

SENATE No. 2590

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

SENATE, July 9, 2018

The committee on Bonding, Capital Expenditures and State Assets, to whom was referred the House Bill promoting climate change adaptation, environmental and natural resource protection, and investment in recreational assets and opportunity (House, No. 4613); reports, recommending that the same ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2590.

[Bond authorization: \$2,187,333,000]

For the committee,
John F. Keenan

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

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 of the General Laws, that
13 retails gasoline and other petroleum products, for the purpose of replacing and modernizing
14 existing single-walled underground petroleum storage tank equipment and related leak detection
15 equipment, and to reduce the risk of pollution from potential leakage; provided that program

16 grants and loans shall be made available for costs, including but not limited to, engineering, tank
17 removal, construction and infrastructure replacement, to install double-walled underground
18 petroleum storage tank equipment and related leak detection equipment; provided further, that
19 the installation of such underground storage tank and leak inspection equipment funded under
20 the 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 under
24 the program shall be for any eligible dispensing facility that is located in a rural area; provided
25 further, that the secretary of administration and finance shall make available the funds under this
26 item to the Massachusetts Development Finance Agency to administer the grant and loan
27 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
32 program.....\$2,000,000

33 EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

34 Office of the Secretary

35 2000-7071 For improvements and replacements to the infrastructure and holdings of
36 the executive office of energy and environmental affairs and its departments and divisions;
37 provided, that these improvements and replacements may include, but shall not be limited to,

38 buildings, equipment, vehicles and communication and technology equipment; provided further,
39 that the secretary of energy and environmental affairs may provide guidance for planning,
40 prioritization, selection and implementation of projects in furtherance of the goals of climate
41 change mitigation and adaptation and consistent with the integrated state hazard mitigation and
42 climate change adaptation plan; and provided further, that any expenditures for communication
43 and technology equipment under this item shall be considered in consultation with the secretary
44 of technology services and security.....\$10,500,000

45 2000-7072 For grant programs for land, soil, water and natural resource conservation;
46 open space preservation; watershed remediation; coastal resource protection, including securing
47 of access to protected coastal lands and lands to provide for the inland migration of coastal
48 habitats; recreation; environmental equity and wildlife and endangered species protection,
49 including, but not limited to, the local acquisition for natural diversity grant program, the
50 parkland acquisition and renovation for communities grant program, conservation partnership
51 grant programs including programs to support landscape-scale land conservation projects, the
52 drinking water supply protection grant program, grant programs to assist and provide funding to
53 conservation districts, and grants to support local, regional and state land use planning and
54 management capabilities to advance smart growth efforts, all pursuant to rules or regulations
55 adopted by the secretary of energy and environmental affairs to effectuate this item; provided,
56 that the secretary of energy and environmental affairs may provide guidance for planning,
57 prioritization, selection and implementation of projects in furtherance of the goals of climate
58 change mitigation and adaptation and consistent with the integrated state hazard mitigation and
59 climate change adaptation plan; provided further, that all projects shall provide appropriate
60 public access as determined by the secretary.....\$165,000,000

61 2000-7073 For the design, construction, reconstruction, rehabilitation, retrofitting,
62 repair or removal of coastal infrastructure and resiliency measures, including, but not limited to,
63 seawalls, jetties, revetments, and retaining walls, beach nourishment, living shorelines and other
64 nature-based solutions which are defined as strategies that conserve, restore and employ the
65 natural resources of the Commonwealth to enhance climate adaptation, build resilience and
66 support mitigation; provided, that costs payable from this item may include, but shall not be
67 limited to, the costs of engineering and other technical assistance and planning services essential
68 to these projects rendered by the office of coastal zone management in the executive office of
69 energy and environmental affairs, the office of waterways in the department of conservation and
70 recreation and other commonwealth employees or consultants; provided further, that grants and
71 loans may be made to local government units to carry out this item; provided further that such
72 funds may be used on lands held by municipal, county, state, or federal agencies or other
73 governmental bodies, on lands held by nonprofit conservation organizations, or on private lands
74 with the consent of the owner and subject to covenants that will assure the continued presence
75 and effectiveness of such projects for the expected life of the projects; provided that the use of
76 such funds by county and municipal governmental bodies on lands held by nonprofit
77 conservation organizations, or on private lands shall require, in a county, a vote of the county
78 commissioners, in a city having a Plan D or Plan E charter by the affirmative vote of a majority
79 of all the members of the city council, in a city not having such a charter by vote of the city
80 council, subject to the provisions of the charter of such a city, and in a town by a majority vote at
81 a town meeting; provided further, that the secretary of energy and environmental affairs may
82 provide guidance for planning, prioritization, selection and implementation of projects in
83 furtherance of the goals of climate change mitigation and adaptation and consistent with the

84 integrated state hazard mitigation and climate change adaptation
85 plan.....\$60,000,000

86 2000-7074 For the design, construction, reconstruction, rehabilitation, retrofitting,
87 repair or removal of municipally owned dams, publicly owned dams and other dams for which
88 emergency action or statewide hazard mitigation is required and for inland flood control projects
89 and projects for any related facilities and equipment, including, but not limited to, seawalls,
90 jetties, revetments, and retaining walls, beach nourishment and other nature-based solutions on
91 publicly owned land or related to state or municipal climate change adaptation and preparedness
92 or for which emergency action or statewide hazard mitigation is required; provided, that the
93 secretary of energy and environmental affairs shall give priority to dams and flood control
94 projects that pose the greatest risk to public health or safety, or to the environment; provided
95 further, that funds shall be available for a program of planning, permitting and construction of
96 fish ways and other aquatic habitat improvements, including the removal or breaching of selected
97 dams and impoundments on state-owned land and waterways; provided further, that the
98 secretary may provide guidance for planning, prioritization, selection and implementation of
99 projects in furtherance of the goals of climate change mitigation and adaptation and consistent
100 with the integrated state hazard mitigation and climate change adaptation plan; and provided
101 further, that projects shall be considered in consultation with the municipality hosting the asset to
102 be repaired and those municipalities impacted by the project.....\$75,000,000

103 2000-7075 For the acquisition of land and interests in land by the executive office of
104 energy and environmental affairs and its departments and divisions and for associated costs,
105 including planning, study, due diligence, title and appraisal services, site restoration, monitoring
106 and stewardship, including, but not limited to, acquisitions for open space, recreation,

107 conservation, wildlife and endangered species protection, and forest land protection, for related
108 costs and activities in support of conservation goals, including, but not limited to, capitalization
109 of the Transfer of Development Rights Revolving Fund established under section 35HHH of
110 chapter 10 of the General Laws; provided, that funds under this item may be used to develop and
111 implement a stewardship program on lands under the care and control of the executive office or
112 its departments and divisions or subject to conservation restrictions or other related interests in
113 land purchased through this item, including, but not limited to, resource and land use monitoring,
114 signage, boundary delineation and monitoring, preparation of baseline documentation,
115 stewardship planning, ecological monitoring and enforcement of conservation or other related
116 restrictions or detection and resolution of encroachments on land and rights in land, and repair of
117 damage to property related to illegal uses, including off-road vehicle trespass; provided further,
118 that funds may be used for inventory, restoration and reclamation of acquired land, including
119 demolition of structures, removal of debris, eradication of non-native species and other services
120 essential to these reclamation efforts; provided further, that the secretary of energy and
121 environmental affairs may provide guidance for preservation, maintenance, and acquisition of
122 land and interests in land in furtherance of the goals of climate change mitigation and adaptation
123 and consistent with the integrated state hazard mitigation and climate change adaptation plan and
124 may expend funds under this item for such purposes; and provided further, that projects shall be
125 considered in consultation with the municipality hosting the asset to be repaired and those
126 municipalities impacted by the project.....\$12,000,000

127 Department of Environmental Protection

128 2200-7022 For investment in water and air quality protection, including but not
129 limited to investments necessary to meet the legislative and regulatory requirements of the

130 Rivers Protection Act, the federal and state Clean Water Acts and the Massachusetts Wetlands
131 Protection Act; to provide for integrated energy and environmental projects to optimize and
132 preserve environmental quality and public health and provide for appropriate protection,
133 restoration, management and best use of air, energy, water and land resources, assets and
134 infrastructure, including upgrades to laboratory equipment; to provide for research, studies and
135 the collection of data to support investment in environmental assets, including sampling and
136 analysis of water and air quality, monitoring cumulative environmental impacts in environmental
137 justice communities, the development of geographic information system maps for wetlands
138 conservancy and tidelands, stormwater infrastructure and public water supplies, the development
139 of water quality analyses known as total maximum daily loads, the assessment of water quality
140 health and impaired use of waterways, and projects related to nonpoint and point sources of
141 water pollution and the wetlands circuit rider program; to provide for local grants and research
142 for implementation of the commonwealth's sustainable water management initiative, including
143 grants and research to provide the data necessary for municipalities to invest in efficient and
144 effective mitigation practices to restore and preserve the commonwealth's water resources, assets
145 and infrastructure; to provide for sustainable water management initiative related research and
146 implementation projects conducted by the department of fish and game and its divisions; to
147 provide for the department's statewide air monitoring network, upgrades of air monitoring
148 equipment to comply with federal requirements, implementation of a water quality monitoring
149 network and eelgrass mapping to track water quality improvements; to provide for investments
150 in water quality restoration of degraded estuarine habitat for projects deemed consistent with a
151 current area-wide water resources management plan adopted under section 208 of the federal
152 Clean Water Act; to fund pilot projects that test innovative and green wastewater management

153 technologies and approaches; for sustainable technologies at wastewater treatment facilities; for
 154 long-term monitoring and stewardship of restoration projects developed under the oversight of
 155 natural resources damages trustees; to provide grants and technical assistance to public water
 156 suppliers for energy efficiency improvements for drinking water systems; to provide for
 157 municipal grants for water and air quality protection, including to support training and workforce
 158 development for drinking water and wastewater treatment facilities; to support the preparation
 159 and implementation of geographic response plans for the commonwealth’s inland waterways;
 160 and to provide grants to municipalities to support compliance with the federal Municipal
 161 Separate Storm Sewer System permit; provided, that the secretary of energy and environmental
 162 affairs may provide guidance for planning, prioritization, selection and implementation of
 163 projects in furtherance of the goals of climate change mitigation and adaptation and consistent
 164 with the integrated state hazard mitigation and climate change adaptation plan;
 165\$95,000,000

166 2200-7024 For discovery, assessment, containment, monitoring, cleanup and closure
 167 of existing or closed solid waste facilities causing or threatening to cause pollution as authorized
 168 by section 4 of chapter 21H of the General Laws; and for capital expenditure associated with
 169 composting and recycling programs consistent with the comprehensive statewide solid waste
 170 master plan authorized by section 21 of chapter 16 of the General Laws.....\$7,500,000

171 2200-7016 For the assessment, containment, monitoring, cleanup, control, removal of
 172 or response actions concerning oil or hazardous materials or for any other actions necessary to
 173 implement chapter 21E of the General Laws and the Massachusetts Contingency
 174 Plan.....\$40,000,000

Department of Fish and Game

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

2300-0421 For the acquisition of land and interests in land by the department of fish and game and for associated costs, including planning, studies, due diligence, title and appraisal services, site restoration and stewardship; provided further, that such lands may be purchased after approval by the commissioner of fish and game; provided further, that funds may be expended on the development and implementation of a stewardship program on lands under the care and control of the department of fish and game and its divisions, either in rights in land or through conservation easements or conservation restrictions including, but not limited to, resource and land use monitoring, baseline documentation report creation, signage, boundary marking and monitoring, stewardship planning, stewardship personnel, stewardship database development, ecological monitoring and enforcement of conservation easements or conservation restrictions or detection and resolution of encroachments on land owned and rights in land and repair of damage related to illegal off-road vehicle trespass; provided further, that funds may be used for inventory, restoration and reclamation of acquired land, including demolition of structures, removal of debris, eradication of nonnative species and other services essential to these reclamation efforts; and provided further, that projects under such program may be carried out with other governmental agencies and entities, nonprofit and conservation organizations and public and private land owners.....\$30,000,000

