

**SENATE . . . . . No. 2591**

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**The Commonwealth of Massachusetts**

\_\_\_\_\_  
the One Hundred and Ninetieth General Court  
(2017-2018)  
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SENATE, Monday, July 9, 2018

The committee on Ways and Means, 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) (the committee on Bonding, Capital Expenditures and State Assets having recommended that the bill be amended by substituting a new text (Senate, No. 2590); 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 2591.

[Bond authorization: \$2,192,333,000]

For the committee,  
Karen E. Spilka

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**the One Hundred and Ninetieth General Court**  
**(2017-2018)**  
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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 laws regulating the disbursement of public funds,  
5 which sums shall be in addition to any other amounts previously made available for these  
6 purposes; provided, that the amounts specified for a particular project may be adjusted to  
7 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 underground storage tank and leak inspection equipment funded under the  
20 program shall comply with applicable laws and regulations of the commonwealth and the federal  
21 government; provided further, that program grants and loans shall be made available only to  
22 small-business owners or operators of eligible dispensing facilities not located on land owned by  
23 the commonwealth; provided further, that priority for grants and loans under the program shall  
24 be given to eligible dispensing facilities that are located in a rural area; provided further, that the  
25 secretary of administration and finance shall make available the funds under this item to the  
26 Massachusetts Development Finance Agency to administer the grant and loan program; and  
27 provided further, that the Massachusetts Development Finance Agency, in consultation with the  
28 department of environmental protection, shall, not later than January 31, 2019, adopt standards to  
29 implement the program, including general guidelines and requirements for owners and operators  
30 to apply for grants and loans and the criteria used to evaluate applications for grants and loans  
31 under the program.....\$2,000,000

32 EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

33 Office of the Secretary

34 2000-7071 For improvements and replacements to the infrastructure and holdings of  
35 the executive office of energy and environmental affairs and its departments and divisions;  
36 provided, that these improvements and replacements may include, but shall not be limited to,  
37 buildings, equipment, vehicles and communication and technology equipment; provided further,

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

44           2000-7072    For grant programs for land, soil, water and natural resource conservation;  
45 open space preservation; watershed remediation; coastal resource protection, including securing  
46 access to protected coastal lands and lands to provide for the inland migration of coastal habitats;  
47 recreation; environmental equity and wildlife and endangered species protection, including, but  
48 not limited to, the local acquisition for natural diversity grant program, the parkland acquisition  
49 and renovation for communities grant program, conservation partnership grant programs,  
50 including programs to support landscape-scale land conservation projects, the drinking water  
51 supply protection grant program, grant programs to assist and provide funding to conservation  
52 districts, and grants to support local, regional and state land use planning and management  
53 capabilities to advance smart growth efforts, all pursuant to rules or regulations adopted by the  
54 secretary of energy and environmental affairs to effectuate this item; provided, that the secretary  
55 of energy and environmental affairs may provide guidance for planning, prioritization, selection  
56 and implementation of projects in furtherance of the goals of climate change mitigation and  
57 adaptation and consistent with the integrated state hazard mitigation and climate change  
58 adaptation plan; provided further, that all projects shall provide appropriate public access as  
59 determined by the secretary; provided further, that not less than \$6,000,000 shall be expended for  
60 the dredging and conservation of Salisbury Pond at Institute Park in the city of Worcester; and

61 provider further, that not less than \$1,500,000 be expended for the design and construction of a  
62 public safety boat house on Lake Quinsigamond in the city of  
63 Worcester.....\$165,000,000

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

84 provided further, that the secretary of energy and environmental affairs may provide guidance for  
85 planning, prioritization, selection and implementation of projects in furtherance of the goals of  
86 climate change mitigation and adaptation and consistent with the integrated state hazard  
87 mitigation and climate change adaptation  
88 plan.....\$60,000,000

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

106 \$1,000,000 shall be expended for the costs associated with the replacement of the Factory Pond  
107 dam in the town of Holliston.....\$75,000,000

108           2000-7075     For the acquisition of land and interests in land by the executive office of  
109 energy and environmental affairs and its departments and divisions and for associated costs,  
110 including planning, study, due diligence, title and appraisal services, site restoration, monitoring  
111 and stewardship, including, but not limited to, acquisitions for open space, recreation,  
112 conservation, wildlife and endangered species protection, forest land protection and for related  
113 costs and activities in support of conservation goals, including, but not limited to, capitalization  
114 of the Transfer of Development Rights Revolving Fund established under section 35HHH of  
115 chapter 10 of the General Laws; provided, that funds under this item may be used to develop and  
116 implement a stewardship program on lands under the care and control of the executive office or  
117 its departments and divisions or subject to conservation restrictions or other related interests in  
118 land purchased through this item, including, but not limited to, resource and land use monitoring,  
119 signage, boundary delineation and monitoring, preparation of baseline documentation,  
120 stewardship planning, ecological monitoring and enforcement of conservation or other related  
121 restrictions or detection and resolution of encroachments on land and rights in land, and repair of  
122 damage to property related to illegal uses, including off-road vehicle trespass; provided further,  
123 that funds may be used for inventory, restoration and reclamation of acquired land, including  
124 demolition of structures, removal of debris, eradication of non-native species and other services  
125 essential to these reclamation efforts; provided further, that the secretary of energy and  
126 environmental affairs may provide guidance for preservation, maintenance, and acquisition of  
127 land and interests in land in furtherance of the goals of climate change mitigation and adaptation  
128 and consistent with the integrated state hazard mitigation and climate change adaptation plan and

129 may expend funds under this item for those purposes; and provided further, that projects shall be  
130 considered in consultation with the municipality hosting the asset to be repaired and those  
131 municipalities impacted by the project.....\$32,000,000

132 Department of Environmental Protection

133 2200-7022 For investment in water and air quality protection, including, but not  
134 limited to, investments necessary to meet the legislative and regulatory requirements of the  
135 Rivers Protection Act, the federal and state Clean Water Acts and the Massachusetts Wetlands  
136 Protection Act and to provide for integrated energy and environmental projects to optimize and  
137 preserve environmental quality and public health and provide for appropriate protection,  
138 restoration, management and best use of air, energy, water and land resources, assets and  
139 infrastructure, including upgrades to laboratory equipment, and to provide for research, studies  
140 and the collection of data to support investment in environmental assets, including sampling and  
141 analysis of water and air quality, monitoring cumulative environmental impacts in environmental  
142 justice communities, the development of geographic information system maps for wetlands  
143 conservancy and tidelands, stormwater infrastructure and public water supplies, the development  
144 of water quality analyses known as total maximum daily loads, the assessment of water quality  
145 health and impaired use of waterways and projects related to nonpoint and point sources of water  
146 pollution and the wetlands circuit rider program, and to provide for local grants and research for  
147 implementation of the commonwealth's sustainable water management initiative, including  
148 grants and research to provide the data necessary for municipalities to invest in efficient and  
149 effective mitigation practices to restore and preserve the commonwealth's water resources, assets  
150 and infrastructure, and to provide for sustainable water management initiative related research  
151 and implementation projects conducted by the department of fish and game and its divisions, and



152 to provide for the department’s statewide air monitoring network, upgrades of air monitoring  
153 equipment to comply with federal requirements, implementation of a water quality monitoring  
154 network and eelgrass mapping to track water quality improvements, and to provide for  
155 investments in water quality restoration of degraded estuarine habitat for projects deemed  
156 consistent with a current area-wide water resources management plan adopted under section 208  
157 of the federal Clean Water Act, 33 U.S.C. section 1288, and to fund pilot projects that test  
158 innovative and green wastewater management technologies and approaches, and for sustainable  
159 technologies at wastewater treatment facilities, for long-term monitoring and stewardship of  
160 restoration projects developed under the oversight of natural resources damages trustees, and to  
161 provide grants and technical assistance to public water suppliers for energy efficiency  
162 improvements for drinking water systems, and to provide for municipal grants for water and air  
163 quality protection, including to support training and workforce development for drinking water  
164 and wastewater treatment facilities, and to support the preparation and implementation of  
165 geographic response plans for the commonwealth’s inland waterways, and to provide grants to  
166 municipalities to support compliance with the federal municipal separate storm sewer system  
167 permit; provided, that the secretary of energy and environmental affairs may provide guidance  
168 for planning, prioritization, selection and implementation of projects in furtherance of the goals  
169 of climate change mitigation and adaptation and consistent with the integrated state hazard  
170 mitigation and climate change adaptation plan; provided further, that not less than \$1,000,000  
171 shall be expended to increase the sewer main capacity in the town of Hopkinton; and provided  
172 further, that not less than \$1,000,000 shall be expended for the replacement of equipment at the  
173 Springvale water treatment facility in the town of  
174 Natick.....\$95,000,000



197 ecological monitoring and enforcement of conservation easements or conservation restrictions or  
198 detection and resolution of encroachments on land owned and rights in land and repair of  
199 damage related to illegal off-road vehicle trespass; provided further, that funds may be used for  
200 inventory, restoration and reclamation of acquired land, including demolition of structures,  
201 removal of debris, eradication of nonnative species and other services essential to these  
202 reclamation efforts; and provided further, that projects under such program may be carried out  
203 with other governmental agencies and entities, nonprofit and conservation organizations and  
204 public and private land owners.....\$30,000,000

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

219 adaptation  
220 plan.....\$50,000,000

221           2300-7022     For river and wetland restoration programs in the division of ecological  
222 restoration, the riverways program and the office of the commissioner of fish and game;  
223 provided, that funds authorized by this item may be utilized for river, wetland and river corridor  
224 revitalization, ecological restoration and protection of aquatic ecosystems and functions  
225 throughout the commonwealth including, but not limited to, dam and barrier removal, instream  
226 improvements, flow, water quality, riverine habitat, protection of high quality riparian and  
227 wetland habitat, assessment and mitigation of threats from climate change, flooding and  
228 improving recreational opportunities; provided further, that these costs may include, but shall not  
229 be limited to, equipment to implement these programs; provided further, that the commissioner  
230 or a designee may enter into cooperative agreements with state and federal government agencies  
231 and municipalities, may contract for services related to this item including, but not limited to,  
232 engineering and monitoring and may award grants to public and nonpublic entities to foster and  
233 carry out this item .....\$55,000,000

