SECTION 1. To provide for a program of economic development and job creation, the
sums set forth in sections 2 and 2A, for the several purposes and subject to the conditions
specified in this act, are hereby made available, subject to the laws regulating the disbursement
of public funds; provided, however, that the amounts specified in an item or for a particular
project may be adjusted in order to facilitate projects authorized in this act. These sums shall be
in addition to any amounts previously authorized and made available for these purposes.

SECTION 2.

EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

Office of the Secretary

7002-8000 For the program administered by the Massachusetts Development Finance
Agency for site assembly, site assessment, predevelopment permitting and other predevelopment
and marketing activities that enhance a site’s readiness for commercial, industrial or mixed-use
development; provided, that a portion of the funds shall be used to facilitate the expansion or
replication of successful industrial parks..............................................................$15,000,000
For the Massachusetts Growth Capital Corporation established in section 2 of chapter 40W of the General Laws for a program to provide matching grants to community development financial institutions certified by the United States Treasury or community development corporations certified under chapter 40H of the General Laws to enable the community development financial institution or community development corporation to leverage federal or private investments for the purpose of making loans to small businesses, including, but not limited to, businesses owned by women, veterans, minorities and immigrants; provided further, that the program shall prioritize socially or economically disadvantaged businesses, which may include, but shall not be limited to, minority-owned and immigrant-owned small businesses, that have historically faced obstacles accessing capital and have been disproportionately impacted by the 2019 novel coronavirus pandemic.........................$35,000,000

To provide funds to the Massachusetts Broadband Incentive Fund established in section 6C of chapter 40J of the General Laws for capital repairs and improvements to broadband infrastructure owned by the Massachusetts Technology Park Corporation established by section 3 of chapter 40J.........................$5,000,000

For the Massachusetts Technology Park Corporation established by section 3 of chapter 40J for matching grants that support collaboration among manufacturers located in the commonwealth and institutions of higher education, non-profits and other public or quasi-public entities; provided, that eligible grantees shall include, but not be limited to, participants in the Manufacturing USA institutes established under the National Network for Manufacturing Innovation; and provided further, that grants shall be awarded and administered consistent with the strategic goals and priorities of the advanced manufacturing collaborative established by section 10B of chapter 23A.................................$10,000,000
7002-8004  For projects receiving assistance from the Technology Research and Development and Innovation Fund established by section 4G of chapter 40J of the General Laws………………………………………………………………………………………………………$50,000,000

7002-8027  For a competitive program of grants or other financial assistance to support economic development, job creation and housing and climate resilience initiatives, including nature-based solutions projects that incorporate these elements for the public purpose of promoting economic opportunity and prosperity in small towns or rural areas of the commonwealth; provided, that such financial assistance may be offered to a municipality or other public entity, a community development corporation, non-profit entity or for-profit entity; provided further, that such financial assistance shall support a project located in a municipality with a population of not more than 7,000 year-round residents or a population density of not more than 500 persons per square mile; provided further, that financial assistance offered pursuant to this line item may be administered by the executive office through a contract with the Massachusetts Development Finance Agency established by section 2 of chapter 23G; and provided further, that the administering agency may establish additional program requirements through regulations or policy guidelines………………………………………………$10,000,000

7002-8028  For the Massachusetts Growth Capital Corporation established in section 2 of chapter 40W of the General Laws to provide grants to low-income and moderate-income entrepreneurs to acquire, expand, improve or lease a facility, to purchase or lease equipment or to meet other capital needs of a business with not more than 20 employees and annual revenues not exceeding $2,500,000; provided, that preference shall be given to businesses located in low-income or moderate-income areas or socially and economically disadvantaged businesses, which shall include, but shall not limited to, minority-owned, women-owned, immigrant-owned and
veteran-owned businesses; and provided further, that prioritization in awarding grants shall be
given to businesses that have been disproportionately impacted by the 2019 novel coronavirus
pandemic............................................................................................................................................$20,000,000