196 2300-7019 For planning, design, engineering, construction, reconstruction,
197 renovation, repair, demolition, acquisition, enhancements, improvements, removal and
198 replacement of the infrastructure, facilities and equipment under the care and control of the
199 department of fish and game and its divisions, including, but not limited to buildings and other
200 structures, education centers, district headquarters, hatchery facilities, offices, storage buildings,
201 shooting ranges, archery facilities, dams, laboratories, equipment, vehicles, vessels, and site
202 clearance; provided, that any such facilities supported by this item may incorporate energy
203 efficiency and renewable technologies to decrease energy use and greenhouse gas emissions,
204 such as solar, wind and geothermal power; provided further, that funds shall also be available for
205 investments for protection, remediation and restoration of aquatic and marine fisheries, wildlife
206 species, land and marine plants, and the habitats that support them; provided further, that the
207 secretary of energy and environmental affairs may provide guidance for planning, prioritization,
208 selection and implementation of projects in furtherance of the goals of climate change mitigation
209 and adaptation and consistent with the integrated state hazard mitigation and climate change
210 adaptation plan\$50,000,000

211 2300-7022 For river and wetland restoration programs in the division of ecological
212 restoration, riverways program and the commissioner’s office within the department of fish and
213 game; provided, that funds authorized in this item may be utilized for river, wetland and river
214 corridor revitalization, ecological restoration and protection of aquatic ecosystems and functions
215 throughout the commonwealth including, but not limited to, dam and barrier removal, instream
216 improvements, flow, water quality, riverine habitat, protection of high quality riparian and
217 wetland habitat, assessment and mitigation of threats from climate change, flooding and
218 improving recreational opportunities; provided further, that these costs may include, but shall not

219 be limited to, equipment to implement these programs; provided further, that the commissioner
220 or a designee may enter into cooperative agreements with state and federal government agencies
221 and municipalities, may contract for services related to this item including, but not limited to,
222 engineering and monitoring, and may award grants to public and nonpublic entities to foster and
223 carry out this item\$55,000,000

224 Department of Agricultural Resources

225 2500-7021 For the purpose of developing and implementing programs designed to
226 address agricultural economic and environmental sustainability, including the development and
227 implementation of farm viability plans and other technical and engineering assistance, urban
228 agriculture including hydroponics, research, industry promotion, technology transfer and
229 education and to facilitate improvements to agricultural infrastructure, energy conservation and
230 efficiency, and climate change adaptation and resiliency; provided further, that \$4,000,000 shall
231 be expended on programs to promote urban agriculture and hydroponics, including, grants to
232 municipalities and nonprofit organizations to acquire land for urban agriculture and for related
233 infrastructure, equipment and technical assistance, subject to the requirement that such
234 expenditures benefit recipient communities by promoting community, access to locally grown
235 food, job creation, small business development, agricultural training and youth development;
236 provided further, that funds shall be available to provide for short-term land covenants; provided
237 further, that a grant program shall be established to provide grants to public and nonpublic
238 entities for the development and implementation of new procedures for energy conservation and
239 efficiency and for renewable and alternative energy sources to assist the agricultural community
240 to grow and develop; provided further, funds shall be available for a program to assist in the
241 preservation and rehabilitation of facilities and land resources of agricultural fairs through short-

242 term preservation covenants, grants, demonstration projects and other means; provided further,
243 that funds in this item may be expended for infrastructure and equipment upgrades to prevent or
244 reduce food safety risk, programs to control invasive species and provide pesticide disposal, and
245 programs to support aquaculture, dairy digesters and agricultural composters; provided further,
246 that funds in this item may be expended for the agricultural environmental enhancement program
247 on the abatement of all forms of pollution generated from agricultural activities; provided
248 further, that funds in this item may be allocated by the commissioner through competitive grants
249 pursuant to rules or regulations adopted by the commissioner to implement this
250 item.....\$50,000,000

251 2511-0122 For a program to acquire agricultural preservation restrictions under
252 sections 23 to 26, inclusive, of chapter 20 of the General Laws; provided, that any person or
253 entity that receives funds from this item shall be encouraged to participate in any programs of the
254 department of agricultural resources that may be suggested by the commissioner of agricultural
255 resources; provided further, that funds may be used to develop a statewide farmland plan;
256 provided further, that funds may be used for the implementation of a stewardship program on
257 agricultural preservation restriction lands including, but not limited to, resource and land use
258 monitoring, boundary delineation and monitoring, stewardship planning, ecological monitoring
259 and enforcement of agricultural preservation restrictions on existing and newly acquired
260 agricultural preservation restriction properties and the creation of new opportunities that seek to
261 enhance the sustainability and viability of such properties; and provided further, that funds may
262 be used to develop a statewide farmland plan\$20,000,000

263 2511-2000. For grants administered through the agricultural innovation fund established
264 under section 3 of this act; provided further, that not more than \$5,000,000 per fiscal year shall
265 be made available for grants under this item.....\$5,000,000

266 Department of Conservation and Recreation

267 2000-7079 For natural resource restoration and protection and in compliance with
268 laws and regulations, and for purposes of improvements and costs associated with site
269 assessment, containment, cleanup, control, disposal, removal or exchange of or response actions
270 concerning hazardous materials or substances\$75,500,000

271 2800-1121 For the acquisition of land and interests in land by the department of
272 conservation and recreation and for associated costs, including planning, study, due diligence,
273 title and appraisal services, site restoration and stewardship, including but not limited to, coastal
274 land acquisition and securing of access to protected coastal lands, and lands to provide for the
275 inland movement of coastal habitats; provided, that funds may be used for development and
276 implementation of a stewardship program on lands under the care and control of the department
277 including, but not limited to, resource and land use monitoring, signage, boundary delineation
278 and monitoring, preparation of baseline documentation, stewardship planning, ecological
279 monitoring and enforcement of conservation restrictions or detection and resolution of
280 encroachments on land owned and rights in land and repair of damage to property related to
281 illegal uses, including off-road vehicle trespass; and provided further, that funds may be used for
282 inventory, restoration and reclamation of acquired land, including demolition of structures,
283 removal of debris, eradication of non-native species and other services essential to these
284 reclamation efforts.....\$40,000,000

285 2800-7020 For natural resource restoration and protection, including protection and
286 rehabilitation of lakes, ponds, rivers and streams and associated watersheds, and for
287 improvements and costs associated with site assessment, containment, cleanup, control, removal
288 of or response actions concerning hazardous materials or substances at forests, parks,
289 reservations, waterbodies and other properties of the department of conservation and recreation;
290 provided, that the secretary of energy and environmental affairs may provide guidance for
291 planning, prioritization, selection and implementation of projects in furtherance of the goals of
292 climate change mitigation and adaptation and consistent with the integrated state hazard
293 mitigation and climate change adaptation plan.....\$20,000,000

294 2800-7014 For the design, construction, reconstruction, improvement or rehabilitation
295 of department or navigable coastal and inland waterways projects including, but not limited to,
296 design, permitting, operation, maintenance of waterways, operation and maintenance of state
297 piers, coastal protection, dredging, river and stream cleaning, coastal structure maintenance,
298 piers, dune stabilization, culvert repair, renourishment, erosion control, and implementing
299 nature-based solutions, waterfront access and transportation improvements and improvements to
300 related facilities and equipment; provided, that funds from this item may be expended to support
301 state coordination with a cooperative federal-state program with the United States Geological
302 Survey in the federal Department of Interior, for continuous data collection and analysis
303 regarding water resources; and provided further, that the secretary of energy and environmental
304 affairs may provide guidance for planning, prioritization, selection and implementation of
305 projects in furtherance of the goals of climate change mitigation and adaptation and consistent
306 with the integrated state hazard mitigation and climate change adaptation
307 plan.....\$21,000,000

308 2800-7025 For the design, construction, reconstruction, rehabilitation, retrofitting,
 309 repair or removal of state-owned dams for which emergency action or statewide hazard
 310 mitigation is required and for inland flood control projects and projects for any related facilities
 311 and equipment, including, but not limited to, seawalls, jetties, revetments, and retaining walls,
 312 with equal consideration given to beach nourishment and nature-based solutions on state-owned
 313 land or related to state climate change adaptation and preparedness or for which emergency
 314 action or statewide hazard mitigation is required; provided, that the department of conservation
 315 and recreation shall give priority to dams and flood control projects that pose the greatest risk to
 316 public health or safety, or to the environment; provided further, that funds shall be available for a
 317 program of planning, permitting and construction of fish ways and other aquatic habitat
 318 improvements, including the removal or breaching of selected dams and impoundments on state-
 319 owned land and waterways; provided, that such projects shall include those which maintain or
 320 improve coastal access; and provided further, that the secretary of energy and environmental
 321 affairs may provide guidance for planning, prioritization, selection and implementation of
 322 projects in furtherance of the goals of climate change mitigation and adaptation and consistent
 323 with the integrated state hazard mitigation and climate change adaptation
 324 plan.....\$105,000,000

325 2800-7031 For the protection and rehabilitation of the lakes, ponds, rivers and
 326 streams and associated watersheds including, but not limited to, assistance and grant programs
 327 under sections 37A to 37D, inclusive, of chapter 21 of the General Laws; provided, that such
 328 programs shall include, without limitation, technical assistance, studies, preservation,
 329 environmental improvements, including the removal of aquatic invasive plants and associated
 330 costs\$10,000,000

331 2840-7025 For the planning, design, construction, reconstruction, repair, removal,
332 demolition, improvement, furnishing, equipping or rehabilitation of department reservations,
333 forests, parks, campgrounds, comfort stations, harbor islands, skating rinks, skate parks,
334 swimming and wading pools, spray parks, golf courses, tennis courts, basketball courts, ball
335 fields, playgrounds, exercise and fitness paths, tracks, other recreational facilities, historic sites,
336 beaches and related facilities, storage buildings, office buildings, visitor centers, fire towers,
337 maintenance facilities and other park buildings and structures, and equipment, including
338 upgrades to information technology equipment to be considered in consultation with the
339 secretary of technology services and security, and for the planning, design, acquisition,
340 construction, reconstruction, repair, removal, improvement or rehabilitation of department bike
341 paths, greenways, recreational trails and related facilities and equipment; provided, that the
342 secretary of energy and environmental affairs may provide guidance for planning, prioritization,
343 selection and implementation of projects in furtherance of the goals of climate change mitigation
344 and adaptation and consistent with the integrated state hazard mitigation and climate change
345 adaptation plan; provided further, that the department of conservation and recreation may expend
346 funds in this item for technical assistance and grants to cities and towns in accordance with rules
347 or regulations adopted by the department to implement this item\$420,000,000

348 2890-7034 For the planning, design, construction, reconstruction, repair,
349 improvement or rehabilitation of department of conservation and recreation parkways,
350 boulevards, multi-use trails, internal state park roads and recreational trails, pedestrian bridges
351 and related appurtenances and equipment including, but not limited to, the costs of planning,
352 design and engineering and other services for those projects rendered by commonwealth
353 employees or by consultants; provided, that funds may be expended for pedestrian and bicycle

354 safety, traffic calming, landscape improvements, street lighting, safety equipment, and
355 accessibility; provided further, that all work funded by this item shall be carried out according to
356 standards developed by the department pursuant to historic parkways preservation treatment
357 guidelines to protect the scenic and historic integrity of the bridges and parkways under its
358 control; provided further, that the secretary of energy and environmental affairs may provide
359 guidance for planning, prioritization, selection and implementation of projects in furtherance of
360 the goals of climate change mitigation and adaptation and consistent with the integrated state
361 hazard mitigation and climate change adaptation plan.....\$160,000,000

362 SECTION 2A.

363 EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

364 Office of the Secretary

365 2000-7080 For implementation of the integrated state hazard mitigation and climate
366 change adaptation plan; provided, that the secretary of energy and environmental affairs shall
367 give priority to critical actions and strategies identified in the plan.....\$100,000,000

368 2000-7081 For the municipal vulnerability preparedness grant program to support and
369 provide technical assistance for cities and towns to complete climate-related vulnerability
370 assessments, develop action-oriented resiliency plans, and complete integrated climate change
371 adaptation plans and local hazard mitigation plans; and to implement local and regional
372 adaptation solutions identified through such plans, including changes to policies, bylaws, and
373 plans, municipal infrastructure improvements, repairs to address vulnerability and improve
374 resiliency, and nature-based climate adaptation strategies which are defined as strategies that
375 conserve, restore and employ the natural resources of the Commonwealth to enhance climate

376 adaptation, build resilience and support mitigation; provided further that such funds may be used
377 on lands held by municipal, state, or federal agencies or other governmental bodies, on lands
378 held by nonprofit conservation organizations, or on private lands with the consent of the owner
379 and subject to covenants that will assure the continued presence and effectiveness of such
380 projects for the expected life of the projects; provided that the use of such funds by municipal
381 governmental bodies on lands held by nonprofit conservation organizations or on private lands
382 shall require, in a city having a Plan D or Plan E charter by the affirmative vote of a majority of
383 all the members of the city council, in a city not having such a charter by vote of the city council,
384 subject to the provisions of the charter of such a city, and in a town by a majority vote at a town
385 meeting.....\$75,000,000

386 2000-7084 To capitalize the Global Warming Solutions Trust Fund established in
387 section 35GGG of chapter 10 of the General Laws.....\$5,000,000

388 2000-7085 For the climate change science and data program to support the
389 development and maintenance of data including statewide, basin scale, and other relevant climate
390 change projections and data, the establishment of datasets to track and monitor ongoing impacts
391 from climate change, and the maintenance and expansion of the climate change clearinghouse
392 data and tools available to cities and towns and the regional planning agencies that support them;
393 provided, that any expenditures for communication and technology equipment under this item
394 shall be considered in consultation with the secretary of technology services and
395 security.....\$10,000,000

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Department of Environmental Protection

2200-7019 For the Massachusetts electric vehicle incentive program to provide grants to public entities to acquire passenger plug-in vehicles for fleets, install charging stations for public electric vehicles, and promote the establishment of vehicle charging stations; provided further, that \$5,000,000 shall be expended for the Massachusetts electric vehicle incentive program to provide matching grants to employers to install electric vehicle charging stations at workplaces.....\$9,000,000

EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

Office of the Secretary

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

SECTION 2B.