234                                   Department of Agricultural Resources

235           2500-7021     For the purpose of developing and implementing programs designed to  
236 address agricultural economic and environmental sustainability, including the development and  
237 implementation of farm viability plans and other technical and engineering assistance, urban  
238 agriculture, including hydroponics, research, industry promotion, technology transfer and  
239 education and to facilitate improvements to agricultural infrastructure, energy conservation and  
240 efficiency and climate change adaptation and resiliency; provided, that \$4,000,000 shall be

241 expended on programs to promote urban agriculture and hydroponics, including grants to  
242 municipalities and nonprofit organizations to acquire land for urban agriculture and for related  
243 infrastructure, equipment and technical assistance, provided, that such expenditures benefit  
244 recipient communities by promoting community, access to locally grown food, job creation,  
245 small business development, agricultural training and youth development; provided further, that  
246 funds shall be available to provide for short-term land covenants; provided further, that a grant  
247 program shall be established to provide grants to public and nonpublic entities for the  
248 development and implementation of new procedures for energy conservation and efficiency and  
249 for renewable and alternative energy sources to assist the agricultural community to grow and  
250 develop; provided further, that funds shall be available for a program to assist in the preservation  
251 and rehabilitation of facilities and land resources of agricultural fairs through short-term  
252 preservation covenants, grants, demonstration projects and other means; provided further, that  
253 funds may be expended for infrastructure and equipment upgrades to prevent or reduce food  
254 safety risk, programs to control invasive species and provide pesticide disposal, and programs to  
255 support aquaculture, dairy digesters and agricultural composters; provided further, that funds  
256 may be expended for the agricultural environmental enhancement program on the abatement of  
257 all forms of pollution generated from agricultural activities; and provided further, that funds may  
258 be allocated by the commissioner through competitive grants pursuant to rules or regulations  
259 adopted by the commissioner to implement this  
260 item.....\$50,000,000

261           2511-0122     For a program to acquire agricultural preservation restrictions under  
262 sections 23 to 26, inclusive, of chapter 20 of the General Laws; provided, that any person or  
263 entity that receives funds from this item shall be encouraged to participate in programs of the

264 department of agricultural resources that may be suggested by the commissioner; provided  
265 further, that funds may be used to develop a statewide farmland plan; provided further, that funds  
266 may be used for the implementation of a stewardship program on agricultural preservation  
267 restriction lands including, but not limited to, resource and land use monitoring, boundary  
268 delineation and monitoring, stewardship planning, ecological monitoring and enforcement of  
269 agricultural preservation restrictions on existing and newly acquired agricultural preservation  
270 restriction properties and the creation of new opportunities to enhance the sustainability and  
271 viability of such properties; and provided further, that funds may be used to develop a statewide  
272 farmland plan .....\$20,000,000

273

274 Department of Conservation and Recreation

275 2000-7079 For natural resource restoration and protection and in compliance with  
276 laws and regulations, and for purposes of improvements and costs associated with site  
277 assessment, containment, cleanup, control, disposal, removal or exchange of or response actions  
278 concerning hazardous materials or substances; provided, that not less than \$6,000,000 shall be  
279 expended for environmental justice projects in the city of Framingham  
280 .....\$75,500,000

281 2800-1121 For the acquisition of land and interests in land by the department of  
282 conservation and recreation and for associated costs, including planning, study, due diligence,  
283 title and appraisal services, site restoration and stewardship, including, but not limited to, coastal  
284 land acquisition and securing access to protected coastal lands, and lands to provide for the  
285 inland movement of coastal habitats; provided, that funds may be used for development and

286 implementation of a stewardship program on lands under the care and control of the department  
287 including, but not limited to, resource and land use monitoring, signage, boundary delineation  
288 and monitoring, preparation of baseline documentation, stewardship planning, ecological  
289 monitoring and enforcement of conservation restrictions or detection and resolution of  
290 encroachments on land owned and rights in land and repair of damage to property related to  
291 illegal uses, including off-road vehicle trespass; and provided further, that funds may be used for  
292 inventory, restoration and reclamation of acquired land, including demolition of structures,  
293 removal of debris, eradication of non-native species and other services essential to these  
294 reclamation efforts.....\$40,000,000

295           2800-7020   For natural resource restoration and protection, including protection and  
296 rehabilitation of lakes, ponds, rivers and streams and associated watersheds, and for  
297 improvements and costs associated with site assessment, containment, cleanup, control, removal  
298 of or response actions concerning hazardous materials or substances at forests, parks,  
299 reservations, waterbodies and other properties of the department of conservation and recreation;  
300 provided, that the secretary of energy and environmental affairs may provide guidance for  
301 planning, prioritizing, selecting and implementing projects in furtherance of the goals of climate  
302 change mitigation and adaptation and consistent with the integrated state hazard mitigation and  
303 climate change adaptation plan.....\$20,000,000

304           2800-7014   For the design, construction, reconstruction, improvement or rehabilitation  
305 of department or navigable coastal and inland waterways projects including, but not limited to,  
306 design, permitting, operation, maintenance of waterways, operation and maintenance of state  
307 piers, coastal protection, dredging, river and stream cleaning, coastal structure maintenance,  
308 piers, dune stabilization, culvert repair, renourishment, erosion control and implementing nature-

309 based solutions, waterfront access and transportation improvements and improvements to related  
310 facilities and equipment; provided, that funds from this item may be expended to support state  
311 coordination with a cooperative federal-state program with the United States Geological Survey  
312 in the United States Department of the Interior, for continuous data collection and analysis  
313 regarding water resources; provided further, that the secretary of energy and environmental  
314 affairs may provide guidance for planning, prioritizing, selecting and implementing projects in  
315 furtherance of the goals of climate change mitigation and adaptation and consistent with the  
316 integrated state hazard mitigation and climate change adaptation plan; provided further, that not  
317 less than \$1,500,000 shall be expended for the design and construction of a forebay on Indian  
318 Lake in Worcester.....\$21,000,000

319           2800-7025   For the design, construction, reconstruction, rehabilitation, retrofitting,  
320 repair or removal of state-owned dams for which emergency action or statewide hazard  
321 mitigation is required, and for inland flood control projects and projects for related facilities and  
322 equipment, including, but not limited to, seawalls, jetties, revetments and retaining walls, with  
323 equal consideration given to beach nourishment and nature-based solutions on state-owned land  
324 or related to state climate change adaptation and preparedness or for which emergency action or  
325 statewide hazard mitigation is required; provided, that the department of conservation and  
326 recreation shall give priority to dams and flood control projects that pose the greatest risk to  
327 public health or safety, or to the environment; provided further, that funds shall be available for a  
328 program of planning, permitting and construction of fish ways and other aquatic habitat  
329 improvements, including the removal or breaching of selected dams and impoundments on state-  
330 owned land and waterways; provided further, that such projects shall include those which  
331 maintain or improve coastal access; and provided further, that the secretary of energy and



332 environmental affairs may provide guidance for planning, prioritizing, selecting and  
333 implementing projects in furtherance of the goals of climate change mitigation and adaptation  
334 and consistent with the integrated state hazard mitigation and climate change adaptation  
335 plan.....\$105,000,000

336           2800-7031     For the protection and rehabilitation of lakes, ponds, rivers and streams  
337 and associated watersheds including, but not limited to, assistance and grant programs under  
338 sections 37A to 37D, inclusive, of chapter 21 of the General Laws; provided, that such programs  
339 shall include, without limitation, technical assistance, studies, preservation, environmental  
340 improvements, including the removal of aquatic invasive plants, and associated costs  
341 .....\$10,000,000

342           2840-7025     For the planning, design, construction, reconstruction, repair, removal,  
343 demolition, improvement, furnishing, equipping or rehabilitation of department reservations,  
344 forests, parks, campgrounds, comfort stations, harbor islands, skating rinks, skate parks,  
345 swimming and wading pools, spray parks, golf courses, tennis courts, basketball courts, ball  
346 fields, playgrounds, exercise and fitness paths, tracks, other recreational facilities, historic sites,  
347 beaches and related facilities, storage buildings, office buildings, visitor centers, fire towers,  
348 maintenance facilities and other park buildings and structures, and equipment, including  
349 upgrades to information technology equipment to be considered in consultation with the  
350 secretary of technology services and security, and for the planning, design, acquisition,  
351 construction, reconstruction, repair, removal, improvement or rehabilitation of department bike  
352 paths, greenways, recreational trails and related facilities and equipment; provided, that the  
353 secretary of energy and environmental affairs may provide guidance for planning, prioritizing,  
354 selecting and implementing projects in furtherance of the goals of climate change mitigation and

355 adaptation and consistent with the integrated state hazard mitigation and climate change  
356 adaptation plan; provided further, that the department of conservation and recreation may expend  
357 funds for technical assistance and grants to cities and towns in accordance with rules or  
358 regulations adopted by the department to implement this item  
359 .....\$420,000,000

360           2890-7034   For the planning, design, construction, reconstruction, repair,  
361 improvement or rehabilitation of department of conservation and recreation parkways,  
362 boulevards, multi-use trails, internal state park roads and recreational trails, pedestrian bridges  
363 and related appurtenances and equipment including, but not limited to, the costs of planning,  
364 design and engineering and other services for those projects rendered by commonwealth  
365 employees or by consultants; provided, that funds may be expended for pedestrian and bicycle  
366 safety, traffic calming, landscape improvements, street lighting, safety equipment and  
367 accessibility; provided further, that all work funded by this item shall be carried out according to  
368 standards developed by the department pursuant to historic parkways preservation treatment  
369 guidelines to protect the scenic and historic integrity of the bridges and parkways under its  
370 control; provided further, that the secretary of energy and environmental affairs may provide  
371 guidance for planning, prioritization, selection and implementation of projects in furtherance of  
372 the goals of climate change mitigation and adaptation and consistent with the integrated state  
373 hazard mitigation and climate change adaptation plan; provided further, that not less than  
374 \$2,000,000 shall be expended for the planning, design and construction of a trail and any related  
375 structures and infrastructure in dedication to former Representative Chris Walsh in the city of  
376 Framingham; and provided further, that not less than \$2,000,000 shall be expended for the Upper  
377 Charles bike trail in the town of Ashland.....\$160,000,000