7002-8029 For a competitive grant program administered by the office of travel and
tourism to provide tourism and cultural marketing funds to businesses and regional tourism
councils for the purpose of promoting and advertising in-state tourism in order to create jobs,
support tourism-related businesses in the commonwealth and stimulate the state and local
economies of the commonwealth; provided, that not less than $4,000,000 shall be allocated to
regional tourism councils in order to provide regional advertising, public relations and other
marketing initiatives that will promote in-state tourism and encourage the upholding of necessary
public health and social distancing protocols relative to the 2019 novel coronavirus
pandemic............................................................................................................................................$10,000,000

7002-8031 For a program to provide assistance to projects that will improve,
rehabilitate or redevelop blighted, abandoned, vacant or underutilized properties to achieve the
public purposes of eliminating blight, increasing housing production, supporting economic
development projects, increasing the number of commercial buildings accessible to persons with
disabilities and conserving natural resources through the targeted rehabilitation and reuse of
vacant and underutilized property; provided, that such assistance shall take the form of a grant or
a loan provided to a municipality or other public entity, a community development corporation,
non-profit entity or for-profit entity; provided further, that eligible uses of funding shall include,
but not be limited to, improvements and additions to or alterations of structures and other
facilities necessary to comply with requirements of building codes, fire or other life safety codes
and regulations pertaining to accessibility for persons with disabilities, where such code or
regulatory compliance is required in connection with a new commercial residential or civic use
of such structure or facility, and the targeted removal of existing underutilized structures or
facilities to create or activate publicly-accessible recreational or civic spaces; provided further,
that funding shall be awarded on a competitive basis in accordance with guidelines developed by
the agency; provided further, that financial assistance offered pursuant to this line item may be
administered by the executive office through a contract with the Massachusetts Development
Finance Agency established by section 2 of chapter 23G; provided further, that the executive
office or the Massachusetts Development Finance Agency may establish additional program
requirements through regulations or policy guidelines; provided further, that financial assistance
offered pursuant to this item shall be awarded, to the extent feasible, in a manner that reflects
geographic and demographic diversity within the commonwealth; and provided further, that
program funds may be used for the reasonable costs of administering the program not to exceed
5 per cent of the total assistance made during the fiscal year .......................... $40,000,000

7002-8033  For an employment social enterprise capital grant program to be
administered by the executive office of housing and economic development, in consultation with
the executive office of labor and workforce development, for the development of eligible
facilities for non-profit employment social enterprises that sell goods and services and enhance
economic development; provided, that eligible applicants shall be non-profit organizations
operating employment social enterprises targeting individuals facing significant barriers to
employment; provided further, that grants to non-profits shall support costs associated with the
acquisition of real property, the design, construction, repair, rehabilitation or renovation of an
eligible facility and soft costs directly related to the development of an eligible facility; provided
further, that eligible employment social enterprises shall offer paid employment opportunities to
low-income individuals, with priority to socially and economically disadvantaged populations
who experience complex needs and barriers to employment that require intensive interventions;
provided further, that eligible organizations shall provide the following services for targeted
individuals as an integrated part of their paid employment in a social enterprise: (i) outreach to
targeted populations; (ii) on-the-job training and skill development, including worksite
supervision and performance coaching; (iii) comprehensive supportive services for at least 1
year, including, but not limited to, case management, aimed at helping to overcome barriers to
employment; (iv) assistance to obtain external employment; and (v) job retention services; and
provided further, that prioritization for grant awards shall be given to organizations: (a) targeting
low-income communities specifically aimed at reducing social and economic inequities,
including, but not limited to, inequities affecting individuals who have faced racial or ethnic
prejudice; (b) serving high-risk populations that can demonstrate a significant social return on
investment; and (c) providing goods and services that can demonstrate a positive community or
environmental impact………………………………………………………………….$25,000,000

7002-8034  For a program to provide financial and capital assistance to restaurants
impacted by the 2019 novel coronavirus; provided, that said program shall be administered by
the executive office of housing and economic development; provided further, that grants may be
used for, but shall not be limited to, capital projects or equipment purchases necessary to uphold
necessary public health and social distancing protocols for customers and staff related to the
2019 novel coronavirus pandemic; provided further, that grants may be used for, but shall not be
limited to, employee payroll and benefit costs, mortgage interest, rent, utilities and interest on
other debt obligations; and provided further, that the executive office shall prioritize
independently owned and operated restaurants and geographic equity when establishing the
program criteria ..................$20,000,000

7002-8036 For local economic development projects..........................$100,000

SECTION 2A.