OFFICE OF THE TREASURER AND RECEIVER GENERAL

0620-1002 For the Massachusetts Clean Water Trust established in section 2 of chapter 29C of the General Laws for deposit in the Water Pollution Abatement Revolving Fund established in section 2L of chapter 29 of the General Laws for application by the trust to the purposes specified in section 5 of said chapter 29C, any portion of which may be used as a matching grant by the commonwealth to federal capitalization grants received under Title VI of the federal Clean Water Act or for deposit in the Drinking Water Revolving Fund established in section 2QQ of said chapter 29 for application by the trust to the purposes specified in section 18

417 of said chapter 29C, any portion of which may be used as a matching grant by the
418 commonwealth to federal capitalization grants received under the federal Safe Drinking Water
419 Act.....\$60,333,000

420 SECTION 2C.

421 EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

422 Office of the Secretary

423 2000-7061 For a tree planting greening program for projects throughout the
424 commonwealth on publicly-owned land including, but not limited to, the evaluation and planning
425 of tree greening projects, tree stock and planting and the care and protection of urban street trees;
426 provided, that the secretary shall give priority to the planting of trees in cities or towns with a
427 completed tree management plan ; provided further, that the secretary shall issue grants to cities
428 and towns to achieve the purposes of this item.....\$10,000,000

429 2000-7064 For a program to be administered by the secretary of energy and
430 environmental affairs to acquire land for the purposes of open space, recreation and
431 conservation, to be protected pursuant to Article 97 of the Amendments to the Constitution,
432 which lands are located near or adjacent to the mean high water mark of coastal areas, on coastal
433 barrier beaches, or in coastal high risk flooding zones and which lands or structures thereon have
434 suffered or are projected to be subject to repeated damage from flooding, storm surges, wave
435 action, or erosion caused by ocean waves or waters, or are otherwise impacted or projected to be
436 impacted catastrophically by extreme weather events, astronomical high tides or elevated sea
437 levels related to climate change, and cause a substantial risk to public health, public safety or the
438 environment; provided that funds may be used to purchase adjoining coastal parcels next to such

439 acquired land or any other Article 97 coastal land to achieve the purposes of this item; provided
440 further, that grants may be made to cities and towns to acquire such coastal lands for the
441 purposes of this item, and may as a condition of any grant require the municipality to hold title to
442 the acquired land jointly with the commonwealth under the terms of the grant; and provided
443 further, that funds from this item shall not be used to compensate land owners for lands taken by
444 eminent domain..... \$30,000,000

445 2000-7077 For the acquisition, development, construction and improvement of parks
446 in urban and suburban neighborhoods currently underserved with parks, and which are consistent
447 with attainment of environmental equity, including community engagement and planning related
448 to these parks; provided, that funds shall be available for the completion of urban forestry and
449 tree planting projects, assessment and remediation of brownfield and grayfield sites intended for
450 reuse as parks, drafting of architectural renderings, construction documents and other technical
451 documents necessary for parks construction, acquisition of land or interests in land, including
452 rail-banked corridors, for the creation of parks pursuant to Article 97 of the Amendments to the
453 Constitution of the Commonwealth and for the construction, rehabilitation and improvement of
454 parks including, but not limited to, all related facilities, landscaping, monuments and features,
455 parking areas and roadways; provided, that the secretary of energy and environmental affairs
456 may issue grants to public and nonpublic entities to implement these projects; and provided
457 further, that the secretary may provide guidance for planning, prioritization, selection of parks to
458 promote environmental equity and in furtherance of the goals of climate change mitigation and
459 adaptation and consistent with the integrated state hazard mitigation and climate change
460 adaptation plan.....\$60,000,000

461 2000-7078 For investment in trails to include planning, engineering, design,
462 permitting, construction, repair, technical assistance and improvement of trails and the
463 acquisition of property interests for trail purposes; provided, that funds may be granted at the
464 discretion of the secretary of energy and environmental affairs to public and non-public entities
465 including municipalities, regional planning agencies, and non-profit organizations, or expended
466 directly by the executive office of energy and environmental affairs and its departments and
467 division; provided further, that trails are to be broadly defined to include water, recreational,
468 multi-use, and motorized for use by recreational and snow vehicles, and may be paved,
469 improved, natural surface, or on-road for limited distances when necessary to make key
470 connections; provided further that any project funded under this item is to be open to the public;
471 provided further, that wherever practicable property interests acquired are to be permanently
472 conserved such that the trail thereon is permanently accessible to the public, but may be long-
473 term leases where necessary to advance trail projects; provided further, that a match from the
474 funding recipient, which may include in-kind match, may be required at the discretion of the
475 secretary of energy and environmental affairs; and provided further, that funds expended from
476 this item for the cost of employees shall not exceed 5 per cent of funds expended from this item
477 in any fiscal year.....\$25,000,000

478 Department of Conservation and Recreation

479 2800-7023 For a forestry and tree planting program for projects throughout the
480 commonwealth, including, but not limited to, the evaluation and planning of forestry and tree
481 planting projects, tree stock and planting and the care and protection of trees and forests;
482 provided, that the secretary of energy and environmental affairs shall give priority to the planting
483 of trees in areas experiencing heat island effects, underserved with tree cover, affected by severe

484 weather events or insect infestation, in areas where aquifers, recharge areas, wells, reservoirs and
485 other water bodies are located that will improve and protect water quality as part of a natural
486 ecosystem, and in furtherance of environmental equity, climate change mitigation, adaptation
487 and resiliency strategies; provided, that the secretary shall provide guidance for coordination
488 between municipal and utility stakeholders on incorporating utility gas leaks data into planning
489 for street tree planting projects and for testing street tree pits for methane before planting;
490 provided further, that funds from this item may be expended to provide technical assistance and
491 support to landowners to engage in sustainable forest management and long-term conservation
492 practices and to undertake projects and activities to protect the ecological integrity of the
493 commonwealth’s forestlands under the forest vision plan.....\$25,000,000

494 SECTION 2D.

495 MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

496 6121-1315 For the complete streets program established pursuant to chapter 90I of the
497 General Laws for complete streets grants to municipalities provided , that not less than 33 per
498 cent of the grants awarded shall be issued to cities and towns with a median household income
499 below the average of the
500 commonwealth.....\$55,000,000

501 SECTION 2E.

502 MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

503 *Highway Division*

504 6121-1715 For projects on the interstate and non-interstate federal highway system;
505 provided, that funds may be expended for the costs of these projects including, but not limited to
506 the nonparticipating portions of these projects and the costs of engineering and other services
507 essential to these projects; provided further, that notwithstanding this act or any other general or
508 special law to the contrary, the department shall not enter into any obligations for projects which
509 are eligible to receive federal funds under this act unless state matching funds exist which have
510 been specifically authorized and are sufficient to fully fund the corresponding state portion of the
511 federal commitment to fund these obligations; and provided, further, that the department shall
512 only enter into obligations for projects under this act based upon a prior or anticipated future
513 commitment of federal funds and the availability of corresponding state funding authorized and
514 appropriated for this use by the general court for the class and category of project for which this
515 obligation applies..... \$992,000,000

516 SECTION 3. To meet the expenditures necessary in carrying out section 2, the state
517 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an
518 amount to be specified by the governor from time to time but not exceeding, in the aggregate,
519 \$1,538,500,000. All such bonds issued by the commonwealth shall be designated on their face,
520 Environmental Loan Act of 2018, and shall be issued for a maximum term of years, not
521 exceeding 20 years, as the governor may recommend to the general court under section 3 of
522 Article LXII of the Amendments to the Constitution. The bonds shall be payable not later than
523 June 30, 2043. All interest and payments on account of principal on these obligations shall be
524 payable from the General Fund. Bonds and interest thereon issued under this section shall,
525 notwithstanding any other provision of this act, be general obligations of the commonwealth.

526 SECTION 4. To meet the expenditures necessary in carrying out section 2A, the state
527 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an
528 amount to be specified by the governor from time to time but not exceeding, in the aggregate,
529 \$205,000,000. All such bonds issued by the commonwealth shall be designated on their face,
530 Climate Change Preparedness Loan Act of 2018, and shall be issued for a maximum term of
531 years, not exceeding 20 years, as the governor may recommend to the general court under
532 section 3 of Article LXII of the Amendments to the Constitution. The bonds shall be payable not
533 later than June 30, 2043. All interest and payments on account of principal on these obligations
534 shall be payable from the General Fund. Bonds and interest thereon issued under this section
535 shall, notwithstanding any other provision of this act, be general obligations of the
536 commonwealth.

537 SECTION 5. To meet the expenditures necessary in carrying out section 2B, the state
538 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an
539 amount to be specified by the governor from time to time but not exceeding, in the aggregate,
540 \$60,333,000. All such bonds issued by the commonwealth shall be designated on their face,
541 Clean Water Loan Act of 2018, and shall be issued for a maximum term of years, not exceeding
542 20 years, as the governor may recommend to the general court under section 3 of Article LXII of
543 the Amendments to the Constitution. The bonds shall be payable not later than June 30, 2043.
544 All interest and payments on account of principal on these obligations shall be payable from the
545 General Fund. Bonds and interest thereon issued under this section shall, notwithstanding any
546 other provision of this act, be general obligations of the commonwealth.

547 SECTION 6. To meet the expenditures necessary in carrying out section 2C, the state
548 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an

549 amount to be specified by the governor from time to time but not exceeding, in the aggregate,
550 \$150,000,000. All such bonds issued by the commonwealth shall be designated on their face,
551 Commonwealth 21st Century Parks and Trails Act of 2018, and shall be issued for a maximum
552 term of years, not exceeding 20 years, as the governor may recommend to the general court
553 under section 3 of Article LXII of the Amendments to the Constitution. The bonds shall be
554 payable not later than June 30, 2043. All interest and payments on account of principal on these
555 obligations shall be payable from the General Fund. Bonds and interest thereon issued under this
556 section shall, notwithstanding any other provision of this act, be general obligations of the
557 commonwealth.

558 SECTION 7. To meet the expenditures necessary in carrying out section 2D, the state
559 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an
560 amount to be specified by the governor from time to time but not exceeding, in the aggregate,
561 \$55,000,000. All such bonds issued by the commonwealth shall be designated on their face,
562 Highway and Streets Projects Act of 2018, and shall be issued for a maximum term of years, not
563 exceeding 10 years, as the governor may recommend to the general court under section 3 of
564 Article LXII of the Amendments to the Constitution. The bonds shall be payable not later than
565 June 30, 2033. All interest and payments on account of principal on these obligations shall be
566 payable from the General Fund. Bonds and interest thereon issued under this section shall,
567 notwithstanding any other provision of this act, be general obligations of the commonwealth.