378 SECTION 2A.

379 EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

380 Office of the Secretary

381 2000-7080 For implementation of the integrated state hazard mitigation and climate  
382 change adaptation plan; provided, that the secretary of energy and environmental affairs shall  
383 give priority to critical actions and strategies identified in the plan.....\$100,000,000

384 2000-7081 For the municipal vulnerability preparedness grant program to support and  
385 provide technical assistance for cities and towns to complete climate-related vulnerability  
386 assessments, develop action-oriented resiliency plans and complete integrated climate change  
387 adaptation plans and local hazard mitigation plans and to implement local and regional  
388 adaptation solutions identified through such plans, including changes to policies, bylaws and  
389 plans, municipal infrastructure improvements, repairs to address vulnerability and improve  
390 resiliency and nature-based climate adaptation strategies that are defined as strategies that  
391 conserve, restore and employ the natural resources of the commonwealth to enhance climate  
392 adaptation, build resilience and support mitigation; provided, that such funds may be used on  
393 lands held by municipal, state or federal agencies or other governmental bodies, on lands held by  
394 nonprofit conservation organizations or on private lands with the consent of the owner and  
395 subject to covenants that shall assure the continued presence and effectiveness of such projects  
396 for the expected life of the projects; provided further, that the use of such funds by municipal  
397 governmental bodies on lands held by nonprofit conservation organizations or on private lands  
398 shall require the affirmative vote of a majority of all the members of the city council in a city  
399 having a Plan D or Plan E charter, the vote of the city council in a city not having such a charter,

400 subject to the charter of such a city, and the majority vote at a town meeting in a  
401 town.....\$75,000,000

402 2000-7084 To capitalize the Global Warming Solutions Trust Fund established in  
403 section 35GGG of chapter 10 of the General Laws.....\$5,000,000

404 2000-7085 For the climate change science and data program to support the  
405 development and maintenance of data including statewide, basin scale and other relevant climate  
406 change projections and data, the establishment of datasets to track and monitor ongoing impacts  
407 from climate change and the maintenance and expansion of the climate change clearinghouse  
408 data and tools available to cities and towns and the regional planning agencies that support them;  
409 provided, that any expenditures for communication and technology equipment under this item  
410 shall be considered in consultation with the secretary of technology services and  
411 security.....\$10,000,000

412 Department of Environmental Protection

413 2200-7019 For the electric vehicle incentive program to provide grants to public  
414 entities to acquire passenger plug-in vehicles for fleets, install charging stations for public  
415 electric vehicles, and promote the establishment of vehicle charging stations; provided further,  
416 that \$5,000,000 shall be expended for the electric vehicle incentive program to provide matching  
417 grants to employers to install electric vehicle charging stations at  
418 workplaces.....\$9,000,000

419 EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

420 Office of the Secretary

421           8000-2007    For the development and support of climate-oriented emergency response  
422 and natural hazard preparedness programs and climate change coordination with the executive  
423 office of energy and environmental affairs.....\$6,000,000

424           SECTION 2B.

425                           OFFICE OF THE TREASURER AND RECEIVER GENERAL

426           0620-1002    For the Massachusetts Clean Water Trust established in section 2 of  
427 chapter 29C of the General Laws for deposit in the Water Pollution Abatement Revolving Fund  
428 established in section 2L of chapter 29 of the General Laws for application by the trust to the  
429 purposes specified in section 5 of said chapter 29C, any portion of which may be used as a  
430 matching grant by the commonwealth to federal capitalization grants received under Title VI of  
431 the federal Clean Water Act or for deposit in the Drinking Water Revolving Fund established in  
432 section 2QQ of said chapter 29 for application by the trust to the purposes specified in section 18  
433 of said chapter 29C, any portion of which may be used as a matching grant by the  
434 commonwealth to federal capitalization grants received under the federal Safe Drinking Water  
435 Act.....\$60,333,000

436           SECTION 2C.

437                           EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

438   Office of the Secretary

439           2000-7061    For a tree planting greening program for projects throughout the  
440 commonwealth on publicly-owned land including, but not limited to, the evaluation and planning  
441 of tree greening projects, tree stock and planting and the care and protection of urban street trees;

442 provided, that the secretary shall give priority to the planting of trees in cities or towns with a  
443 completed tree management plan; provided further, that the secretary shall issue grants to cities  
444 and towns to achieve the purposes of this item.....\$10,000,000

445           2000-7064     For a program to be administered by the secretary of energy and  
446 environmental affairs to acquire land for the purposes of open space, recreation and  
447 conservation, to be protected pursuant to Article 97 of the Amendments to the Constitution;  
448 provided, that the lands are located near or adjacent to the mean high water mark of coastal  
449 areas, on coastal barrier beaches or in coastal high risk flooding zones and the lands or structures  
450 thereon have suffered or are projected to be subject to repeated damage from flooding, storm  
451 surges, wave action or erosion caused by ocean waves or waters or are otherwise impacted or  
452 projected to be impacted catastrophically by extreme weather events, astronomical high tides or  
453 elevated sea levels related to climate change and cause a substantial risk to public health, public  
454 safety or the environment; provided further, that funds may be used to purchase adjoining coastal  
455 parcels next to such acquired land or any other Article 97 coastal land to achieve the purposes of  
456 this item; provided further, that grants may be made to cities and towns to acquire such coastal  
457 lands for the purposes of this item and may as a condition of any grant require the municipality  
458 to hold title to the acquired land jointly with the commonwealth under the terms of the grant; and  
459 provided further, that funds from this item shall not be used to compensate land owners for lands  
460 taken by eminent domain..... \$30,000,000

461           2000-7077     For the acquisition, development, construction and improvement of parks  
462 in urban and suburban neighborhoods currently underserved with parks and that are consistent  
463 with attainment of environmental equity, including community engagement and planning related  
464 to these parks; provided, that funds shall be available for the completion of urban forestry and

465 tree planting projects, assessment and remediation of brownfield and grayfield sites intended for  
466 reuse as parks, drafting of architectural renderings, construction documents and other technical  
467 documents necessary for parks construction, acquisition of land or interests in land, including  
468 rail-banked corridors, for the creation of parks pursuant to Article 97 of the Amendments to the  
469 Constitution and for the construction, rehabilitation and improvement of parks including, but not  
470 limited to, all related facilities, landscaping, monuments and features, parking areas and  
471 roadways; provided further, that the secretary of energy and environmental affairs may issue  
472 grants to public and nonpublic entities to implement these projects; and provided further, that the  
473 secretary may provide guidance for planning, prioritization and selection of parks to promote  
474 environmental equity and in furtherance of the goals of climate change mitigation and adaptation  
475 and consistent with the integrated state hazard mitigation and climate change adaptation  
476 plan.....\$60,000,000

477           2000-7078     For investment in trails to include planning, engineering, design,  
478 permitting, construction, repair, technical assistance and improvement of trails and the  
479 acquisition of property interests for trail purposes; provided, that funds may be granted at the  
480 discretion of the secretary of energy and environmental affairs to public and non-public entities  
481 including municipalities, regional planning agencies and non-profit organizations or expended  
482 directly by the executive office of energy and environmental affairs and its departments and  
483 division; provided further, that trails are to be broadly defined to include water, recreational,  
484 multi-use and motorized for use by recreational and snow vehicles and may be paved, improved,  
485 natural surface or on-road for limited distances when necessary to make key connections;  
486 provided further, that any project funded under this item is to be open to the public; provided  
487 further, that wherever practicable, property interests acquired are to be permanently conserved

488 such that the trail thereon is permanently accessible to the public, but may be long-term leases  
489 where necessary to advance trail projects; provided further, that a match from the funding  
490 recipient, which may include in-kind match, may be required at the discretion of the secretary of  
491 energy and environmental affairs; and provided further, that funds expended from this item for  
492 the cost of employees shall not exceed 5 per cent of funds expended from this item in any fiscal  
493 year.....\$25,000,000

494 Department of Conservation and Recreation

495 2800-7023 For a forestry and tree planting program for projects throughout the  
496 commonwealth including, but not limited to, the evaluation and planning of forestry and tree  
497 planting projects, tree stock and planting and the care and protection of trees and forests;  
498 provided, that the secretary of energy and environmental affairs shall give priority to the planting  
499 of trees in areas experiencing heat island effects, underserved with tree cover, affected by severe  
500 weather events or insect infestation, in areas where aquifers, recharge areas, wells, reservoirs and  
501 other water bodies are located that will improve and protect water quality as part of a natural  
502 ecosystem and in furtherance of environmental equity, climate change mitigation, adaptation and  
503 resiliency strategies; provided, that the secretary shall provide guidance for coordination between  
504 municipal and utility stakeholders on incorporating utility gas leaks data into planning for street  
505 tree planting projects and for testing street tree pits for methane before planting; provided  
506 further, that funds from this item may be expended to provide technical assistance and support to  
507 landowners to engage in sustainable forest management and long-term conservation practices  
508 and to undertake projects and activities to protect the ecological integrity of the commonwealth's  
509 forestlands under the forest vision plan.....\$25,000,000



510 SECTION 2D.

511 MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

512 6121-1315 For the complete streets program established pursuant to chapter 90I of the  
513 General Laws for complete streets grants to municipalities; provided, that not less than 33 per  
514 cent of the grants awarded shall be issued to cities and towns with a median household income  
515 below the average of the commonwealth.....\$55,000,000

516 SECTION 2E.

517 MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

518 *Highway Division*

519 6121-1715 For projects on the interstate and non-interstate federal highway system;  
520 provided, that funds may be expended for the costs of these projects including, but not limited to,  
521 the nonparticipating portions of these projects and the costs of engineering and other services  
522 essential to these projects; provided further, that notwithstanding this act or any other general or  
523 special law to the contrary, the department shall not enter into any obligations for projects that  
524 are eligible to receive federal funds under this act unless state matching funds exist that have  
525 been specifically authorized and are sufficient to fully fund the corresponding state portion of the  
526 federal commitment to fund these obligations; and provided, further, that the department shall  
527 only enter into obligations for projects under this act based upon a prior or anticipated future  
528 commitment of federal funds and the availability of corresponding state funding authorized and  
529 appropriated for this use by the general court for the class and category of project for which this  
530 obligation applies..... \$992,000,000

531 SECTION 3. To meet the expenditures necessary in carrying out section 2, the state  
532 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an  
533 amount to be specified by the governor from time to time but not exceeding, in the aggregate,  
534 \$1,543,500,000. All such bonds issued by the commonwealth shall be designated on their face,  
535 Environmental Loan Act of 2018, and shall be issued for a maximum term of years, not  
536 exceeding 20 years, as the governor may recommend to the general court under section 3 of  
537 Article LXII of the Amendments to the Constitution. The bonds shall be payable not later than  
538 June 30, 2043. All interest and payments on account of principal on these obligations shall be  
539 payable from the General Fund. Bonds and interest thereon issued under this section shall,  
540 notwithstanding any other provision of this act, be general obligations of the commonwealth.