TREASURER AND RECEIVER GENERAL

Massachusetts Cultural Council

0640-0305 For a non-profit infrastructure and equipment grant program administered
by the Massachusetts cultural council; provided, that grants shall be awarded on a competitive
basis to non-profit arts, cultural and tourism institutions and organizations that temporarily
suspended in-person public attendance due to the 2019 novel coronavirus pandemic; provided
further, that grants shall be awarded to assist institutions with infrastructure costs necessary to
safely and sustainably reopen to the public while upholding necessary public health and social
distancing protocols relative to the 2019 novel coronavirus pandemic; provided further, that the
following criteria shall be used in prioritizing grant awards: (i) capital improvements and
equipment purchases deemed critical to safeguard institution staff, volunteers and exhibitions;
(ii) capital improvement and equipment purchases deemed critical to safely allow public
attendance; (iii) relative financial need of the applying institution; (iv) geographic diversity of
grant recipients; (v) diversity of type of organizations or institutions receiving funding; and (vi)
the likelihood that one-time infrastructure and equipment assistance will enable the institution to
reopen safely and sustainably; and provided further, that the Massachusetts cultural council shall
report to the chairs of the house and senate committees on ways and means and the chairs of the
joint committee on tourism, arts and cultural development on the process and criteria for grant selection not less than 30 days before awarding grants…………………………...$20,000,000

EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

Department of Housing and Community Development

7004-0059 For state financial assistance in the form of grants or loans to accelerate and support the creation of low-income and moderate-income housing in close proximity to transit nodes; provided, that the program shall be administered to: (i) maximize the amount of affordable residential and mixed-use space in close proximity to transit nodes, resulting in higher density, compact development and pedestrian-friendly, inclusive and connected neighborhoods; (ii) increase mass transit ridership; (iii) decrease traffic congestion and reduce greenhouse gas emissions; and (iv) increase economic opportunity for disadvantaged populations by making it easier for residents of affordable housing to access public transportation, including transportation supporting commutes to employment centers; provided further, that entities eligible to receive financial assistance shall include governmental bodies, community development corporations, local housing authorities, community action agencies, community-based or neighborhood-based non-profit housing organizations, other non-profit organizations and for-profit entities; provided further, that financial assistance provided pursuant to this section shall be made on a competitive basis, with preference for projects in communities disproportionately impacted by the 2019 novel coronavirus health and economic crisis; provided further, that funds may be used to assist units occupied by and affordable to persons with incomes not more than 110 per cent of the area median income as defined by the United States Department of Housing and Urban Development with priority given to projects that provide higher and deeper levels of affordability; provided
further, that not less than 25 per cent of the occupants of housing in projects assisted by this item
shall be persons whose income is not more than 60 per cent of the area median income as defined
by the United States Department of Housing and Urban Development; provided further, that
financial assistance offered pursuant to this item may be administered by the department of
housing and community development through a contract with the Massachusetts Housing
Partnership Fund, established in section 35 of chapter 405 of the acts of 1985, which in turn may
directly offer financial assistance for the purposes set forth herein or may enter into subcontracts
with non-profit organizations established pursuant to chapter 180 of the General Laws for the
purposes herein; provided further, that the department may provide financial support to non-
profit and for-profit developers that enter into binding agreements to set aside residential units in
market-rate, transit-oriented housing, over and above any units required to be set aside under
local zoning or approvals, for rent or sale to income-qualified households at affordable rents or
sale prices, as applicable; and provided further, that the department may establish additional
program requirements through regulations or policy guidelines ..................................$25,000,000