568 SECTION 8. To meet the expenditures necessary in carrying out section 2E, the state
569 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an
570 amount to be specified by the governor from time to time but not exceeding, in the aggregate,
571 \$178,500,000. All bonds issued by the commonwealth as aforesaid shall be designated on their

572 face, Highway Act of 2018, and shall be issued for a maximum term of years, not exceeding 30
573 years, as the governor recommends in a message to the general court pursuant to section 3 of
574 Article LXII of the Amendments to the Constitution. All such bonds shall be payable not later
575 than June 30, 2053, pursuant to said Section 3 of Article LXII of the Amendments to the
576 Constitution. All interest and payments on account of principal on these obligations shall be
577 payable from the General Fund. Notwithstanding any other general or special law to the contrary,
578 bonds issued under this section and interest thereon shall be general obligations of the
579 commonwealth.

580 SECTION 9. Chapter 10 of the General Laws is hereby amended by inserting after
581 section 35FFF, inserted by section 1 of chapter 91 of the acts of 2018, the following 4 sections:-

582 Section 35GGG. (a) There shall be established upon the books of the commonwealth a
583 separate fund to be known as the Global Warming Solutions Trust Fund into which shall be
584 deposited: (i) any revenues or other financing sources directed to the fund by appropriation; (ii)
585 bond revenues or other monies authorized by the general court and specifically designated to be
586 credited to the fund; (iii) any income derived from the investment of amounts credited to the
587 fund or repayment of loans from the fund; (iv) funds from public or private sources, including,
588 but not limited to, gifts, federal or private grants, donations, rebates and settlements received by
589 the commonwealth that are specifically designated to be credited to the fund; and (v) all other
590 amounts credited or transferred into the fund from any other source. The fund shall be
591 administered by the secretary of energy and environmental affairs.

592 (b) Amounts credited to the fund may be used, without further appropriation, to provide
593 grants or loans to governmental, quasi-governmental or non-profit entities for costs incurred in

594 relation to implementation of the Global Warming Solutions Act, chapter 298 of the acts of
595 2008, as subsequently amended; the Clean Energy and Climate Plan published by the executive
596 office of energy and environmental affairs, as subsequently amended; and other state and local
597 strategies for climate change mitigation and adaptation. Such expenditures may include, but are
598 not limited to: (i) payment of costs associated with planning, monitoring, and managing carbon
599 reduction measures; (ii) development and deployment of mitigation strategies and best practices
600 to reduce carbon emissions; (iii) planning, monitoring and managing strategies to adapt to and
601 prepare for the impacts of climate change; (iv) priority adaptation projects with potential co-
602 benefits for climate change mitigation, environmental protection, public health, or other factors,
603 as determined by the secretary of energy and environmental affairs; and (v) pilot projects for new
604 technologies or strategies to support carbon emission reductions. The amounts expended from
605 the fund during any fiscal year for the costs of employees shall not exceed 5 per cent of total
606 funds expended from the fund in that fiscal year. Monies deposited into the fund that are
607 unexpended at the end of the fiscal year shall not revert to the General Fund and shall be
608 available for expenditure in the subsequent fiscal year.

609 Section 35HHH. (a) There shall be established and set up on the books of the
610 commonwealth a separate fund to be known as the Transfer of Development Rights Revolving
611 Fund into which shall be deposited: (i) any revenues or other financing sources directed to the
612 fund by appropriation; (ii) bond revenues or other monies authorized by the general court and
613 specifically designated to be credited to the fund; (iii) any income derived from the investment of
614 amounts credited to the fund or repayment of loans from the fund; (iv) funds from public or
615 private sources, including, but not limited to, gifts, federal or private grants, donations, rebates
616 and settlements received by the commonwealth that are specifically designated to be credited to

617 the fund; and (v) all other amounts credited or transferred into the fund from any other source.
618 The fund shall be administered by the secretary of energy and environmental affairs.

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

624 Section 35III. (a) There shall be established and set up on the books of the
625 commonwealth a separate fund to be known as the Fishing Innovation Fund, whose purpose shall
626 be to finance grants for permit banks, the design, construction and modification of commercial
627 fishing vessels; including but not limited to research, development and construction of
628 innovative fishing vessels with attributes including but not limited to increased fuel efficiency,
629 reduced carbon emissions, improved stability, and the capability of supporting sustainable
630 fishing practices through harvesting and on-board storage and processing methods, research,
631 development, acquisition and deployment of advanced or innovative technologies including but
632 not limited to sonar, radar, radio communications, satellite and global position and other locating
633 and tracking devices; the research and development, acquisition and deployment of safety
634 equipment and technologies provided, that any such grants may be conditioned on a vessel or
635 guarantor or other reasonable condition remaining active in commercial fishing in the
636 commonwealth, landing or processing fish in the commonwealth, or maintaining permits or
637 licenses to do so without regard or preference to any particular geographic location or region of
638 the commonwealth; provided that grants shall be distributed in a manner developed by the
639 advisory committee established under clause (b) of this section.

640 Amounts shall be credited to the fund pursuant to line item 2300-0100, provided that the
641 fund may be supplemented through appropriation from the general fund or other available
642 sources including but not limited to any interest earned on monies in the fund; any funds from
643 private sources including, but not limited to, gifts, grants and donations received by the
644 commonwealth that are specifically designated to be credited to the fund, provided further that
645 the department of fish and game shall also seek to the fullest extent any federal monies, any
646 federal monies, matching funds, and grants.

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

655 (b) There shall be an advisory committee to be appointed by the governor consisting of
656 13 members including the director of the division of marine fisheries who shall serve as chair; 2
657 of whom with academic or research experience in fishing and the marine economy and 10
658 members from geographically diverse regions of the commonwealth, with at least 1 from each of
659 these gear types: mobile gear such as trawls, hooks, gillnets, or traps.

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

663 The advisory committee shall annually hold at least 1 public hearing to receive public
664 testimony to inform its efforts in developing and deploying grant programs.

665 Section 35JJJ. (a) There shall be established and set up on the books of the
666 commonwealth a separate fund to be known as the Agricultural Innovation Fund, whose purpose
667 shall be to finance grants for the commonwealth's agricultural and cranberry producers through
668 the Agricultural Innovation Center that may add value to the producers products and services;
669 provided further that the Agricultural Innovation Center shall develop an outreach program to
670 identify and foster new, innovative ideas and approaches to adding value to the commonwealth's
671 agricultural and cranberry economy; and provided further that the Agricultural Innovation Center
672 may solicit requests from the commonwealth's agricultural and cranberry industry for funding
673 and technical assistance in reclamation and revitalization of cranberry bogs; training, marketing,
674 distribution, applied research, agri-tourism, aquaculture, forestry, processing, fiber and
675 agricultural resource management research, development, poultry and red meat processing and
676 construction of energy efficient agricultural buildings and structures; research, development and
677 construction of energy efficient agricultural equipment; provided further that grants shall be
678 administered in a manner developed by the advisory committee established under clause (b) of
679 this section.

680 Amounts shall be credited to the fund pursuant to line item 2511-2000, provided that the
681 fund may be supplemented through appropriation from the general fund or other available

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

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

696 (b) There shall be an advisory committee to be appointed by the governor consisting of
697 13 members including the commissioner of the department of agricultural resources who shall
698 serve as chair; 2 of whom with academic or research experience in the agriculture and cranberry
699 economy and 10 members of geographically diverse regions of the commonwealth, with at least
700 1 from the following sectors: horticulture, cranberry growing, dairy farming, raising livestock, or
701 raising crops. The Agricultural Innovation Center shall consult with the advisory committee in
702 matters related to the fund and in the implementation of this section.

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

706 The advisory committee shall annually hold at least 1 public hearing to receive public
707 testimony to inform its efforts in developing and deploying grant programs.

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

711 A person notified to appear before the clerk of a district court, as provided in said section
712 10G, for any violation of section 17A, 18, 19, 30, 31, 33, 34, 35, 36, 51, 51A, 66, 69, 70, 71, 72,
713 100C or 102 of chapter 130 may so appear within the time specified and pay a fine of \$100.

714 A person notified to appear before the clerk of a district court, as provided in said section
715 10G, for any violation of section 13, 17, 21, 29, 37, 38, 38A, 39, 40, 41, 41A, 44, 44A, 44B, 47,
716 49, 80, 81, 82, 92, 100A, 100B or 106 of chapter 130 may so appear within the time specified
717 and pay a fine of \$200.

718 A person notified to appear before the clerk of a district court, as provided in said section
719 10G, for any violation of section 23, 25, 67, 68, 75, 95 or 100D of chapter 130 may so appear
720 within the time specified and pay a fine of \$400.

721 A person notified to appear before the clerk of a district court, as provided in said section
722 10G, for any violation of section 17, 17A, 34, 35, 37, 40, 41, 41A, 44, 44A, 44B, 95, 100A,
723 100B or 100C of chapter 130 may so appear within the time specified and pay, in addition to the

724 applicable base fine specified in this section for a violation of any of the sections listed above, a
725 supplemental fine of \$10 per fish for a violation of each said section. For the purpose of this
726 paragraph, the term “fish” shall be defined as provided in section 1 of chapter 130, except that it
727 shall not include bi-valve shellfish.

728 SECTION 11. Said chapter 21A is hereby further amended by adding the following new
729 section:-

730 Section 27. (a) There shall be established within the executive office of energy and
731 environmental affairs a program to facilitate the transfer of development rights, as defined in
732 section 1A of chapter 40A, through municipal ordinances or bylaws to protect conservation
733 values and encourage development through market incentives. The secretary, in consultation
734 with the secretary of housing and economic development and other agencies or offices as
735 appropriate, shall manage and oversee the program, including the administration of the Transfer
736 of Development Rights Revolving Fund established in section 35HHH of chapter 10. The
737 secretary may promulgate regulations to carry out the provisions of this section.

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

740 (1) establish a municipal transfer of development rights revolving fund under section
741 53E½ of chapter 44 to be used to effectuate the purchase and sale of the transfer of development
742 rights, as defined in section 1A of chapter 40A; and

743 (2) enact a transfer of development rights zoning bylaw or ordinance approved by the
744 secretary, in consultation with the secretary of housing and economic development, that, at a
745 minimum—

746 (i) enables the acquisition, retention, and disposition of the transfer of development
747 rights;

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

753 (iii) requires that the land from which development rights will be extinguished be subject
754 to a permanent conservation, watershed preservation, agricultural preservation, or preservation
755 restriction in accordance with sections 31 to 33, inclusive, of chapter 184, which shall be
756 recorded with the registry of deeds or registered in the registry district of the land court for the
757 county or district wherein the land lies; or, if the land is submitted for approval by the
758 appropriate state official but does not qualify, or is otherwise not approved, for a restriction
759 under these sections, shall be subject to a restrictive covenant extended in perpetuity in
760 accordance with sections 26 to 30, inclusive, of said chapter 184, which shall be approved by the
761 planning board and the city council or board of selectmen, as appropriate, held by the
762 municipality or a non-profit organization permitted to hold restrictions pursuant to section 32 of
763 said chapter 184, and as applicable duly recorded or registered;

764 (iv) provides reasonable assurance that areas designated for receipt of transferred
765 development rights are properly sized based on the potential increase in growth that may result
766 from the transfers to them, and that they are appropriate for additional growth based on their

767 location, availability of infrastructure or planned infrastructure development, and access to
768 municipal services; and

769 (v) establishes a procedure for the planning board to issue development rights certificates,
770 in a form specified by the secretary, indicating ownership of transferable development rights, and
771 to provide for and document the creation, acquisition, disposition, exercise and redemption of
772 transferable development rights, including: (1) procedures for the filing of development rights
773 certificates with the municipal clerk and recording with the registry of deeds or registration in the
774 registry district, as applicable, for both the land from which development rights are extinguished
775 and the land to which such rights are transferred; (2) procedures for documenting the recording
776 or registration of the original restriction or restrictive covenant as required in clause (iii); and (3)
777 procedures, including limitations if any, for the exercise of transferable development rights in the
778 event of subsequent amendments to zoning ordinances and bylaws affecting the development
779 authorized by the transferable development right.

780 (c) To apply for a loan from the Transfer of Development Rights Revolving Fund, an
781 eligible municipality shall submit an application that certifies, at a minimum, that the
782 municipality will—

783 (1) follow the provisions of chapter 30B when acquiring or disposing of transferable
784 development rights;

785 (2) commit, through approval of the local legislative body, to repay any loan from the
786 Transfer of Development Rights Revolving Fund under the terms then specified;

787 (3) keep permanent records of all restrictions recorded and transferable development
788 rights created, acquired, held, sold or disposed, and exercised, and report on these activities to
789 the secretary in a manner directed by the secretary; and

790 (4) keep permanent records of all financial transactions involving the municipal transfer
791 of development rights revolving fund and report on these transactions and fund balances to the
792 secretary in a manner directed by the secretary.