541 SECTION 4. To meet the expenditures necessary in carrying out section 2A, the state  
542 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an  
543 amount to be specified by the governor from time to time but not exceeding, in the aggregate,  
544 \$205,000,000. All such bonds issued by the commonwealth shall be designated on their face,  
545 Climate Change Preparedness Loan Act of 2018, and shall be issued for a maximum term of  
546 years, not exceeding 20 years, as the governor may recommend to the general court under  
547 section 3 of Article LXII of the Amendments to the Constitution. The bonds shall be payable not  
548 later than June 30, 2043. All interest and payments on account of principal on these obligations  
549 shall be payable from the General Fund. Bonds and interest thereon issued under this section  
550 shall, notwithstanding any other provision of this act, be general obligations of the  
551 commonwealth.

552 SECTION 5. To meet the expenditures necessary in carrying out section 2B, the state  
553 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an

554 amount to be specified by the governor from time to time but not exceeding, in the aggregate,  
555 \$60,333,000. All such bonds issued by the commonwealth shall be designated on their face,  
556 Clean Water Loan Act of 2018, and shall be issued for a maximum term of years, not exceeding  
557 20 years, as the governor may recommend to the general court under section 3 of Article LXII of  
558 the Amendments to the Constitution. The bonds shall be payable not later than June 30, 2043.  
559 All interest and payments on account of principal on these obligations shall be payable from the  
560 General Fund. Bonds and interest thereon issued under this section shall, notwithstanding any  
561 other provision of this act, be general obligations of the commonwealth.

562           SECTION 6. To meet the expenditures necessary in carrying out section 2C, the state  
563 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an  
564 amount to be specified by the governor from time to time but not exceeding, in the aggregate,  
565 \$150,000,000. All such bonds issued by the commonwealth shall be designated on their face,  
566 Commonwealth 21st Century Parks and Trails Act of 2018, and shall be issued for a maximum  
567 term of years, not exceeding 20 years, as the governor may recommend to the general court  
568 under section 3 of Article LXII of the Amendments to the Constitution. The bonds shall be  
569 payable not later than June 30, 2043. All interest and payments on account of principal on these  
570 obligations shall be payable from the General Fund. Bonds and interest thereon issued under this  
571 section shall, notwithstanding any other provision of this act, be general obligations of the  
572 commonwealth.

573           SECTION 7. To meet the expenditures necessary in carrying out section 2D, the state  
574 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an  
575 amount to be specified by the governor from time to time but not exceeding, in the aggregate,  
576 \$55,000,000. All such bonds issued by the commonwealth shall be designated on their face,

577 Highway and Streets Projects Act of 2018, and shall be issued for a maximum term of years, not  
578 exceeding 10 years, as the governor may recommend to the general court under section 3 of  
579 Article LXII of the Amendments to the Constitution. The bonds shall be payable not later than  
580 June 30, 2033. All interest and payments on account of principal on these obligations shall be  
581 payable from the General Fund. Bonds and interest thereon issued under this section shall,  
582 notwithstanding any other provision of this act, be general obligations of the commonwealth.

583 SECTION 8. To meet the expenditures necessary in carrying out section 2E, the state  
584 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an  
585 amount to be specified by the governor from time to time but not exceeding, in the aggregate,  
586 \$178,500,000. All bonds issued by the commonwealth as aforesaid shall be designated on their  
587 face, Highway Act of 2018, and shall be issued for a maximum term of years, not exceeding 30  
588 years, as the governor recommends in a message to the general court pursuant to section 3 of  
589 Article LXII of the Amendments to the Constitution. All such bonds shall be payable not later  
590 than June 30, 2053, pursuant to said section 3 of said Article LXII. All interest and payments on  
591 account of principal on these obligations shall be payable from the General Fund.  
592 Notwithstanding any other general or special law to the contrary, bonds issued under this section  
593 and interest thereon shall be general obligations of the commonwealth.

594 SECTION 9. Chapter 10 of the General Laws is hereby amended by inserting after  
595 section 35FFF, inserted by section 1 of chapter 91 of the acts of 2018, the following 2 sections:-

596 Section 35GGG. (a) There shall be established upon the books of the commonwealth a  
597 separate fund to be known as the Global Warming Solutions Trust Fund into which shall be  
598 deposited: (i) any revenues or other financing sources directed to the fund by appropriation; (ii)

599 bond revenues or other monies authorized by the general court and specifically designated to be  
600 credited to the fund; (iii) any income derived from the investment of amounts credited to the  
601 fund or repayment of loans from the fund; (iv) funds from public or private sources including,  
602 but not limited to, gifts, federal or private grants, donations, rebates and settlements received by  
603 the commonwealth that are specifically designated to be credited to the fund; and (v) all other  
604 amounts credited or transferred into the fund from any other source. The fund shall be  
605 administered by the secretary of energy and environmental affairs.

606 (b) Amounts credited to the fund may be used, without further appropriation, to provide  
607 grants or loans to governmental, quasi-governmental or non-profit entities for costs incurred in  
608 relation to implementation of the Global Warming Solutions Act, chapter 298 of the acts of  
609 2008, as subsequently amended, the Clean Energy and Climate Plan published by the executive  
610 office of energy and environmental affairs, as subsequently amended, and other state and local  
611 strategies for climate change mitigation and adaptation. Such expenditures may include, but are  
612 not limited to: (i) payment of costs associated with planning, monitoring and managing carbon  
613 reduction measures; (ii) development and deployment of mitigation strategies and best practices  
614 to reduce carbon emissions; (iii) planning, monitoring and managing strategies to adapt to and  
615 prepare for the impacts of climate change; (iv) priority adaptation projects with potential co-  
616 benefits for climate change mitigation, environmental protection, public health or other factors,  
617 as determined by the secretary of energy and environmental affairs; and (v) pilot projects for new  
618 technologies or strategies to support carbon emission reductions. The amounts expended from  
619 the fund during any fiscal year for the costs of employees shall not exceed 5 per cent of total  
620 funds expended from the fund in that fiscal year. Monies deposited into the fund that are

621 unexpended at the end of the fiscal year shall not revert to the General Fund and shall be  
622 available for expenditure in the subsequent fiscal year.

623 (c) Annually, not later than December 1, the secretary shall report on the activities of the  
624 fund to the clerks of the senate and house of representatives and to the senate and house  
625 committees on ways and means. The report shall include an accounting of expenditures made  
626 from the fund with a description of the authorized purpose of each expenditure, an accounting of  
627 amounts credited to the fund and any unexpended balance remaining in the fund.

628 Section 35HHH. (a) There shall be established and set up on the books of the  
629 commonwealth a separate fund to be known as the Transfer of Development Rights Revolving  
630 Fund into which shall be deposited: (i) any revenues or other financing sources directed to the  
631 fund by appropriation; (ii) bond revenues or other monies authorized by the general court and  
632 specifically designated to be credited to the fund; (iii) any income derived from the investment of  
633 amounts credited to the fund or repayment of loans from the fund; (iv) funds from public or  
634 private sources including, but not limited to, gifts, federal or private grants, donations, rebates  
635 and settlements received by the commonwealth that are specifically designated to be credited to  
636 the fund; and (v) all other amounts credited or transferred into the fund from any other source.  
637 The fund shall be administered by the secretary of energy and environmental affairs.

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

643 (c) Annually, not later than December 1, the secretary shall report on the activities of the  
644 fund to the clerks of the senate and house of representatives and to the senate and house  
645 committees on ways and means. The report shall include an accounting of expenditures made  
646 from the fund with a description of the authorized purpose of each expenditure, an accounting of  
647 amounts credited to the fund and any unexpended balance remaining in the fund.

648

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

652 A person notified to appear before the clerk of a district court, as provided in said section  
653 10G, for a violation of section 17A, 18, 19, 30, 31, 33, 34, 35, 36, 51, 51A, 66, 69, 70, 71, 72,  
654 100C or 102 of chapter 130 may so appear within the time specified and pay a fine of \$100.

655 A person notified to appear before the clerk of a district court, as provided in said section  
656 10G, for a violation of section 13, 17, 21, 29, 37, 38, 38A, 39, 40, 41, 41A, 44, 44A, 44B, 47, 49,  
657 80, 81, 82, 92, 100A, 100B or 106 of said chapter 130 may so appear within the time specified  
658 and pay a fine of \$200.

659 A person notified to appear before the clerk of a district court, as provided in said section  
660 10G, for a violation of section 23, 25, 67, 68, 75, 95 or 100D of said chapter 130 may so appear  
661 within the time specified and pay a fine of \$400.

662 A person notified to appear before the clerk of a district court, as provided in said section  
663 10G, for a violation of section 17, 17A, 34, 35, 37, 40, 41, 41A, 44, 44A, 44B, 95, 100A, 100B

664 or 100C of chapter 130 may so appear within the time specified and pay, in addition to the  
665 applicable fine specified in this section, a supplemental fine of \$10 per fish; provided, however,  
666 that for the purposes of this paragraph, the term “fish” shall have the meaning provided in  
667 section 1 of chapter 130, but shall not include bi-valve shellfish.

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

670 Section 27. (a)(1) There shall be established within the executive office of energy and  
671 environmental affairs a program to facilitate, through municipal ordinances or bylaws, the  
672 transfer of development rights to protect conservation values and encourage development  
673 through market incentives. For purposes of this section, “secretary” shall mean the secretary of  
674 energy and environmental affairs and “transfer of development rights” shall have the same  
675 meaning as provided in section 1A of chapter 40A.