For financial assistance to accelerate and support the creation and
preservation of sustainable and climate resilient affordable multifamily housing; provided, that
such financial assistance shall be made to: (i) incorporate efficient, sustainable and climate-
resilient design practices in affordable residential development to support positive climate
mitigation outcomes; (ii) reduce greenhouse gas emissions and reliance on fossil fuels; (iii)
increase resiliency of existing housing developments to mitigate impacts of climate change,
including flooding and extreme temperatures; and (iv) enhance emergency preparedness,
including sustainable means of power generation to allow for sheltering vulnerable populations
in place; provided further, that financial assistance shall be made available on a competitive basis
to community development corporations, local housing authorities, community action agencies, community-based or neighborhood-based non-profit housing organizations, other non-profit organizations and for-profit entities; provided further, that funds may be used to assist units occupied by and affordable to persons with incomes not more than 110 per cent of the area median income as defined by the United States Department of Housing and Urban Development with priority given to projects that provide higher and deeper levels of affordability; provided further, that not less than 25 per cent of the occupants of housing in projects assisted by this item shall be persons whose income is not more than 60 per cent of the area median income as defined by the United States Department of Housing and Urban Development; provided further, that financial assistance provided pursuant to this section may be administered by the department of housing and community development through contracts with the Massachusetts Housing Partnership Fund, established in section 35 of chapter 405 of the acts of 1985, the Massachusetts Housing Finance Agency, established in chapter 708 of the acts of 1966, or both, which authorities may directly offer financial assistance for the purposes set forth herein or may enter into subcontracts with non-profit organizations established pursuant to chapter 180 of the General Laws for those purposes; and provided further, that the administering agency may establish additional program requirements through regulations or policy guidelines...$10,000,000

7004-0065 For state financial assistance to cities and towns or agencies, boards, commissions, authorities, departments or instrumentalities thereof or community development corporations or non-profit organizations to assist in the revitalization of neighborhoods and communities with properties in blighted or substandard conditions by subsidizing the purchase price, borrowing costs or costs of demolition or renovation of up to 50 units of residential rental housing or 1 to 4 units of home ownership residential housing that have been cited for building
or sanitary code violations or that are subject to cancellation of commercial property insurance due to substandard property conditions or are otherwise blighted or substandard; provided, that contracts entered into by the department of housing and community development for those projects may include, but shall not be limited to, projects providing for demolition, renovation, remodeling, reconstruction, redevelopment and hazardous material abatement, including asbestos and lead paint, and for compliance with state codes and laws and for adaptations necessary for compliance with the federal Americans with Disabilities Act of 1990; provided further, that preference shall be given to community development corporations and local non-profit organizations, organizations sponsoring projects that secure private funds and projects with the greatest impact on community stabilization in weak markets, including, but not limited to, rural communities and communities that have been disproportionately affected by the 2019 novel coronavirus pandemic, disinvestment, foreclosure and abandonment; provided further, that such rehabilitated housing shall remain affordable for such period as shall be established by the department through guidance taking into account differences in market conditions and the type of restrictions best suited to promoting community stabilization in different markets; and provided further, that an amount not to exceed 2 per cent of the amount expended may pay for administrative costs directly attributable to the purposes of this program, including costs of support personnel…...$50,000,000

EXECUTIVE OFFICE OF EDUCATION

Department of Elementary and Secondary Education

7035-2020 For capital grants to vocational technical schools to expand operating capacities; provided, that grants shall be administered by the department of elementary and
secondary education on a competitive basis to vocational technical schools; provided further, that grants may be used for building expansions and renovations, as well as equipment purchases; provided further, that prioritization for grant awards shall be given to, but not limited to, vocational technical schools: (i) with significant waiting lists; (ii) offering programs focused on industries and careers disproportionately impacted by the 2019 novel coronavirus pandemic; and (iii) serving students from gateway municipalities as defined in section 3A of chapter 23A of the General Laws or municipalities with high proportions of low-income and non-English or limited-English speaking populations; provided further, that the department shall award grants in a manner that promotes geographic equity; and provided further, that the department shall submit to the chairs of the house and senate committees on ways and means a report detailing the criteria used to award grants not less than 30 days before awarding said grants. $15,000,000