793 (d) Loans from the Transfer of Development Rights Revolving Fund shall carry 0 per
794 cent interest for the first 5 years from the date of origination, and the prime rate plus 1 per cent
795 from the sixth to the tenth year from the date of origination. A municipality that has not repaid its
796 loan within 10 years of the origination date shall be considered in default. In addition to other
797 remedies specified under any loan agreement, if any municipality shall fail to pay to the
798 Transferable Development Rights Revolving Fund when due and after demand any principal,
799 interest or other charges payable under a loan or loan agreement, the secretary may certify to the
800 state treasurer the amount owing to the Transferable Development Rights Revolving Fund by
801 said municipality, and may request that the state treasurer reduce annual local aid to the recipient
802 by the amount necessary to repay the principal, interest or other charges in arrears over 10 years.
803 The state treasurer shall promptly pay over to the secretary for deposit in the Transferable
804 Development Rights Revolving Fund without further appropriation any local aid distributions in
805 the amounts requested by the secretary and otherwise certified to the state treasurer as payable to
806 the municipality. The loan terms set forth in this subsection may be modified by regulations
807 promulgated by the secretary; provided, however, that no such modification shall be made before
808 January 1, 2022.

809 SECTION 12. Said chapter 21A is hereby further amended by adding the following new
810 section:-

811 Section 28. As used in this section, the following words shall, unless the context clearly
812 indicates otherwise, have the following meanings:-

813 'Department', the department of environmental protection.

814 'Environmental justice', the right to be protected from environmental pollution and to
815 live in and enjoy a clean and healthful environment regardless of race, income, national origin, or
816 English language proficiency. Environmental justice shall include the equal protection and
817 meaningful involvement of all people with respect to the development, implementation, and
818 enforcement of environmental laws, regulations, and policies and the equitable distribution of
819 environmental benefits.

820 'Environmental benefits', access to funding, open space, enforcement, technical
821 assistance, training, or other beneficial resources disbursed by the executive secretariats and their
822 agencies and offices.

823 'Environmental justice population', (1) a neighborhood in which (i) the annual median
824 household income is equal to or less than 65 per cent of the statewide median; (ii) minorities
825 comprise 25 per cent or more of the population; or (iii) 25 per cent or more of households lack
826 English language proficiency; or (2) may be defined by the executive office of energy and
827 environmental affairs, or its subordinate agencies in an environmental justice strategy issued
828 pursuant to this act; provided that any the definition shall meet at least 1 of the requirements of
829 clauses (i) through (iii) of paragraph (1) of this definition.

830 'Equal protection', that no group of people, because of race, ethnicity, class, gender, or
831 handicap bears an unfair share of environmental pollution from industrial, commercial, state and
832 municipal operations or have limited access to natural resources, including waterfronts, parks
833 and open space, and water resources.

834 'Lacking English language proficiency', refers to households that, according to federal
835 census forms, do not have an adult proficient in English.

836 'MEPA', the Massachusetts Environmental Policy Act, sections 61 through 62H of
837 chapter 30 of the General Laws.

838 'Neighborhood', a census block group as defined by the United States Census Bureau but
839 not including people who live in college dormitories or people under formally authorized,
840 supervised care or custody such as federal or state prisons.

841 'Secretariats', the executive offices of the commonwealth and their secretaries, including
842 but not limited to the executive offices and secretaries of energy and environmental affairs,
843 health and human services, and department of transportation.

844 'Supplemental environmental project' or 'SEP', environmentally beneficial projects, the
845 implementation of which primarily benefits public health, safety and welfare, and the
846 environment.

847 'Toxics Release Inventory' or 'TRI', the Toxics Release Inventory and Toxics Release
848 Inventory Program of the United States Environmental Protection Agency.

849 'TRI Facility', any industrial or commercial facility subject to the regulations, policies, or
850 reporting requirements of the Toxics Release Inventory Program of the United States

851 Environmental Protection Agency or comparable laws or regulations of the commonwealth for
852 the management and control of pollutants or toxins that pose a significant risk to public health or
853 the environment.

854 (b) There shall be an environmental justice advisory council (in this section referred to as
855 the ‘advisory council’). The advisory council shall provide independent advice and
856 recommendations to the governor, the secretary, and other secretariats about issues related to
857 environmental justice and on policies and practices and specific actions that the commonwealth
858 should implement to ensure that the objectives of this act are accomplished.

859 The advisory council shall consist of at least 9, but not more than 15 members, including
860 a chair designated by the council members and approved by the governor. No less than 2
861 members shall be appointed by the senate president and no less than 2 members by the speaker
862 of the house of representatives. The governor shall appoint the remaining members.

863 The advisory council members shall be environmental justice stakeholders, including
864 scientific, or other, experts in environmental or public health matters holding academic position
865 in colleges, universities or other research institutions and who work regularly in, or conduct
866 substantial research regarding environmental justice concerns; representatives of the
867 environmental nonprofit sector; representatives of conservation commissions or boards of health;
868 and residents or elected officials of environmental justice population neighborhoods. No fewer
869 than 4 of the members appointed to the advisory council shall be residents of environmental
870 justice population neighborhoods within the commonwealth.

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

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

875 The advisory council shall meet at such times and places as determined by the advisory
876 council and its chair and shall submit an initial report to the governor within 6 months following
877 the appointment of the advisory council's members. Thereafter the advisory council shall meet at
878 least semi-annually and submit to the governor no less than 1 supplemental report that provides
879 advice and recommendations per year.

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

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

887 (c) The department shall develop and implement a strategy prioritizing enforcement in
888 neighborhoods with environmental justice populations. At the end of each calendar year, the
889 department shall compile a report detailing the number and types of enforcement actions in
890 neighborhoods with environmental justice populations.

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

895 brownfield remediation in or near environmental justice population neighborhoods; and creating
896 an online environmental justice repository of information about the commonwealth's
897 environmental justice initiatives, available to the general public upon request.

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

905 (e) The secretary shall, in consultation with the other secretariats and no less often than
906 every 5 years, publish a progress report on environmental justice, incorporating the
907 recommendations of the advisory council as appropriate, incorporating enforcement and SEP
908 activities undertaken, reporting metrics on reduction of pollution in neighborhoods with
909 environmental justice populations, and outlining further policy actions. The report shall be filed
910 with the clerk of the house or representatives, the clerk of the senate, the chairs of the joint
911 committee on environment, natural resources and agriculture, the chairs of the joint committee
912 on public health, and the chairs of the joint committee of telecommunications, utilities, and
913 energy.

914 (f) The department shall work with the department of public health, and using the best
915 available science, establish health risk assessment guidelines and develop a mapping tool,
916 accessible by the public that helps identify communities most affected by sources of pollution.

917 The tool should employ environmental, health, and socioeconomic information to produce scores
918 for every census tract in the commonwealth. The department of public health shall prioritize the
919 census tracts with the highest scores for health studies and developing strategies for reducing
920 public health threats.

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

925 The secretary shall initiate a rule-making process that shall establish a cap on the total
926 number of TRI facilities that may be sited or expanded within any environmental justice
927 population neighborhood. That rule-making process shall prioritize and give substantial weight
928 to achieving a substantial reduction of the risk of the exposure of residents of the neighborhood
929 to toxins listed in the TRI Inventory and shall prioritize and give substantial weight to providing
930 and preserving the access of the residents of the neighborhood to a clean and healthful
931 environment regardless of race, income, national origin or English language proficiency.

932 (h) The secretary shall appoint a director of environmental justice for the secretariats. The
933 director of environmental justice shall have such duties and authority as the secretary deems
934 reasonable to ensure that the purposes of this act are carried out. The director shall liaise with the
935 advisory council and other secretariats and may have any other duties that the secretary deems
936 necessary to secure environmental justice. The secretary shall not permit the position of director
937 of environmental justice to be vacant for more than 60 days.

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

943 (i) Except as otherwise provided for in this section, each secretariat shall develop a policy
944 or strategy to promote environmental justice that are tailored to the specific authority, mission,
945 and programs under their jurisdiction. Secretariat strategies shall include— (1) the identification
946 of permitting or other regulatory authority governing development projects, brownfield
947 remediation, industrial operations, and commercial facilities, which may impact environmental
948 justice populations; and the description of protections for environmental justice populations in
949 the review process; (2) the identification of economic development opportunities, environmental
950 benefits, and other discretionary funding programs that do, or appropriately should, consider the
951 needs of an environmental justice population in the award process; and (3) an enhanced public
952 participation plan for environmental justice populations potentially affected by development
953 projects, brownfield remediation, industrial operations, and commercial facilities that focuses
954 secretariat resources on outreach activities that enhance public participation opportunities in
955 environmental justice populations, including a plan for communicating in multiple languages and
956 scheduling public meetings at locations and times convenient for neighborhood stakeholders. In
957 determining whether a program protects or considers the needs of an environmental justice
958 population, the policy or strategy may use an existing definition of ‘protected population’ or
959 ‘priority population’ that varies from the definition under this section; provided that the intent of

960 this section is substantially met by such definition. Secretariat policies or strategies shall be
961 reviewed every 5 years, and updated as needed.

962 (j) There shall be an interagency environmental justice working group that shall
963 maximize state resources, research, and technical assistance to further the purposes of this
964 section and of environmental justice in the commonwealth. Said working group shall consist of
965 environmental justice coordinators, which serve as representatives of their respective secretariats
966 to the interagency environmental justice working group.

967 The director of environmental justice of the executive office of energy and environmental
968 affairs shall convene meetings of the interagency environmental justice working group and serve
969 as chair. Said working group shall hold at least 1 meeting per year.

970 SECTION 13. Section 1 of chapter 21N of the General Laws, as appearing in the 2016
971 Official Edition, is hereby amended by inserting before the definition of “Allowance” the
972 following definition:-

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

977 SECTION 14. Said section 1 of said chapter 21N, as so appearing, is hereby further
978 amended by inserting after the definition of “Greenhouse gas emissions source” the following
979 definition:-

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

982 SECTION 15. Said section 1 of said chapter 21N, as so appearing, is hereby further
983 amended by inserting after the definition of “Secretary” the following definition:-

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

988 SECTION 16. Said section 1 of said chapter 21N, as so appearing, is hereby further
989 amended by adding the following definition:-

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

994 SECTION 17. Said chapter 21N is hereby amended by adding the following 2 sections:-

995 Section 10. (a) The secretary and the secretary of the executive office of public safety and
996 security shall coordinate efforts across the commonwealth to strengthen the resiliency of
997 communities, prepare for the impacts of climate change, and prepare for and mitigate damage
998 from extreme weather events. The secretaries shall publish, every 5 years, a state plan that
999 includes a statewide adaptation strategy incorporating: (1) observed and projected climate trends
1000 based on the best available data, including but not limited to, extreme weather events, drought,

1001 coastal and inland flooding, sea level rise and increased storm surge, wildfire, and extreme
1002 temperatures; (2) risk analysis and vulnerability assessment of: key physical assets and functions
1003 of state government, municipalities, and local economies; natural resources; and the built
1004 environment; provided, this analysis and assessment shall include key findings from
1005 vulnerability assessments conducted pursuant to subsection (b); (3) an evaluation of the
1006 commonwealth's capacity to respond and to adapt to climate change impacts and opportunities;
1007 (4) guidance and strategies for state agencies and authorities, municipalities and regional
1008 planning agencies to proactively address these impacts through adaptation and resiliency
1009 measures, including changes to plans, by-laws, regulations, and policies; (5) clear goals,
1010 expected outcomes, and a path to achieving results; (6) approaches for the commonwealth to
1011 increase the resiliency of state government operations; (7) policies and strategies for ensuring
1012 that adaptation and resiliency efforts complement and do not conflict with efforts to reduce
1013 greenhouse gas emissions and contribute to meeting statewide emission limits, established
1014 pursuant to this chapter; and (8) strategies that conserve and sustainably employ the natural
1015 resources of the commonwealth.