676 (2) The secretary, in consultation with the secretary of housing and economic  
677 development and other agencies or offices as appropriate, shall manage and oversee the program,  
678 including the administration of the Transfer of Development Rights Revolving Fund established  
679 in section 35HHH of chapter 10. The secretary may promulgate regulations to carry out the  
680 provisions of this section.

681 (b) To be eligible for a loan from the Transfer of Development Rights Revolving Fund, a  
682 municipality shall: (i) establish a municipal transfer of development rights revolving fund under  
683 section 53E½ of chapter 44 for the purchase and sale of the transfer of development rights; and  
684 (ii) enact a transfer of development rights zoning bylaw or ordinance approved by the secretary,  
685 in consultation with the secretary of housing and economic development, that, at a minimum: (A)



686 enables the acquisition, retention and disposition of the transfer of development rights; (B)  
687 provides reasonable assurance that areas designated for preservation through the transfer of  
688 development rights have ample natural resource, agricultural, recreational, historic or other  
689 conservation value such that their protection will be of sufficient public benefit to meet the  
690 standards for approval of a conservation, agricultural preservation, watershed protection,  
691 preservation or other use restriction as provided in this section; (C) requires that the land from  
692 which development rights will be extinguished shall be subject to a permanent conservation,  
693 watershed preservation, agricultural preservation or preservation restriction pursuant to sections  
694 31 to 33, inclusive, of chapter 184; (D) requires that the restriction described in clause (C) shall  
695 be recorded with the registry of deeds or registered in the registry district of the land court for the  
696 county or district wherein the land lies; provided, however, that if the land is submitted for  
697 approval by the appropriate state official but does not qualify or is not approved for such a  
698 restriction the land shall be subject to a restrictive covenant extended in perpetuity pursuant to  
699 sections 26 to 30, inclusive, of said chapter 184, and such a covenant shall be: (1) approved by  
700 the planning board and the city council or board of selectmen, as appropriate; (2) held by the  
701 municipality or a non-profit organization permitted to hold restrictions pursuant to section 32 of  
702 said chapter 184; and (3) duly recorded or registered, as applicable; (E) provides reasonable  
703 assurance that an area designated for receipt of transferred development rights is properly sized  
704 based on the potential increase in growth that may result from transfers to the area, and that the  
705 area is appropriate for additional growth based on its location, the availability of infrastructure or  
706 planned infrastructure development and access to municipal services; and (F) establishes a  
707 procedure for the planning board to issue development rights certificates, in a form specified by  
708 the secretary, indicating ownership of transferable development rights, and to provide for and

709 document the creation, acquisition, disposition, exercise and redemption of transferable  
710 development rights, including: (1) procedures for the filing of development rights certificates  
711 with the municipal clerk and recording with the registry of deeds or registration in the registry  
712 district, as applicable, for both the land from which development rights are extinguished and the  
713 land to which such rights are transferred; (2) procedures for documenting the recording or  
714 registration of the original restriction or restrictive covenant as required in clause (C); and (3)  
715 procedures, including any limitations, for the exercise of transferable development rights in the  
716 event of subsequent amendments to zoning ordinances and bylaws affecting the development  
717 authorized by the transferable development right.

718 (c) To apply for a loan from the Transfer of Development Rights Revolving Fund, an  
719 eligible municipality shall submit an application that certifies, at a minimum, that the  
720 municipality shall: (i) follow the provisions of chapter 30B when acquiring or disposing of  
721 transferable development rights; (ii) commit, through approval of the local legislative body, to  
722 repay any loan from the Transfer of Development Rights Revolving Fund under the terms then  
723 specified; (iii) keep permanent records of all restrictions recorded and transferable development  
724 rights created, acquired, held, sold, disposed or exercised, and report on these activities to the  
725 secretary in a manner directed by the secretary; and (iv) keep permanent records of all financial  
726 transactions involving the municipal transfer of development rights revolving fund and report on  
727 these transactions and fund balances to the secretary in a manner directed by the secretary.

728 (d) Loans from the Transfer of Development Rights Revolving Fund shall carry 0 per  
729 cent interest for the first 5 years from the date of origination, and the prime rate plus 1 per cent  
730 from the sixth to the tenth year from the date of origination. A municipality that has not repaid its  
731 loan within 10 years of the origination date shall be considered in default. In addition to other

732 remedies specified under any loan agreement, if a municipality shall fail to pay to the Transfer of  
733 Development Rights Revolving Fund any principal, interest or other charges payable under a  
734 loan or loan agreement, when due and after demand, the secretary may certify to the state  
735 treasurer the amount owed by the municipality to the Transfer of Development Rights Revolving  
736 Fund and may request that the state treasurer reduce annual local aid to the recipient by the  
737 amount necessary to repay the principal, interest or other charges owed over a 10 year period.  
738 The state treasurer shall promptly pay over to the secretary for deposit in the Transfer of  
739 Development Rights Revolving Fund, without further appropriation, local aid distributions in the  
740 amounts requested by the secretary and otherwise certified to the state treasurer as payable to the  
741 municipality.

742 SECTION 12. Section 1 of chapter 21N of the General Laws, as appearing in the 2016  
743 Official Edition, is hereby amended by striking out the definition of “Allowance” and inserting  
744 in place thereof the following 2 definitions:-

745 “Allowance”, an authorization to emit, during a specified year, up to 1 ton of carbon  
746 dioxide equivalent.

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

751 SECTION 13. Said section 1 of said chapter 21N, as so appearing, is hereby further  
752 amended by inserting after the definition of “Greenhouse gas emissions source” the following  
753 definition:-

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

756 SECTION 14. Said section 1 of said chapter 21N, as so appearing, is hereby further  
757 amended by inserting after the definition of “Secretary” the following definition:-

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

762 SECTION 15. Said section 1 of said chapter 21N, as so appearing, is hereby further  
763 amended by adding the following definition:-

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

768 SECTION 16. Said chapter 21N is hereby amended by adding the following 2 sections:-

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

775 coastal and inland flooding, sea level rise and increased storm surge, wildfire and extreme  
776 temperatures; (ii) risk analysis and vulnerability assessment of: (A) key physical assets and  
777 functions of state government, municipalities and local economies; (B) natural resources; and (C)  
778 the built environment; provided, however, that the analysis and assessment shall include key  
779 findings from vulnerability assessments conducted pursuant to subsection (b); (iii) an evaluation  
780 of the commonwealth's capacity to respond and adapt to climate change impacts and  
781 opportunities; (iv) guidance and strategies for state agencies and authorities, municipalities and  
782 regional planning agencies to proactively address these impacts through adaptation and  
783 resiliency measures, including changes to plans, by-laws, regulations and policies; (v) clear  
784 goals, expected outcomes and a path to achieving results; (vi) approaches for the commonwealth  
785 to increase the resiliency of state government operations; (vii) policies and strategies for ensuring  
786 that adaptation and resiliency efforts complement and do not conflict with efforts to reduce  
787 greenhouse gas emissions and contribute to meeting statewide emission limits, established  
788 pursuant to this chapter; and (viii) strategies that conserve and sustainably employ the natural  
789 resources of the commonwealth.

790 (b) The secretary and the secretary of the executive office of public safety and security  
791 shall: (i) establish and maintain a framework for each executive office established under section  
792 2 of chapter 6A to complete a vulnerability assessment for such office and each agency under the  
793 jurisdiction of such office to be incorporated into the state plan; (ii) establish and maintain a  
794 framework for each municipality in the commonwealth that chooses to complete a vulnerability  
795 assessment to incorporate the assessment, if the municipality so chooses, into the state plan; (iii)  
796 implement the state plan; and (iv) incorporate information learned from implementing the state

797 plan in plan updates, including the experiences of executive offices, agencies, and municipalities  
798 in assessing and responding to climate change vulnerability.

799 (c) The secretary of each executive office established under section 2 of chapter 6A shall  
800 designate an employee to serve as the climate change coordinator of such office. Each climate  
801 change coordinator shall, under the leadership of the executive office of energy and  
802 environmental affairs and the executive office of public safety: (i) serve as such office's principal  
803 liaison regarding climate change mitigation, adaptation and resiliency efforts; (ii) assist in the  
804 development and implementation of the state plan; (iii) work with agencies under the jurisdiction  
805 of such office to complete vulnerability assessments for each agency and assist in incorporating  
806 these assessments into the state plan, on a schedule determined by the executive office of energy  
807 and environmental affairs and the executive office of public safety and security; and (iv)  
808 implement priority strategies and recommendations from the vulnerability assessment to  
809 moderate risk from climate change.

810 Section 11. (a) The secretary shall develop and support a municipal vulnerability  
811 preparedness grant program. The program shall consist of: (i) financial assistance to  
812 municipalities to complete a community-led resilience building process and vulnerability  
813 assessment that enables climate change information and adaptation actions to be directly  
814 incorporated into existing municipal plans, policies and spending programs; (ii) technical  
815 planning guidance; (iii) a statewide catalogue of municipal climate vulnerabilities and impacts  
816 identified through the assessment process that may be incorporated into the state plan; and (iv)  
817 support for implementation projects to address vulnerabilities.

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

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

825 SECTION 17. Section 1A of chapter 40A of the General Laws, as so appearing, is hereby  
826 amended by inserting after the definition of “Special permit granting authority” the following 2  
827 definitions:-

828 “Transfer of development rights zoning” or “TDR zoning”, zoning that authorizes  
829 transfer of development rights by permitting landowners in specific preservation areas identified  
830 as sending areas to sell their development rights to landowners in specific development districts  
831 identified as receiving areas.

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

836 SECTION 18. Section 9 of said chapter 40A, as so appearing, is hereby amended by  
837 inserting after the word “interests”, in line 34, the following words:- ; provided, however, that  
838 nothing herein shall prohibit a zoning ordinance or by-law from allowing transfer of

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

841 SECTION 19. Section 6F of chapter 62 of the General Laws, as so appearing, is hereby  
842 amended by inserting after the word “under,” in line 52, the following words:- subsections (a) or  
843 (c) of.