Department of Higher Education

7066-2020 For a grant program administered by the department of higher education to support career-oriented programs and initiatives at the 15 community colleges to support training, academic credit certificates and associate degree programs in high-demand fields, including, but not limited to, healthcare and allied health, information technology and cybersecurity, or first-responder programs such as fire science, emergency medical technician and criminal justice; provided, that grant preference shall be given to support and expand programs and initiatives targeting high-demand fields disproportionately impacted by the 2019 novel coronavirus pandemic; and provided further, that funding may be used for resources to recruit, retain and graduate students, including, but not limited to, technology tools such as software, licenses, laptops, curriculum development or student services. $15,000,000
SECTION 3. Chapter 6 of the General Laws is hereby amended by adding the following section:-

Section 220. (a) As used in this section, the following words shall have the following meanings unless the context clearly requires otherwise:

“Affirmative marketing program”, a program of race and gender conscious goals to promote equality in, and to encourage the participation of, minority-owned businesses and woman-owned businesses in contracts for capital facility projects and the disposition of real property.

“Capital facility project”, an undertaking by a state authority for the planning, acquisition, design, construction, demolition, installation, repair or maintenance of a capital facility.

“Design services”, any of the following services provided by any designer, programmer or construction manager in connection with any public building project:

(i) preparation of master plans, studies, surveys, soil tests, cost estimates or programs;

(ii) preparation of drawings, plans, or specifications, including, but not limited to, schematic drawings, preliminary plans and specifications, working plans and specifications or other administration of construction contracts documents;

(iii) supervision or administration of a construction contract; or

(iv) construction management or scheduling.
“Disposition of real property”, any disposition of real property by a state authority; provided, however, that, for the purposes of this section, a disposition shall include, but not be limited to: (i) a lease of real property for the purpose of real estate development; and (ii) the assignment of air rights.

“Minority”, a person with a permanent residence in the United States who is American Indian, Black, African American, Cape Verdean, Western Hemisphere Hispanic, Aleut, Eskimo or Asian.

“Minority-owned business”, any real estate, contracting or subcontracting business, or business that supplies the contractors and subcontractors, that is beneficially owned by at least 1 minority person, that meets the following criteria:

(i) the business shall be at least 51 per cent owned by minority persons; provided, however, that in the case of a corporation having more than 1 class of stockholders, the ownership requirement shall be met as to each class of stock;

(ii) the minority owner or minority owners shall demonstrate that they have dominant control over management;

(iii) the business shall not have been established solely for the purpose of taking advantage of a special program that has been developed to assist minority-owned businesses;

(iv) in the case of a joint venture between a minority-owned business meeting the requirements of clauses (i) to (iii), inclusive, and a non-minority-owned business, the joint venture shall be found to be a “minority-owned business” if the minority-owned business has
more than one-half control over management of the project bid upon and has the right to receive
more than one-half of the profits deriving from that project.

“State authority”, a state authority as defined in section 1 of chapter 29.

“Woman-owned business”, any real estate, contracting or subcontracting business which
is beneficially owned by 1 or more women that meets the following criteria:

(i) the business shall be at least 51 per cent owned by women; provided, however, that in
the case of a corporation having more than 1 class of stockholders, the ownership requirement
shall be met as to each class of stock;

(ii) the woman owner or women owners shall demonstrate that they have dominant
control over management;

(iii) the business shall not have been established solely for the purpose of taking
advantage of a special program that has been developed to assist woman-owned businesses;

(iv) in the case of a joint venture between a woman-owned business meeting the
requirements of clauses (i) to (iii), inclusive, and a non-woman-owned business, the joint venture
shall be found to be a “woman-owned business” if the woman-owned business has more than
one-half control over management of the project bid upon and has the right to receive more than
one-half of the profits deriving from that project.

(b) Each state authority shall establish an affirmative marketing program to ensure the
fair participation of minority-owned and woman-owned businesses for capital facility projects
and the disposition of real property. The affirmative marketing program shall establish
participation goals for minority-owned and woman-owned business in the capital facility projects
and the disposition of real property that are equal to or exceed the combined participation goals for minority-owned and woman-owned businesses as established by the division of capital asset management and maintenance pursuant to section 6 of chapter 7C. The participation goals for minority-owned business and woman-owned business shall include, but not be limited to: (i) construction; (ii) design services; (iii) development; (iv) financing; (v) operation; and (vi) ownership. The affirmative marketing plan shall be included, at a minimum, in every request for proposal for capital facility projects and the disposition of real property.