1016 (b) The secretary and the secretary of the executive office of public safety and security
1017 shall further: (1) establish and maintain a framework for each executive office established under
1018 section 2 of chapter 6A to complete a vulnerability assessment for such office and each agency
1019 under the jurisdiction of such office to be incorporated into the state plan; (2) establish and
1020 maintain a framework enabling each municipality in the commonwealth that so chooses to
1021 complete a vulnerability assessment that can be incorporated into the state plan; (3) implement
1022 the state plan; and (4) incorporate information learned from implementing the state plan in plan

1023 updates, including the experiences of executive offices, agencies, and municipalities in assessing
1024 and responding to climate change vulnerability.

1025 (c) The secretary of each executive office established under section 2 of chapter 6A shall
1026 designate an employee to serve as the climate change coordinator of such office. Each climate
1027 change coordinator shall, under the leadership of the executive office of energy and
1028 environmental affairs and the executive office of public safety: (1) serve as such office's
1029 principal liaison regarding climate change mitigation, adaptation, and resiliency efforts; (2) assist
1030 in the development and implementation of the state plan; (3) work with agencies under the
1031 jurisdiction of such office to complete vulnerability assessments for each agency and assist in
1032 incorporating these assessments into the state plan, on a schedule determined by the executive
1033 office of energy and environmental affairs and the executive office of public safety and security;
1034 and (4) implement priority strategies and recommendations from the vulnerability assessment to
1035 moderate risk from climate change.

1036 Section 11. (a) The secretary shall develop and support a municipal vulnerability
1037 preparedness grant program. The program shall consist of: (1) financial assistance to
1038 municipalities to complete a community-led resilience building process and vulnerability
1039 assessment that enables climate change information and adaptation actions to be directly
1040 incorporated into existing municipal plans, policies, and spending programs; (2) technical
1041 planning guidance; (3) a statewide catalogue of municipal climate vulnerabilities and impacts
1042 identified through the assessment process that may be incorporated into the state plan; and (4)
1043 support for implementation projects to address vulnerabilities.

1044 (b) A grant of financial assistance issued under this section shall be used to advance
1045 efforts to adapt land use, zoning, infrastructure, financial decision-making, policies and programs
1046 to reduce the vulnerability of the built and natural environment to changing environmental
1047 conditions that are a result of climate change.

1048 (c) The secretary shall develop and implement an outreach and education program about
1049 climate change and its effects for low-income, environmental justice and urban communities to
1050 increase participation in the grant program established in this section.

1051 SECTION 18. Section 1A of chapter 40A of the General Laws, as so appearing, is hereby
1052 amended by inserting after the definition of “Special permit granting authority” the following 2
1053 definitions:-

1054 “Transfer of development rights zoning” or “TDR zoning”, zoning that authorizes
1055 transfer of development rights by permitting landowners in specific preservation areas identified
1056 as sending areas to sell their development rights to landowners in specific development districts
1057 identified as receiving areas.

1058 “Transfer of development rights”, the process by which the owner of a parcel may
1059 convey development rights, extinguishing those rights on the first parcel, and where the owner of
1060 another parcel may obtain and exercise those rights in addition to the development rights already
1061 existing on that second parcel.

1062 SECTION 19. Section 9 of said chapter 40A, as so appearing, is hereby amended by
1063 inserting after the word “interests”, in line 34, the following words:- ; provided, however, that
1064 nothing herein shall prohibit a zoning ordinance or by-law from allowing transfer of

1065 development rights to be permitted as of right, without the need for a special permit or other
1066 discretionary zoning approval.

1067 SECTION 20. Section 6F of chapter 62 of the General Laws, as so appearing, is hereby
1068 amended by inserting after the word “under,” in line 52, the following words:- subsections (a) or
1069 (c) of.

1070 SECTION 21. Section 5 of chapter 65C, as so appearing, is hereby amended by striking
1071 out subsection (c) and inserting in place thereof the following subsections:-

1072 (c) If the gross estate of a decedent, dying on or before December 31, 2018, includes real
1073 property devoted to use as a farm for farming purposes, the estate may elect to value such
1074 property in accordance with section 2032A of the Code, in effect on January 1, 1985. If a federal
1075 return is required to be filed, such election shall be consistent with the election made for federal
1076 estate tax purposes. All the substantive and procedural provisions of said section 2032A shall,
1077 insofar as pertinent and consistent, apply to such election. The commissioner shall promulgate
1078 regulations to carry out the provisions of this subsection.

1079 (d)(1) As used in this subsection, the following words shall have the following
1080 meanings:-

1081 “Applicable date”, the date upon which the 10 year period that the estate shall be liable
1082 for assessment under paragraph (4) of this subsection begins. For qualifying agricultural land and
1083 associated land, the applicable date shall be the date of death of the decedent. For qualifying non-
1084 committed land, the applicable date shall be 2 years from the date of death of the decedent.

1085 “Associated land”, land under the same ownership as and contiguous to qualifying
1086 agricultural land and which, as of the date of death of the decedent, is not committed to
1087 residential, industrial or commercial use. Land shall be deemed contiguous if it is separated from
1088 other land under the same ownership only by a public or private way or waterway. Land under
1089 the same ownership shall be deemed contiguous if it is connected to other land under the same
1090 ownership by an easement for water supply. Any such land in excess of 100 per cent of the
1091 acreage of qualifying agricultural land shall be deemed qualifying non-committed land.

1092 “Closely held agricultural land”, qualifying agricultural land, associated land and
1093 qualifying non-committed land for which an election is made under this subsection.

1094 “Qualifying agricultural land”, land which meets the definition of forest land under
1095 chapter 61, land actively devoted to agricultural, horticultural or agricultural and horticultural
1096 uses under chapter 61A or recreational land under chapter 61B that is also used for farming or
1097 agriculture, as defined in section 1A of chapter 128, and has been devoted to such use or uses for
1098 at least 2 of the tax years immediately preceding the death of the decedent; provided, however,
1099 that the land need not be classified by municipal assessors as forest land under chapter 61, land
1100 actively devoted to agricultural, horticultural or agricultural and horticultural uses under chapter
1101 61A or recreational land under chapter 61B to qualify for valuation as closely held agricultural
1102 land under this subsection.

1103 “Qualifying non-committed land”, land which is not qualifying agricultural land and is
1104 not committed to residential, industrial or commercial use, including associated land in excess of
1105 100 per cent of the acreage of qualifying agricultural land.

1106 “Savings”, the difference between the estate taxes paid as a result of an election made
1107 under this subsection and the estate taxes that would have otherwise been paid had the election
1108 not been made.

1109 (2) If the gross estate of a decedent, dying on or after January 1, 2019, includes real
1110 property that is qualifying agricultural land, associated land or qualifying non-committed land,
1111 the estate may elect to value such property, or any portion thereof, as closely held agricultural
1112 land pursuant to the valuation set by the farmland valuation advisory commission established
1113 pursuant to section 11 of chapter 61A for the fiscal year of the most recent growing season. The
1114 value of closely held agricultural land as determined pursuant to such election shall only be for
1115 the purposes of computing the tax due under this chapter. Such election shall be subject to the
1116 provisions of paragraphs (3) to (6), inclusive.

1117 (3) Unless the property is restricted by a non-development covenant that (i) is approved
1118 by the commissioner of agriculture, (ii) is for the purposes of maintaining the land in agricultural
1119 use, (iii) precludes non-agricultural development of the land, (iv) is recorded at the registry of
1120 deeds in the counties or districts in which the property is located, and (v) does not expire within
1121 10 years of the applicable date, the commissioner shall forthwith cause to be recorded in the
1122 registry of deeds of the counties or districts in which the property is situated a statement which
1123 shall constitute a lien upon the land covered by election under this subsection. The statement
1124 shall include the owner or owners of record, the savings as a result of such election, the fair
1125 market value of the property and a description of the land adequate for identification. Unless
1126 such a statement is recorded the lien shall not be effective with respect to a bona fide purchaser
1127 or other transferee without actual knowledge of such lien. Upon application by any record owner,
1128 such liens shall be released by the commissioner with respect to any property upon the facts

1129 being established by their records or by affidavits or otherwise that all assessments have been
1130 paid, or it being more than 10 years past the applicable date, no assessment being due. All
1131 recording fees paid under this subsection whether for statements of liens, certificates, releases, or
1132 otherwise shall be borne by the owner of record of the land.

1133 Property restricted by an agricultural preservation restriction as defined by section 31 of
1134 chapter 184 and signed by the commissioner of agriculture shall be deemed to be restricted by a
1135 non-development covenant if the restriction (i) is approved by the commissioner of agriculture,
1136 (ii) is for the purposes of maintaining the land in agricultural use, (iii) precludes non-agricultural
1137 development of the land, (iv) is recorded at the registry of deeds in the counties or districts in
1138 which the property is located and (v) does not expire within 10 years of the applicable date.

1139 (4)(i) When land valued as closely held agricultural land under this subsection, within a
1140 period of 10 years from the applicable date, is sold for other use or no longer qualifies as closely
1141 held agricultural land, the owner or owners shall immediately notify the commissioner of such
1142 sale or change of use and an assessment shall be due the commonwealth. Such assessment shall
1143 be calculated with interest based on the date of sale for other use or based on the last date of use
1144 as closely held agricultural land as follows:

1145 The assessment shall be equal to 100 per cent of the savings if such date is within 1 year
1146 of the applicable date; 90 per cent of the savings if such date is within 2 years, but more than 1
1147 year, of the applicable date; 80 per cent of the savings if such date is within 3 years, but more
1148 than 2 years, of the applicable date; 70 per cent of the savings if such date is within 4 years, but
1149 more than 3 years, of the applicable date; 60 per cent of the savings if such date is within 5 years,
1150 but more than 4 years, of the applicable date; 50 per cent of the savings if such date is within 6

1151 years, but more than 5 years, of the applicable date; 40 per cent of the savings if such date is
1152 within 7 years, but more than 6 years, of the applicable date; 30 per cent of the savings if such
1153 date is within 8 years, but more than 7 years, of the applicable date; 20 per cent of the savings if
1154 such date is within 9 years, but more than 8 years, of the applicable date; 10 per cent of the
1155 savings if such date is within 10 years, but more than 9 years, of the applicable date; and no
1156 assessment shall be due if such date is more than 10 years from the applicable date.

1157 Such assessment shall also include interest calculated at a simple interest rate of 5 per
1158 cent per annum on the savings from the applicable date.

1159 There shall be an additional assessment equal to 30 per cent of the savings if the date of
1160 sale for other use or the last date of use while qualified as closely held agricultural land occurs
1161 within 1 year of the applicable date; and 15 per cent of the savings if such date occurs within 2
1162 years, but more than 1 year, of the applicable date.

1163 (ii) If an election has been made with respect to qualifying non-committed land which, on
1164 the applicable date, fails to meet the definition of forest land under chapter 61, land actively
1165 devoted to agricultural, horticultural or agricultural and horticultural uses under chapter 61A or
1166 recreational land under chapter 61B that is also used for farming or agriculture, as defined in
1167 section 1A of chapter 128, an assessment shall be due the commonwealth and payable by the
1168 owner or owners within 30 days of the applicable date; provided, however, that the land need not
1169 be classified by municipal assessors as forest land under chapter 61, land actively devoted to
1170 agricultural, horticultural or agricultural and horticultural uses under chapter 61A or recreational
1171 land under chapter 61B. Such assessment shall be equal to the sum of (A) 100 per cent of the
1172 savings; (B) interest calculated at a simple interest rate of 5 per cent per annum on the savings

1173 from the date of death of the decedent; and (C) an additional assessment equal to 30 per cent of
1174 the savings.

1175 (iii) Notwithstanding this paragraph, there shall be no assessment if the land involved, or
1176 a lesser interest in the land, is acquired for a natural resource by the commonwealth or by a
1177 nonprofit conservation organization; provided, however, that if any portion of the land is sold or
1178 converted to commercial, residential or industrial use within 10 years after the applicable date by
1179 a nonprofit conservation organization, an assessment shall be imposed against the nonprofit
1180 conservation organization in the amount that would have been imposed at the time of acquisition
1181 of the subject parcel by the nonprofit conservation organization had the transaction been subject
1182 to an assessment or, in the case of qualifying non-committed land acquired by a nonprofit
1183 conservation organization before the applicable date, the amount that would have been imposed
1184 on the applicable date under clause (ii).