844 SECTION 20. Section 5 of chapter 65C, as so appearing, is hereby amended by striking  
845 out subsection (c) and inserting in place thereof the following 2 subsections:-

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

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

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



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

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

868           “Qualifying agricultural land”, land which meets the definition of forest land under  
869 chapter 61, land actively devoted to agricultural, horticultural or agricultural and horticultural  
870 uses under chapter 61A or recreational land under chapter 61B that is also used for farming or  
871 agriculture, as defined in section 1A of chapter 128, and has been devoted to such use or uses for  
872 not less than 2 of the tax years immediately preceding the death of the decedent; provided,  
873 however, that the land need not be classified by municipal assessors as forest land under chapter  
874 61, land actively devoted to agricultural, horticultural or agricultural and horticultural uses under  
875 chapter 61A or recreational land under chapter 61B to qualify for valuation as closely held  
876 agricultural land under this subsection.

877           “Qualifying non-committed land”, land that is not qualifying agricultural land and is not  
878 committed to residential, industrial or commercial use, including associated land in excess of 100  
879 per cent of the acreage of qualifying agricultural land.

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

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

891 (3) Unless the property is restricted by a non-development covenant that: (i) is approved  
892 by the commissioner of agriculture; (ii) is for the purposes of maintaining the land in agricultural  
893 use; (iii) precludes non-agricultural development of the land; (iv) is recorded at the registry of  
894 deeds in the counties or districts in which the property is located; and (v) does not expire within  
895 10 years of the applicable date, the commissioner shall forthwith cause to be recorded in the  
896 registry of deeds of the counties or districts in which the property is situated a statement which  
897 shall constitute a lien upon the land covered by election under this subsection. The statement  
898 shall include the owner or owners of record, the savings as a result of such election, the fair  
899 market value of the property and a description of the land adequate for identification. Unless  
900 such a statement is recorded, the lien shall not be effective with respect to a bona fide purchaser  
901 or other transferee without actual knowledge of such lien. Upon application by any record owner,  
902 such liens shall be released by the commissioner with respect to any property upon the facts

903 being established by record or by affidavit or otherwise that all assessments have been paid, or it  
904 being more than 10 years past the applicable date, no assessment being due. All recording fees  
905 paid under this subsection, whether for statements of liens, certificates, releases or otherwise,  
906 shall be borne by the owner of record of the land.

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

914 (4)(i) When land valued as closely held agricultural land under this subsection, within a  
915 period of 10 years from the applicable date, is sold for other use or no longer qualifies as closely  
916 held agricultural land, the owner or owners shall immediately notify the commissioner of such  
917 sale or change of use and an assessment shall be due the commonwealth. Such assessment shall  
918 be calculated with interest based on the date of sale for other use or based on the last date of use  
919 as closely held agricultural land as specified in this clause.

920 The assessment shall be equal to 100 per cent of the savings if such date is not more than  
921 1 year of the applicable date; 90 per cent of the savings if such date is more than 1 year but not  
922 more than 2 years of the applicable date; 80 per cent of the savings if such date is more than 2  
923 years but not more than 3 years of the applicable date; 70 per cent of the savings if such date is  
924 more than 3 years but not more than 4 years of the applicable date; 60 per cent of the savings if

925 such date is more than 4 years but not more than 5 years of the applicable date; 50 per cent of the  
926 savings if such date is more than 5 years but not more than 6 years of the applicable date; 40 per  
927 cent of the savings if such date is more than 6 years but not more than 7 years of the applicable  
928 date; 30 per cent of the savings if such date is more than 7 years but not more than 8 years of the  
929 applicable date; 20 per cent of the savings if such date is more than 8 years but not more than 9  
930 years of the applicable date; 10 per cent of the savings if such date is more than 9 years but not  
931 more than 10 years of the applicable date; and no assessment shall be due if such date is more  
932 than 10 years from the applicable date.

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

935           There shall be an additional assessment equal to 30 per cent of the savings if the date of  
936 sale for other use or the last date of use while qualified as closely held agricultural land occurs  
937 not more than 1 year of the applicable date; and 15 per cent of the savings if such date occurs  
938 more than 1 year but not more than 2 years of the applicable date.

939           (ii) If an election has been made with respect to: (A) qualifying non-committed land  
940 which, on the applicable date, fails to meet the definition of forest land under chapter 61; (B)  
941 land actively devoted to agricultural, horticultural or agricultural and horticultural uses under  
942 chapter 61A; or (C) recreational land under chapter 61B that is also used for farming or  
943 agriculture, as defined in section 1A of chapter 128, an assessment shall be due the  
944 commonwealth and payable by the owner or owners not more than 30 days of the applicable  
945 date; provided, however, that the land need not be classified by municipal assessors as forest  
946 land under chapter 61, land actively devoted to agricultural, horticultural or agricultural and

947 horticultural uses under chapter 61A or recreational land under chapter 61B. Such assessment  
948 shall be equal to the sum of (A) 100 per cent of the savings; (B) interest calculated at a simple  
949 interest rate of 5 per cent per annum on the savings from the date of death of the decedent; and  
950 (C) an additional assessment equal to 30 per cent of the savings.

951 (iii) Notwithstanding this paragraph, there shall be no assessment if the land involved, or  
952 a lesser interest in the land involved, is acquired for a natural resource by the commonwealth or  
953 by a nonprofit conservation organization; provided, however, that if any portion of the land is  
954 sold or converted to commercial, residential or industrial use not more than 10 years after the  
955 applicable date by a nonprofit conservation organization, an assessment shall be imposed against  
956 the nonprofit conservation organization in the amount that would have been imposed at the time  
957 of acquisition of the subject parcel by the nonprofit conservation organization had the transaction  
958 been subject to an assessment or, in the case of qualifying non-committed land acquired by a  
959 nonprofit conservation organization before the applicable date, the amount that would have been  
960 imposed on the applicable date under clause (ii).

961 (iv) In the case of sale for other use of closely held agricultural land, other than  
962 qualifying non-committed land sold for other use before the applicable date, assessments  
963 imposed by this subsection shall be due and payable by the grantor at the time of transfer of the  
964 property by deed or other instrument of conveyance. In the case of qualifying non-committed  
965 land sold for other use before the applicable date, assessments imposed by this subsection shall  
966 be due and payable by the grantor on the applicable date. In the case of change to a non-  
967 qualifying use, assessments imposed by this subsection shall be due and payable by the owner or  
968 owners not more than 30 days of the last date of use as closely held agricultural land, regardless

969 of the date on which the commissioner was notified by said owner or owners of such change of  
970 use.

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

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

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

982 SECTION 21. Section 25 of chapter 90B of the General Laws, as so appearing, is hereby  
983 amended by inserting after the word "way," in line 44, the following words:- , or upon but to the  
984 extreme right of such travelled portion.

985 SECTION 22. The fourth paragraph of said section 25 of said chapter 90B, as amended  
986 by section 21, is hereby further amended by adding the following 2 sentences:- This paragraph  
987 shall also apply to any portion of a public way designated by the governmental entity with  
988 jurisdiction over such public way, with approval of the chief of police of the municipality in  
989 which such portion lies, to permit travel by a recreational vehicle from 1 authorized operating  
990 area to another, or permit access by a recreational vehicle to essential services such as fuel, food

991 and lodging from an authorized operating area. The designated portion shall be the minimum  
992 distance necessary to permit such travel or access, but shall not exceed 4 miles.

993 SECTION 23. Chapter 129 of the General Laws is hereby amended by striking out  
994 section 18, as so appearing, and inserting in place thereof the following section:-

995 Section 18. (a) Each inspector shall comply with and enforce all orders and regulations as  
996 directed by the director.

997 (b) The director shall establish mandatory training programs for all municipal animal  
998 inspectors. Such training shall be designed to ensure that inspections are conducted on a  
999 consistent basis and that inspectors are educated on matters including, but not limited to, animal  
1000 health and welfare. Every municipal animal inspector shall complete such training not more than  
1001 90 days after appointment, and every 2 years thereafter. The director may require additional  
1002 training for animal inspectors as needed.

1003 (c) An inspector who refuses or neglects to comply with this section shall be punished by  
1004 a fine of not more than \$500.

1005 SECTION 24. Said chapter 129 is hereby further amended by striking out section 25, as  
1006 so appearing, and inserting in place thereof the following section:-

1007 Section 25. Each inspector shall keep a record of all inspections made of animals  
1008 pursuant to this chapter. The director shall provide forms in any manner, electronic format or  
1009 medium necessary to implement this section, including any forms or records to be utilized and  
1010 kept by inspectors; provided, however, that such forms and records shall be retained for at least  
1011 10 years in an electronic database implemented and maintained by the director.

1012 SECTION 25. Section 2 of chapter 130 of the General Laws, as so appearing, is hereby  
1013 amended by striking out the fourth and fifth paragraphs and inserting in place thereof the  
1014 following paragraph:-

1015 Whoever violates this chapter shall , unless otherwise provided, be: (i) punished by a fine  
1016 of not less than \$400 but not more than \$10,000 or by imprisonment in the house of correction  
1017 for not more than 2 ½ years or by both such fine and imprisonment; or (ii) liable for a civil  
1018 penalty not to exceed \$10,000 for each violation. The civil penalty may be assessed in an action  
1019 brought on behalf of the commonwealth in the superior or district court.

1020 SECTION 26. Section 13 of said chapter 130, as so appearing, is hereby amended by  
1021 striking out the third paragraph.

1022 SECTION 27. Said chapter 130 is hereby further amended by striking out section 18, as  
1023 so appearing, and inserting in place thereof the following section:-

1024 Section 18. No person shall, without right, enter in or upon any building or other structure  
1025 or any area of land, flats or water, set apart and used by or under authority of the director for  
1026 conducting scientific experiments or investigations or for the propagation or protection of fish or,  
1027 contrary to regulations, fish in waters so set apart and used after the director has caused printed  
1028 notice of such occupation and use and the purposes thereof to be placed in a conspicuous  
1029 position upon any such building or other structure or adjacent to any such area of land, flats or  
1030 water. No person shall injure or deface any such building or other structure or any notice so  
1031 posted and no person shall injure or deface any property used in any such experiment or  
1032 investigation or for such purposes, or otherwise interfere with any property used in any such  
1033 experiment or investigation or for such purposes.



1034 SECTION 28. Section 19 of said chapter 130, as so appearing, is hereby amended by  
1035 striking out the fifth paragraph.

1036 SECTION 29. The sixth paragraph of said section 19 of said chapter 130, as so  
1037 appearing, is hereby amended by striking out the third sentence.

