 2300-7023, 2300-7024, 2300-  
2195 7025, 2300-7026, 2300-7027, 2300-7028, 2500-7011, 2500-7012, 2500-7013, 2500-7014, 2500-  
2196 7023, 2500-7024, 2800-0103, 2800-0109, 2800-0611, 2800-2019, 2800-7011, 2800-7012, 2800-  
2197 7013, 2800-7015, 2800-7016, 2800-7017, 2800-7018, 2800-7019, 2800-7022, 2800-7027, 2800-  
2198 7031, 2800-7032, 2800-7035, 2800-7097, 2800-7098, 2800-7107, 2800-7108, 2800-7109, 2810-  
2199 3302, 2810-7872, 2810-8802, 2820-1420, 2820-2011, 2820-2012, 2820-8861, 2840-2013, 2840-  
2200 2014, 2840-2019, 2840-2023, 2840-7017, 2840-7024, 2840-7026, 2840-7027, 2840-7993, 2850-  
2201 6967, 2850-9951, 2890-2023, 2890-2040, 2890-7010, 2890-7011, 2890-7020, 2890-7035, 9300-  
2202 3909, 9300-7010, 9300-7030, 9300-7031, 9300-7909, 9300-7918, 9300-7919.

2203 SECTION 101. The first state plan required by section 20 of this act shall be completed  
2204 by September 16, 2018.

2205 SECTION 102. Any person serving as an inspector of animals on the date of enactment  
2206 shall, within one year of enactment, complete all state-funded training that the director of animal  
2207 health determines is required for newly appointed inspectors of animals under the authority of  
2208 section 44.

2209 SECTION 103. Sections 13, 42 to 77, inclusive, 79 to 83, inclusive, and 86 and 87 shall  
2210 take effect 90 days after enactment.

2211 SECTION 104. The executive office of energy and environmental affairs shall submit an  
2212 annual report detailing the progress of any projects funded through the authorizations of this act  
2213 to the chairs of the joint committee on environment, natural resources and agriculture; the chairs  
2214 of the senate and house committees on bonding; and the clerks of the house and senate. The  
2215 report shall include, but not be limited to, description of project, previous year planned spending,  
2216 previous year spending, current year planned spending, current year spending to date, original  
2217 estimated project cost, total project cost to date, type of spending, type of asset, and predicted  
2218 useful life of the project once completed. The initial report shall be submitted no later than  
2219 December 30, 2018, and subsequent reports shall be submitted no later than June 30 of every  
2220 year thereafter for a period of ten years after the effective date of this act.

2221 SECTION 105. Section 88 shall take effect 1 year after the effective date of this act.

2222 SECTION 106. Except as otherwise specified, this bill shall become effective upon  
2223 enactment.