1185 (iv) In the case of sale for other use of closely held agricultural land, other than
1186 qualifying non-committed land sold for other use before the applicable date, assessments
1187 imposed by this subsection shall be due and payable by the grantor at the time of transfer of the
1188 property by deed or other instrument of conveyance. In the case of qualifying non-committed
1189 land sold for other use before the applicable date, assessments imposed by this subsection shall
1190 be due and payable by the grantor on the applicable date. In the case of change to a non-
1191 qualifying use, assessments imposed by this subsection shall be due and payable by the owner or
1192 owners within 30 days of the last date of use as closely held agricultural land, regardless of the
1193 date on which the commissioner was notified by said owner or owners of such change of use.

1194 (v) An assessment shall be imposed on only that portion of land on which the use has
1195 changed. If, by conveyance or other action of the owner thereof, a portion of land which is
1196 valued as closely held agricultural land under this subsection is separated for other use, the land
1197 so separated shall be subject to liability for assessment, interest and additional assessment under
1198 this paragraph based on the proportion which the acreage of the land so separated bears to the
1199 total acreage of land valued as closely held agricultural land under this subsection.

1200 (5) All buildings located on land which is valued as closely held agricultural land under
1201 this subsection and all land occupied by a dwelling or regularly used for family living shall not
1202 be valued as provided under this subsection.

1203 (6) The commissioner shall promulgate regulations as necessary to carry out the
1204 provisions of this subsection.

1205 SECTION 22. Section 25 of chapter 90B of the General Laws, as so appearing, is hereby
1206 amended by inserting after the word “way,” in line 44, the following words:- , or upon but to the
1207 extreme right of such travelled portion.

1208 SECTION 23. The fourth paragraph of said section 25 of said chapter 90B, as so
1209 appearing, is hereby amended by adding the following sentence:- This paragraph shall also apply
1210 to any portion of a public way designated by the governmental entity with jurisdiction over such
1211 public way, with approval of the chief of police of the municipality in which such portion lies, to
1212 permit travel by a recreational vehicle from 1 authorized operating area to another, or permit
1213 access by a recreational vehicle to essential services such as fuel, food, and lodging from an
1214 authorized operating area. The designated portion shall be the minimum distance necessary to
1215 permit such travel or access, but shall not exceed 4 miles.

1216 SECTION 24. Chapter 129 of the General Laws is hereby amended by striking out
1217 section 18, as so appearing, and inserting in place thereof the following section:-

1218 Section 18. (a) Each inspector shall comply with and enforce all orders and regulations
1219 directed to them by the director.

1220 (b) The director shall establish mandatory training programs for all municipal animal
1221 inspectors. Such training shall be designed to ensure that inspections are conducted on a
1222 consistent basis and that inspectors are educated on matters including, but not limited, to animal
1223 health and welfare. Every municipal animal inspector shall complete such training within 90
1224 days of appointment, and every 2 years thereafter. The director may require additional training
1225 for animal inspectors as needed.

1226 (c) An inspector who refuses or neglects to comply with this section shall be punished by
1227 a fine of not more than \$500.

1228 SECTION 25. Said chapter 129 is hereby further amended by striking out section 25, as
1229 so appearing, and inserting in place thereof the following section:-

1230 Section 25. Each inspector shall keep a record of all inspections made of animals
1231 pursuant to this chapter. The director shall provide forms in any such manner, electronic format
1232 or medium necessary to implement this section, including any forms or records to be utilized and
1233 kept by inspectors, which shall be retained for no more than 10 years in an electronic database
1234 implemented and maintained by the director. The director shall file a report with the department
1235 of agricultural resources outlining the process, timeline, and steps for designing and
1236 implementing the database by January 6, 2020.

1237 SECTION 26. Section 2 of chapter 130 of the General Laws, as so appearing, is hereby
1238 amended by striking out the fourth and fifth paragraphs and inserting in place thereof the
1239 following paragraph:-

1240 Whoever violates any provision of this chapter or regulation made under the authority of
1241 this chapter, unless otherwise provided, shall be: (a) punished by a fine of not less than \$400 or
1242 more than \$10,000, or by imprisonment in the house of correction for not more than 2 ½ years,
1243 or both; or (b) liable for a civil penalty not to exceed \$10,000 for each such violation. Such civil
1244 penalty may be assessed in an action brought on behalf of the commonwealth in the superior or
1245 district court.

1246 SECTION 27. Section 13 of said chapter 130, as so appearing, is hereby amended by
1247 striking out the third paragraph.

1248 SECTION 28. Said chapter 130 is hereby further amended by striking out section 18, as
1249 so appearing, and inserting in place thereof the following section:-

1250 Section 18. No person shall, without right, enter in or upon any building or other structure
1251 or any area of land, flats or water, set apart and used by or under authority of the director for
1252 conducting scientific experiments or investigations or for propagation or protection of fish, or
1253 contrary to regulations, fish in waters so set apart and used after the director has caused printed
1254 notices of such occupation and use and the purposes thereof to be placed in a conspicuous
1255 position upon any such building or other structure or adjacent to any such area of land, flats or
1256 water, or injure or deface any such building or other structure or any notice posted as aforesaid,
1257 or injure or deface any property used in such experiments or investigations or for such purposes,
1258 or otherwise interfere therewith.

1259 SECTION 29. Section 19 of said chapter 130, as so appearing, is hereby amended by
1260 striking out the fifth paragraph.

1261 SECTION 30. The sixth paragraph of said section 19 of said chapter 130, as so
1262 appearing, is hereby amended by striking out the third sentence.

1263 SECTION 31. Section 21 of said chapter 130, as so appearing, is hereby amended by
1264 striking out the fifth paragraph.

1265 SECTION 32. Said chapter 130 is hereby further amended by striking out section 23, as
1266 so appearing, and inserting in place thereof the following section:-

1267 Section 23. Except in the case of emergency imperiling life or property or an unavoidable
1268 accident or except in accordance with the terms of a permit issued pursuant to state or federal
1269 water pollution control laws, no person shall, from any source: put, throw, discharge or suffer or
1270 permit to be discharged or escape into any coastal waters any oil, poisonous or other injurious
1271 substance, including but not limited to, sawdust, shavings, garbage, ashes, acids, sewage and
1272 dye-stuffs, whether simple, mixed or compound, or heated effluent, which directly or indirectly
1273 materially injure fish, fishspawn or seed therein, or takes any such fish by such means; or kill or
1274 destroy fish in such waters by the use of dynamite or other explosives, or take any such fish in
1275 such waters by such means; or explode dynamite or other explosive in such waters.

1276 SECTION 33. Section 29 of said chapter 130, as so appearing, is hereby amended by
1277 striking out the second paragraph and inserting in place thereof the following paragraph:-

1278 No person shall construct or maintain a weir, pound net or a fish trap in the tide water
1279 except in accordance with the requirements of this section.

1280 SECTION 34. Section 30 of said chapter 130, as so appearing, is hereby amended by
1281 striking out the second sentence.

1282 SECTION 35. Said chapter 130 is hereby amended by striking out section 31, as so
1283 appearing, and inserting in place thereof the following section:-

1284 Section 31. No person shall, without the consent of the owner, take, use, destroy, injure
1285 or molest any weir, pound net, fish trap, seine, set net or lobster or crab pot or other fishing gear,
1286 or any fish car or other contrivance used for the purpose of storing fish, including any such
1287 fishing gear which is swept ashore by storm or tide or other natural causes and deposited upon
1288 the shore, beaches or flats, whether public or private, or take fish therefrom without the consent
1289 of the owner.

1290 SECTION 36. Section 33 of said chapter 130, as so appearing, is hereby amended by
1291 striking out the sixth sentence.

1292 SECTION 37. Section 34 of said chapter 130, as so appearing, is hereby amended by
1293 striking out the first sentence and inserting in place thereof the following sentence:- Between
1294 March 15 and the following June 15 of any year, no person shall catch or take any smelt from the
1295 waters of the commonwealth, or buy, receive, sell or offer or expose for sale, transport or possess
1296 a smelt so taken.

1297 SECTION 38. Section 35 of said chapter 130, as so appearing, is hereby amended by
1298 striking out the first paragraph and inserting in place thereof the following paragraph:-

1299 No person shall take or attempt to take a smelt in any other manner than by angling. This
1300 section shall not apply to smelt inadvertently taken in a seine or net during the time and in the

1301 manner in which fishing is allowed for perch, herring or alewives; provided, that such smelt so
1302 taken shall be immediately liberated alive in the waters from which taken.

1303 SECTION 39. Section 36 of said chapter 130, as so appearing, is hereby amended by
1304 striking out the second sentence and inserting in place thereof the following sentence:- No person
1305 shall violate the provisions of this section or molest or disturb smelt or their spawn within such
1306 closed areas.

1307 SECTION 40. The fourth paragraph of section 37 of said chapter 130, as so appearing, is
1308 hereby amended by striking out the first sentence.

1309 SECTION 41. Section 38 of said chapter 130, as so appearing, is hereby amended by
1310 striking out, in lines 82 to 84, the words “, and upon failure to do so shall be punished by a fine
1311 of not less than twenty-five nor more than one hundred dollars or imprisonment for one month or
1312 both”.

1313 SECTION 42. Section 38A of said chapter 130, as so appearing, is hereby amended by
1314 striking out the third paragraph.

1315 SECTION 43. Section 39 of said chapter 130, as so appearing, is hereby amended by
1316 striking out the second sentence.

1317 SECTION 44. Section 40 of said chapter 130, as so appearing, is hereby amended by
1318 striking out the second sentence.

1319 SECTION 45. Section 47 of said chapter 130, as so appearing, is hereby amended by
1320 striking out the third sentence.

1321 SECTION 46. Said chapter 130 is hereby amended by striking out section 49, as so
1322 appearing, and inserting in place thereof the following section:-

1323 Section 49. No carrier shall knowingly receive or carry from place to place any lobster or
1324 lobster meat in barrels, boxes or other containers not marked as provided in section 47.

1325 SECTION 47. Section 51 of said chapter 130, as so appearing, is hereby amended by
1326 striking out the second sentence.

1327 SECTION 48. Section 51A of said chapter 130, as so appearing, is hereby amended by
1328 striking out the third sentence.

1329 SECTION 49. Section 52 of said chapter 130, as so appearing, is hereby amended by
1330 inserting after the word “therefore”, in line 61, the following words:-

1331 ; provided, however, that such city or town shall not charge a veteran, as defined in
1332 clause Forty-third of section 7 of chapter 4, who is a resident of the commonwealth, a fee greater
1333 than the fee charged to a resident of such city or town.

1334 SECTION 50. Said chapter 130 is hereby further amended by striking out section 66, as
1335 so appearing, and inserting in place thereof the following section:-

1336 Section 66. No person shall willfully injure, deface, destroy or remove any mark or
1337 bound used to define the extent of any shellfish license or grant, or place any unauthorized mark
1338 thereon, or tie or fasten any boat or vessel thereto. Any person who violates this section shall be
1339 liable in tort for double damages and costs to the licensee or transferee injured by such act.

1340 SECTION 51. Said chapter 130 is hereby further amended by striking out section 67, as
1341 so appearing, and inserting in place thereof the following section:-

1342 Section 67. No person shall work a dredge, oyster tongs or rakes, or any other implement
1343 for the taking of shellfish of any description upon any shellfish grounds or beds covered by a
1344 license granted under section 57 or corresponding provisions of earlier laws, or in any way
1345 disturb the growth of the shellfish thereon, or discharge any substance which may directly or
1346 indirectly injure the shellfish upon any such grounds or beds, without the consent of the licensee
1347 or transferee, as the case may be, or, while upon or sailing over any such grounds or beds, cast,
1348 haul, or have overboard any such dredge, tongs, rake or other implement for the taking of
1349 shellfish of any description, under any pretense or for any purpose, without the consent of the
1350 licensee or transferee.

1351 SECTION 52. Section 68 of said chapter 130, as so appearing, is hereby amended by
1352 striking out the second paragraph and inserting in place thereof the following paragraph:-

1353 No person shall, without the consent of the licensee or transferee, dig or take any
1354 shellfish or shells from any waters, flats or creeks described in any license granted under section
1355 57, or corresponding provisions of earlier laws, during the continuance of such license or of any
1356 renewal thereof.

1357 SECTION 53. Section 70 of said chapter 130, as so appearing, is hereby amended by
1358 striking out the seventh sentence.

1359 SECTION 54. Section 71 of said chapter 130, as so appearing, is hereby amended by
1360 striking out the second sentence.

1361 SECTION 55. Section 72 of said chapter 130, as so appearing, is hereby amended by
1362 striking out the second sentence.