1038 SECTION 30. Section 21 of said chapter 130, as so appearing, is hereby amended by  
1039 striking out the fifth paragraph.

1040 SECTION 31. Said chapter 130 is hereby further amended by striking out section 23, as  
1041 so appearing, and inserting in place thereof the following section:-

1042 Section 23. Except in the case of emergency imperiling life or property or an unavoidable  
1043 accident or except in accordance with the terms of a permit issued pursuant to state or federal  
1044 water pollution control laws, no person shall, from any source: (i) put, throw, discharge or suffer  
1045 or permit to be discharged or permit the escape of any oil, poisonous or other injurious substance  
1046 into any coastal waters; provided, however, that such substances shall include, but not limited to,  
1047 sawdust, shavings, garbage, ashes, acids, sewage and dye-stuffs, whether simple, mixed or  
1048 compound, or heated effluent, which directly or indirectly materially injures fish, fish spawn or  
1049 seed therein; (ii) take any such fish by any such means; (iii) kill or destroy fish in any such  
1050 waters by the use of dynamite or other explosives; (iv) take any such fish in such waters by such  
1051 means; or (v) explode dynamite or other explosive in such waters.

1052 SECTION 32. Section 29 of said chapter 130, as so appearing, is hereby amended by  
1053 striking out the second paragraph and inserting in place thereof the following paragraph:-

1054 No person shall construct or maintain a weir, pound net or fish trap in the tidewater  
1055 unless in accordance with this section.

1056 SECTION 33. Section 30 of said chapter 130, as so appearing, is hereby amended by  
1057 striking out the second sentence.

1058 SECTION 34. Said chapter 130 is hereby further amended by striking out section 31, as  
1059 so appearing, and inserting in place thereof the following section:-

1060 Section 31. No person shall, without the consent of the owner, take, use, destroy, injure  
1061 or molest a weir, pound net, fish trap, seine, set net or lobster or crab pot or other fishing gear or  
1062 a fish car or other contrivance used for the purpose of storing fish, including any such fishing  
1063 gear which is swept ashore by storm or tide or other natural causes and deposited upon the shore,  
1064 beaches or flats, whether public or private, or take fish therefrom.

1065 SECTION 35. Section 33 of said chapter 130, as so appearing, is hereby amended by  
1066 striking out the last sentence.

1067 SECTION 36. Section 34 of said chapter 130, as so appearing, is hereby amended by  
1068 striking out the first sentence and inserting in place thereof the following sentence:- Between  
1069 March 15 and June 15, inclusive, no person shall catch or take any smelt from the waters of the  
1070 commonwealth or buy, receive, sell or offer or expose for sale, transport or possess a smelt so  
1071 taken.

1072 SECTION 37. Section 35 of said chapter 130, as so appearing, is hereby amended by  
1073 striking out the first paragraph and inserting in place thereof the following paragraph:-

1074 No person shall take or attempt to take a smelt in any other manner than by angling. This  
1075 section shall not apply to smelt inadvertently taken in a seine or net during the time and in the  
1076 manner in which fishing is allowed for perch, herring or alewives; provided, however, that such  
1077 smelt so taken shall be immediately liberated alive in the waters from which it was taken.

1078 SECTION 38. Section 36 of said chapter 130, as so appearing, is hereby amended by  
1079 striking out the second sentence and inserting in place thereof the following sentence:- No person  
1080 shall molest or disturb smelt or their spawn within such closed areas.

1081 SECTION 39. The fourth paragraph of section 37 of said chapter 130, as so appearing, is  
1082 hereby amended by striking out the first sentence.

1083 SECTION 40. Section 38 of said chapter 130, as so appearing, is hereby amended by  
1084 striking out, in lines 82 to 84, inclusive, the words “, and upon failure to do so shall be punished  
1085 by a fine of not less than twenty-five nor more than one hundred dollars or imprisonment for one  
1086 month or both”.

1087 SECTION 41. Section 38A of said chapter 130, as so appearing, is hereby amended by  
1088 striking out the last paragraph.

1089 SECTION 42. Section 39 of said chapter 130, as so appearing, is hereby amended by  
1090 striking out the last sentence.

1091 SECTION 43. Section 40 of said chapter 130, as so appearing, is hereby amended by  
1092 striking out the last sentence.

1093 SECTION 44. Section 47 of said chapter 130, as so appearing, is hereby amended by  
1094 striking out the last sentence.

1095 SECTION 45. Said chapter 130 is hereby further amended by striking out section 49, as  
1096 so appearing, and inserting in place thereof the following section:-

1097 Section 49. No carrier shall knowingly receive or carry from place to place any lobster or  
1098 lobster meat in barrels, boxes or other containers not marked as provided in section 47.

1099 SECTION 46. Section 51 of said chapter 130, as so appearing, is hereby amended by  
1100 striking out the last sentence.

1101 SECTION 47. Section 51A of said chapter 130, as so appearing, is hereby amended by  
1102 striking out the last sentence.

1103 SECTION 48. Section 52 of said chapter 130, as so appearing, is hereby amended by  
1104 inserting after the word “therefor”, in line 61, the following words:- ; provided, however, that  
1105 such city or town shall not charge a veteran as defined in clause Forty-third of section 7 of  
1106 chapter 4, who is a resident of the commonwealth, a fee greater than the fee charged to a resident  
1107 of such city or town.

1108 SECTION 49. Said chapter 130 is hereby further amended by striking out sections 66 and  
1109 67, as so appearing, and inserting in place thereof the following 2 sections:-

1110 Section 66. No person shall willfully injure, deface, destroy or remove any mark or  
1111 bound used to define the extent of any shellfish license or grant or place any unauthorized mark  
1112 thereon or tie or fasten any boat or vessel thereto. Any person who violates this section shall be  
1113 liable in tort for double damages and costs to the licensee or transferee injured by the violation.

1114 Section 67. No person shall, without the consent of the licensee or transferee, as the case  
1115 may be: (i) work a dredge, oyster tongs, rake or other implement for the taking of shellfish of any

1116 description upon any shellfish grounds or beds covered by a license granted under section 57 or  
1117 any corresponding provision of earlier law; (ii) in any way, disturb the growth of the shellfish  
1118 thereon; (iii) discharge any substance which may directly or indirectly injure the shellfish upon  
1119 any such grounds or beds; or (iv) while upon or sailing over any such grounds or beds, cast, haul,  
1120 or have overboard any such dredge, tongs, rake or other implement for the taking of shellfish of  
1121 any description, under any pretense or for any purpose.

1122 SECTION 50. Section 68 of said chapter 130, as so appearing, is hereby amended by  
1123 striking out the second paragraph and inserting in place thereof the following paragraph:-

1124 No person shall, without the consent of the licensee or transferee, dig or take any  
1125 shellfish or shells from any waters, flats or creeks described in a license granted under section 57  
1126 or any corresponding provision of earlier law, during the continuance of the license or of a  
1127 renewal thereof.

1128 SECTION 51. Section 70 of said chapter 130, as so appearing, is hereby amended by  
1129 striking out the last sentence.

1130 SECTION 52. Section 71 of said chapter 130, as so appearing, is hereby amended by  
1131 striking out the last sentence.

1132 SECTION 53. Section 72 of said chapter 130, as so appearing, is hereby amended by  
1133 striking out the last sentence.

1134 SECTION 54. The second paragraph of section 75 of said chapter 130, as so appearing, is  
1135 hereby amended by striking out the first and second sentences and inserting in place thereof the  
1136 following sentence:- Whoever, without a permit as provided in this section or contrary to such

1137 permit, digs or takes shellfish for any purpose from any area determined under section 74 or  
1138 section 74A or under any corresponding provision of earlier law to be contaminated, while such  
1139 determination is in force, and whoever knowingly transports or causes to be transported or has in  
1140 their possession or offers for sale shellfish so dug or taken shall be punished by imprisonment in  
1141 a jail or house of correction for not more than 2 ½ years or by imprisonment in the state prison  
1142 for not more than 3 years, by a fine of not less than \$500 and not more than \$10,000 or by both  
1143 such fine and imprisonment.

1144 SECTION 55. Section 80 of said chapter 130, as so appearing, is hereby amended by  
1145 striking out, in lines 73 and 74, the words “ten dollars nor more than ten thousand dollars” and  
1146 inserting in place thereof the following words:- \$400 and not more than \$10,000.

1147 SECTION 56. Section 81 of said chapter 130, as so appearing, is hereby amended by  
1148 striking out, in lines 21 and 22, the words “one hundred nor more than ten thousand dollars” and  
1149 inserting in place thereof the following words:- \$400 and not more than \$10,000.

1150 SECTION 57. Section 82 of said chapter 130, as so appearing, is hereby amended by  
1151 striking out, in lines 18 and 19, the words “one hundred nor more than ten thousand dollars” and  
1152 inserting in place thereof the following words:- \$400 and not more than \$10,000.

1153 SECTION 58. Section 92 of said chapter 130, as so appearing, is hereby amended by  
1154 striking out the first and second paragraphs and inserting in place thereof the following  
1155 paragraph:-

1156 No person shall sell, exchange, transport or deliver and no person shall offer or expose  
1157 for sale, exchange or delivery or have in their custody or possession with intent to sell, exchange,

1158 transport or deliver any scallops or sea scallops which have been soaked and shall tag such  
1159 scallops in accordance with regulations promulgated by the director.

1160 SECTION 59. Said chapter 130 is hereby further amended by striking out section 95, as  
1161 so appearing, and inserting in place thereof the following section:-

1162 Section 95. No person shall take, kill, haul onshore, disturb, injure, hinder or obstruct the  
1163 passage of any herring, alewives or other swimming marine food fish in a fishery created by a  
1164 city or town, without the permission thereof or that of its lessees, in a fishery legally established  
1165 by a corporation, without the permission of such corporation; or in a public fishery regulated and  
1166 controlled by a city or town, contrary to its regulations.

1167 Proceedings under this section shall be commenced within 30 days after the commission  
1168 of the offense.

1169 SECTION 60. Section 99 of said chapter 130 is hereby repealed.

1170 SECTION 61. Section 100A of said chapter 130, as appearing in the 2016 Official  
1171 Edition, is hereby amended by striking out the last sentence.