1363 SECTION 56. The second paragraph of section 75 of said chapter 130, as so appearing, is
1364 hereby amended by striking out the first and second sentences and inserting in place thereof the
1365 following sentence:-

1366 Whoever, without a permit as provided in this section or contrary to the provisions of
1367 such permit, digs or takes shellfish for any purpose from any area determined under section 74 or
1368 section 74A or under corresponding provisions of earlier laws to be contaminated, while such
1369 determination is in force, or knowingly transports or causes to be transported or has in their
1370 possession or offers for sale shellfish so dug or taken, shall be punished by imprisonment in a
1371 house of correction for not more than 2 ½ years or imprisonment in the state prison for not more
1372 than 3 years; a fine of not less than \$500 and not more than \$10,000; or by both such fine and
1373 imprisonment.

1374 SECTION 57. Section 80 of said chapter 130, as so appearing, is hereby amended by
1375 striking out, in line 73, the words “ten dollars” and inserting in place thereof the following
1376 figure:- \$400.

1377 SECTION 58. Section 81 of said chapter 130, as so appearing, is hereby amended by
1378 striking out, in lines 21 and 22, the words “one hundred nor more than ten thousand dollars” and
1379 inserting in place thereof the following words:- \$400 nor more than \$10,000.

1380 SECTION 59. Section 82 of said chapter 130, as so appearing, is hereby amended by
1381 striking out, in line 18, the words “one hundred” and inserting in place thereof the following
1382 figure:- \$400.

1383 SECTION 60. Section 92 of said chapter 130, as so appearing, is hereby amended by
1384 striking out the first and second paragraphs and inserting in place thereof the following
1385 paragraph:-

1386 No person shall sell, exchange, transport or deliver, or offer or expose for sale, exchange
1387 or delivery, or have in their custody or possession with intent to sell, exchange, transport or
1388 deliver, any scallops or sea scallops which have been soaked and shall tag such scallops in
1389 accordance with regulations promulgated by the director.

1390 SECTION 61. Said chapter 130 is hereby further amended by striking out section 95, as
1391 so appearing, and inserting in place thereof the following section:-

1392 Section 95. No person shall take, kill, haul onshore, disturb, injure, hinder, or obstruct the
1393 passage of any herring, alewives, or other swimming marine food fish in a fishery created by a
1394 city or town, without permission thereof, or that of its lessees; in a fishery legally created by a
1395 corporation, without the permission of such corporation; or in a public fishery regulated and
1396 controlled by a city or town, contrary to its regulations.

1397 Proceedings under this section shall be commenced within 30 days after the commission
1398 of the offence.

1399 SECTION 62. Section 99 of said chapter 130 is hereby repealed.

1400 SECTION 63. Section 100A of said chapter 130, as appearing in the 2016 Official
1401 Edition, is hereby amended by striking out the second sentence.

1402 SECTION 64. Section 100B of said chapter 130, as so appearing, is hereby amended by
1403 striking out the second sentence.

1404 SECTION 65. Section 100C of said chapter 130, as so appearing, is hereby amended by
1405 striking out the second sentence.

1406 SECTION 66. Section 100D of said chapter 130, as so appearing, is hereby amended by
1407 striking out the third paragraph.

1408 SECTION 67. Said chapter 130 is hereby further amended by striking out section 102, as
1409 so appearing, and inserting in place thereof the following section:-

1410 Section 102. No person shall harvest for sale or engage in the aquaculture of marine
1411 plants except in accordance with any regulations adopted by the director and subject to a permit
1412 or written approval issued by the director.

1413 SECTION 68. Section 103 of said chapter 130 is hereby repealed.

1414 SECTION 69. Subdivision (2) of section 2D of chapter 132A of the General Laws, as so
1415 appearing, is hereby amended by adding the following sentence:-

1416 The commissioner may also offer discounts or waive charges or fees for parking passes
1417 for veterans, as defined in section 6A of chapter 115.

1418 SECTION 70. The fourth paragraph of section 44 of chapter 85 of the acts of 1994, as
1419 most recently amended by section 127 of chapter 46 of the acts of 2015, is hereby further
1420 amended by inserting after the words “in the city of Canton” the following words:-

1421 , Randolph Avenue Stables, so called, at 1333 Randolph Avenue in the Blue Hills State
1422 Reservation in the town of Milton, 7 Brainard Street, in the Stonybrook State Reservation in the
1423 Hyde Park section of the city of Boston.

1424 SECTION 71. Notwithstanding any general or special law to the contrary, the
1425 commissioner of conservation and recreation may expend, without further appropriation, sums
1426 collected and held in accordance with chapter 673 of the acts of 1950 on repairs, replacements
1427 and improvements to the facilities and buildings on the Dilboy Stadium property in the city of
1428 Somerville.

1429 SECTION 72. Notwithstanding section 30 of chapter 29 of the General Laws or section
1430 65 of chapter 30 of the General Laws, a portion of the funds authorized under this act may be
1431 used for the costs associated with the purchase of title insurance and services for title
1432 examinations, reports and certifications; provided, that any executive department or state agency
1433 expending such funds shall maximize efforts and utilize all available means to minimize use of
1434 capital funds for such purposes.

1435 SECTION 73. Notwithstanding any general or special law to the contrary, any executive
1436 department or state agency expending funds authorized in this act shall maximize efforts and
1437 utilize all available means to minimize use of capital funds to pay for services rendered by
1438 agency employees or by consultants.

1439 SECTION 74. Notwithstanding any general or special law to the contrary, upon
1440 acquiring any fee interest in land for purposes pursuant to Article XCVII of the Amendments to
1441 the Constitution, all state agencies, commissions and boards expending or receiving state funds
1442 under this act shall obtain the approval of the secretary of energy and environmental affairs
1443 before implementing or endorsing any prohibition of fishing, hunting or trapping on that land
1444 and shall provide the secretary with written justification of the prohibition.

1445 SECTION 75. The sums made available pursuant to sections 2 to 2E, inclusive, shall be
1446 available for expenditure in the 5 fiscal years following June 30 of the calendar year in which the
1447 appropriation is made and any portion of such appropriation representing encumbrances
1448 outstanding on the records of the state comptroller's office at the close of the fifth fiscal year
1449 may be applied to the payment thereof any time thereafter.

1450 SECTION 76. Each agency acquiring land or an interest in land under this act may
1451 expend an amount not to exceed 5 per cent of the amount appropriated to that agency for the
1452 purpose of reimbursing nonprofit land conservation organizations or land trusts for reasonable
1453 expenses directly associated with the acquisition of land or interests in land subsequently
1454 conveyed to the commonwealth. Reimbursements shall be made at the discretion of the agency.
1455 The secretary of energy and environmental affairs shall determine by regulation what shall
1456 constitute reasonable expenses. If the commonwealth does not take title to the property through
1457 no fault of the nonprofit organization or the commonwealth, the commonwealth may reimburse
1458 the nonprofit organization for reasonable expenses associated with due diligence. An
1459 organization receiving a reimbursement under this section shall convey the land or interest in
1460 land to the agency for an amount not to exceed the actual purchase price paid by the organization
1461 for the land or interest in land in addition to any reimbursement received under this section.

1462 SECTION 77. To provide for the continued availability of certain bond-funded spending
1463 authorizations which otherwise would expire, the unexpended balances of the following capital
1464 accounts are hereby extended through June 30, 2023, for the purposes of and subject to the
1465 conditions stated for these items in the original authorizations and any amendments to such
1466 authorizations: 2000-2010, 2000-2011, 2000-2012, 2000-2013, 2000-2014, 2000-2015, 2000-
1467 2016, 2000-2017, 2000-2018, 2000-2019, 2000-2020, 2000-2021, 2000-2022, 2000-2023, 2000-

1468 2024, 2000-2025, 2000-2026, 2000-2028, 2000-2029, 2000-2035, 2000-6966, 2000-6967, 2000-
1469 6969, 2000-7013, 2000-7014, 2000-7015, 2000-7016, 2000-7018, 2000-7022, 2000-7023, 2000-
1470 7024, 2000-7025, 2000-7026, 2000-7028, 2000-7029, 2000-7031, 2000-7051, 2000-7052, 2000-
1471 7053, 2000-7054, 2000-7055, 2000-7056, 2000-7057, 2000-7058, 2000-7059, 2000-7060, 2000-
1472 7061, 2000-7062, 2000-7063, 2000-7066, 2000-7070, 2200-2011, 2200-2014, 2200-2015, 2200-
1473 2017, 2200-2019, 2200-7011, 2200-7012, 2200-7013, 2200-7014, 2200-7015, 2200-7017, 2200-
1474 7018, 2200-7021, 2200-7023, 2200-7025, 2200-7991, 2240-8820, 2250-8820, 2250-8822, 2300-
1475 2010, 2300-2011, 2300-2012, 2300-2014, 2300-2017, 2300-7010, 2300-7011, 2300-7013, 2300-
1476 7014, 2300-7016, 2300-7017, 2300-7018, 2300-7020, 2300-7021, 2300-7023, 2300-7024, 2300-
1477 7025, 2300-7026, 2300-7027, 2300-7028, 2500-7011, 2500-7012, 2500-7013, 2500-7014, 2500-
1478 7023, 2500-7024, 2800-0103, 2800-0109, 2800-0611, 2800-2019, 2800-7011, 2800-7012, 2800-
1479 7013, 2800-7015, 2800-7016, 2800-7017, 2800-7018, 2800-7019, 2800-7022, 2800-7027, 2800-
1480 7031, 2800-7032, 2800-7035, 2800-7097, 2800-7098, 2800-7107, 2800-7108, 2800-7109, 2810-
1481 3302, 2810-7872, 2810-8802, 2820-1420, 2820-2011, 2820-2012, 2820-8861, 2840-2013, 2840-
1482 2014, 2840-2019, 2840-2023, 2840-7017, 2840-7024, 2840-7026, 2840-7027, 2840-7993, 2850-
1483 6967, 2850-9951, 2890-2023, 2890-2040, 2890-7010, 2890-7011, 2890-7020, 2890-7035, 6720-
1484 1350, 6720-1335, 7100-3022, 9300-3909, 9300-7010, 9300-7030, 9300-7031, 9300-7909, 9300-
1485 7918, 9300-7919.

1486 SECTION 78. The rule making process required by section 12 of this act shall be
1487 completed by June 30, 2019.

1488 SECTION 79. The first state plan required by section 17 of this act shall be completed by
1489 September 16, 2018.

1490 SECTION 80. Any person serving as an inspector of animals on the date of enactment
1491 shall, within 1 year of enactment, complete all state-funded training that the director of animal
1492 health determines is required for newly appointed inspectors of animals under the authority of
1493 section 22.

1494 SECTION 81. Section 10 and sections 26 to 48, inclusive, and sections 50 to 68,
1495 inclusive shall take effect 90 days after the effective date of this act.

1496 SECTION 82. The executive office of energy and environmental affairs shall submit an
1497 annual report detailing the progress of any projects funded through the authorizations of this act
1498 to the chairs of the joint committee on environment, natural resources and agriculture; the chairs
1499 of the senate and house committees on bonding; and the clerks of the house of representatives
1500 and the senate. The report shall include, but not be limited to, description of the project or
1501 projects, previous year planned spending, previous year spending, current year planned spending,
1502 current year spending to date, original estimated project cost, total project cost to date, type of
1503 spending, type of asset, and predicted useful life of the project once completed. The initial report
1504 shall be submitted no later than December 30, 2018, and subsequent reports shall be submitted
1505 no later than June 30 of every year thereafter for a period of 10 years after the effective date of
1506 this act.

1507 SECTION 83. Notwithstanding any general or special law to the contrary, the director of
1508 the division of marine fisheries, in consultation with the commissioner of the department of fish
1509 and game, shall, by June 14, 2019, conduct and publish a study of the current lobster fishery and
1510 provide a recommendation as to the advisability of enacting statutory and regulatory changes to
1511 allow the processing of lobster parts, other than lobster tails weighing 3 ounces or more, for sale

1512 in the commonwealth. The study shall include an economic and market analysis of potential
1513 impacts and benefits, assessment of potential state and federal law enforcement issues associated
1514 with a change in legislation or regulations, an assessment on the impacts of such changes on
1515 inter-jurisdictional fisheries management and a review and analysis of the potential biological
1516 and population dynamics of the species known as *Homarus americanus* as a result of such
1517 changes.