1172 SECTION 62. Section 100B of said chapter 130, as so appearing, is hereby amended by  
1173 striking out the last sentence.

1174 SECTION 63. Section 100C of said chapter 130, as so appearing, is hereby amended by  
1175 striking out the last sentence.

1176 SECTION 64. Section 100D of said chapter 130, as so appearing, is hereby amended by  
1177 striking out the last paragraph.

1178 SECTION 65. Said chapter 130 is hereby further amended by striking out section 102, as  
1179 so appearing, and inserting in place thereof the following section:-

1180 Section 102. No person shall harvest for sale or engage in the aquaculture of marine  
1181 plants except in accordance with any regulations adopted by the director and subject to a permit  
1182 or written approval issued by the director.

1183 SECTION 66. Section 103 of said chapter 130 is hereby repealed.

1184 SECTION 67. Subdivision (2) of section 2D of chapter 132A of the General Laws, as so  
1185 appearing, is hereby amended by adding the following sentence:- The commissioner may also  
1186 offer discounts or waive charges or fees for parking passes for veterans as defined in section 6A  
1187 of chapter 115.

1188 SECTION 68. The fourth paragraph of section 44 of chapter 85 of the acts of 1994 is  
1189 hereby amended by inserting after the word “Canton”, as appearing in section 127 of chapter 46  
1190 of the acts of 2015, the following words:- , Randolph Avenue Stables at 1333 Randolph Avenue  
1191 in the Blue Hills State Reservation in the town of Milton, 7 Brainard Street in the Stonybrook  
1192 State Reservation in the Hyde Park section of the city of Boston.

1193 SECTION 69. Notwithstanding any general or special law to the contrary, the  
1194 commissioner of conservation and recreation may expend, without further appropriation, sums  
1195 collected and held in accordance with chapter 673 of the acts of 1950 on repairs, replacements  
1196 and improvements to the facilities and buildings on the Dilboy Stadium property in the city of  
1197 Somerville.



1198 SECTION 70. Notwithstanding section 30 of chapter 29 of the General Laws or section  
1199 65 of chapter 30 of the General Laws, a portion of the funds authorized under this act may be  
1200 used for the costs associated with the purchase of title insurance and services for title  
1201 examinations, reports and certifications; provided, however, that any executive department or  
1202 state agency expending such funds shall maximize efforts and utilize all available means to  
1203 minimize use of capital funds for such purposes.

1204 SECTION 71. Notwithstanding any general or special law to the contrary, any executive  
1205 department or state agency expending funds authorized in this act shall maximize efforts and  
1206 utilize all available means to minimize use of capital funds to pay for services rendered by  
1207 agency employees or consultants.

1208 SECTION 72. Notwithstanding any general or special law to the contrary, upon  
1209 acquiring any fee interest in land for purposes pursuant to Article XCVII of the Amendments to  
1210 the Constitution, all state agencies, commissions and boards expending or receiving state funds  
1211 under this act shall obtain the approval of the secretary of energy and environmental affairs  
1212 before implementing or endorsing any prohibition of fishing, hunting or trapping on that land  
1213 and shall provide the secretary with written justification of the prohibition.

1214 SECTION 73. The sums made available in sections 2 to 2E, inclusive, shall be available  
1215 for expenditure in the 5 fiscal years following June 30 of the calendar year in which the  
1216 appropriation is made and any portion of such appropriation representing encumbrances  
1217 outstanding on the records of the state comptroller's office at the close of the fifth fiscal year  
1218 may be applied to the payment thereof any time thereafter.

1219 SECTION 74. Each agency acquiring land or an interest in land under this act may  
1220 expend an amount not to exceed 5 per cent of the amount appropriated to that agency for the  
1221 purpose of reimbursing nonprofit land conservation organizations or land trusts for reasonable  
1222 expenses directly associated with the acquisition of land or interests in land subsequently  
1223 conveyed to the commonwealth. Reimbursements shall be made at the discretion of the agency.  
1224 The secretary of energy and environmental affairs shall determine by regulation what shall  
1225 constitute reasonable expenses. If the commonwealth does not take title to the property through  
1226 no fault of the nonprofit organization or the commonwealth, the commonwealth may reimburse  
1227 the nonprofit organization for reasonable expenses associated with due diligence. An  
1228 organization receiving a reimbursement under this section shall convey the land or interest in  
1229 land to the agency for an amount not to exceed the actual purchase price paid by the organization  
1230 for the land or interest in land in addition to any reimbursement received under this section.

1231 SECTION 75. To provide for the continued availability of certain bond-funded spending  
1232 authorizations which otherwise would expire, the unexpended balances of the following capital  
1233 accounts are hereby extended through June 30, 2023, for the purposes of and subject to the  
1234 conditions stated for these items in the original authorizations and any amendments to such  
1235 authorizations: 2000-2010, 2000-2011, 2000-2012, 2000-2013, 2000-2014, 2000-2015, 2000-  
1236 2016, 2000-2017, 2000-2018, 2000-2019, 2000-2020, 2000-2021, 2000-2022, 2000-2023, 2000-  
1237 2024, 2000-2025, 2000-2026, 2000-2028, 2000-2029, 2000-2035, 2000-6966, 2000-6967, 2000-  
1238 6969, 2000-7013, 2000-7014, 2000-7015, 2000-7016, 2000-7018, 2000-7022, 2000-7023, 2000-  
1239 7024, 2000-7025, 2000-7026, 2000-7028, 2000-7029, 2000-7031, 2000-7051, 2000-7052, 2000-  
1240 7053, 2000-7054, 2000-7055, 2000-7056, 2000-7057, 2000-7058, 2000-7059, 2000-7060, 2000-  
1241 7061, 2000-7062, 2000-7063, 2000-7066, 2000-7070, 2200-2011, 2200-2014, 2200-2015, 2200-

1242 2017, 2200-2019, 2200-7011, 2200-7012, 2200-7013, 2200-7014, 2200-7015, 2200-7017, 2200-  
1243 7018, 2200-7021, 2200-7023, 2200-7025, 2200-7991, 2240-8820, 2250-8820, 2250-8822, 2300-  
1244 2010, 2300-2011, 2300-2012, 2300-2014, 2300-2017, 2300-7010, 2300-7011, 2300-7013, 2300-  
1245 7014, 2300-7016, 2300-7017, 2300-7018, 2300-7020, 2300-7021, 2300-7023, 2300-7024, 2300-  
1246 7025, 2300-7026, 2300-7027, 2300-7028, 2500-7011, 2500-7012, 2500-7013, 2500-7014, 2500-  
1247 7023, 2500-7024, 2800-0103, 2800-0109, 2800-0611, 2800-2019, 2800-7011, 2800-7012, 2800-  
1248 7013, 2800-7015, 2800-7016, 2800-7017, 2800-7018, 2800-7019, 2800-7022, 2800-7027, 2800-  
1249 7031, 2800-7032, 2800-7035, 2800-7097, 2800-7098, 2800-7107, 2800-7108, 2800-7109, 2810-  
1250 3302, 2810-7872, 2810-8802, 2820-1420, 2820-2011, 2820-2012, 2820-8861, 2840-2013, 2840-  
1251 2014, 2840-2019, 2840-2023, 2840-7017, 2840-7024, 2840-7026, 2840-7027, 2840-7993, 2850-  
1252 6967, 2850-9951, 2890-2023, 2890-2040, 2890-7010, 2890-7011, 2890-7020, 2890-7035, 6720-  
1253 1350, 6720-1335, 7100-3022, 9300-3909, 9300-7010, 9300-7030, 9300-7031, 9300-7909, 9300-  
1254 7918, 9300-7919.

1255 SECTION 76. The first state plan required by section 10 of chapter 21N of the General  
1256 Laws shall be completed on or before September 16, 2018.

1257 SECTION 77. Any person serving as an inspector of animals on the effective date of this  
1258 act shall, within 1 year after such effective date, complete all state-funded training that the  
1259 director of animal health determines is required for newly-appointed inspectors of animals under  
1260 section 18 of chapter 129 of the General Laws, as appearing in section 23.

1261 SECTION 78. The executive office of energy and environmental affairs shall submit an  
1262 annual report detailing the progress of any projects funded through the authorizations of this act  
1263 to the chairs of the joint committee on environment, natural resources and agriculture; the chairs

1264 of the senate and house committees on bonding; and the clerks of the house of representatives  
1265 and the senate. The report shall include, but not be limited to, a description of any projects,  
1266 previous year planned spending, previous year spending, current year planned spending, current  
1267 year spending to date, original estimated project cost, total project cost to date, type of spending,  
1268 type of asset and predicted useful life of the project once completed. The initial report shall be  
1269 submitted not later than December 30, 2018 and subsequent reports shall be submitted not later  
1270 than June 30 of each year thereafter for 10 years after the effective date of this act.

1271 SECTION 79. Notwithstanding any general or special law to the contrary, the director of  
1272 marine fisheries, in consultation with the commissioner of fish and game, shall, by June 14,  
1273 2019, conduct and publish a study of the current lobster fishery and provide a recommendation  
1274 as to the advisability of enacting statutory and regulatory changes to allow the processing of  
1275 lobster parts, other than lobster tails weighing 3 ounces or more, for sale in the commonwealth.  
1276 The study shall include an economic and market analysis of potential impacts and benefits,  
1277 assessment of potential state and federal law enforcement issues associated with a change in  
1278 legislation or regulations, an assessment on the impacts of such changes on interjurisdictional  
1279 fisheries management and a review and analysis of the potential biological and population  
1280 dynamics of the *Homarus Americanus* species as a result of such changes.

1281 SECTION 80. The secretary of energy and environmental affairs may, by regulation,  
1282 modify the loan terms of subsection (d) of section 27 of chapter 21A of the General Laws;  
1283 provided, however, that no modifications shall be made before January 1, 2022.

1284 SECTION 81. Not later than January 6, 2020, the director of animal health shall file a  
1285 report with the department of agricultural resources outlining the process, timeline and steps for

1286 designing and implementing the database pursuant to section 25 of chapter 129 of the General  
1287 Laws.

1288 SECTION 82. Section 10, sections 25 to 47, inclusive, and sections 49 to 67, inclusive  
1289 shall take effect 90 days after the effective date of this act.