(c) All affirmative marketing program requirements shall apply to any lessee of land of a state authority. The construction of an improvement by a lessee, including, but not limited to, a building or other structure, shall be accompanied by an affirmative marketing plan.

SECTION 4. Section 6 of chapter 7C of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out the definition of “State assisted building project” and inserting in place thereof the following definition:-

“State assisted building project”, a construction project undertaken by a political subdivision of the commonwealth or 2 or more subdivisions thereof for the planning, acquisition, design, construction, demolition, installation, repair or maintenance of a capital facility and whose costs are paid for, reimbursed, grant funded or otherwise supported, in whole or in part, by the commonwealth; or any disposition of real property of a state agency; provided, however, that, for the purposes of this section, a disposition shall include, but shall not be limited to: (i) a lease of real property for the purpose of real estate development and (ii) the assignment of air rights.
SECTION 5. Said section 6 of said chapter 7C, as so appearing, is hereby further amended by striking out the word “may”, in line 84, and inserting in place thereof the following word:- shall.

SECTION 6. Said section 6 of said chapter 7C, as so appearing, is hereby further amended by adding the following subsection:-

(l) The affirmative marketing program requirements established under this section shall apply to any lessee of land of a state agency. The construction of an improvement by the lessee, including, but not limited to, a building or other structure, shall be accompanied by an affirmative marketing plan.

SECTION 7. Chapter 12 of the General Laws is hereby amended by adding the following section:-

Section 35. (a) There shall be a student loan ombudsman within the office of the attorney general. The student loan ombudsman shall receive, review and assist in resolving complaints from student loan borrowers including, but not limited to, those concerning attempts to resolve complaints in collaboration with institutions of higher education, student loan servicers, the division of banks and any other participants in student loan lending.

(b) The responsibilities of the ombudsman may include, but shall not be limited to, helping student loan borrowers: (i) explore repayment options; (ii) apply for federal income-driven repayment plans; (iii) avoid or remove a default; (iv) end wage garnishments, tax refund interceptions or benefit offsets; (v) resolve billing disputes with student loan servicers; (vi) obtain student loan details and information; (vii) stop harassing collection calls; and (viii) apply for discharges.
The ombudsman shall prepare, make available or direct those seeking assistance to
student loan borrower education presentations and materials regarding student loans. The
presentations and materials shall include, but not be limited to, an explanation of: (i) key student
loan terms; (ii) documentation requirements; (iii) monthly payment obligations; (iv) income-
based repayment options; (v) student loan forgiveness; and (vi) disclosure requirements. The
ombudsman shall make best efforts to inform public employees about the federal Public Service
Loan Forgiveness Program and direct them to available information about the program.

(c) Annually, not later than January 1, the ombudsman shall file a report on activities
related to student loans and student loan servicers, as defined in section 1 of chapter 93L, with
the clerks of the senate and house of representatives, the senate and house committees on ways
and means and the joint committee on financial services.

The report shall include, but not be limited to: (i) the number of complaints received by
the ombudsman from student loan borrowers and the names of the student loan servicers against
whom such complaints are filed; (ii) the types of complaints received by the ombudsman from
student loan borrowers; (iii) the types of resolutions reached for complaints received; and (iv)
recommendations to improve the effectiveness of the position of student loan ombudsman.

The report shall also include an overview of any information received from the division
of banks including, but not limited to: (i) the number of complaints received by the division of
banks concerning student loans; (ii) the types of complaints received by the division of banks
concerning student loans; (iii) the types of resolutions reached by the division of banks; and (iv)
recommendations to improve the regulation, oversight and enforcement efforts of the division of
banks with respect to student loan servicers. Information and data in the report shall be in an
aggregate and de-identified format.

(d) The ombudsman shall receive information from the division of banks to assist the
ombudsman in fulfilling its duties under this section.

SECTION 8. Section 1 of chapter 23G of the General Laws, as appearing in the 2018
Official Edition, is hereby amended by striking out the definition of “Equity investments” and
inserting in place thereof the following definition:-

“Equity investments”, (i) investments that result in the agency holding an ownership
interest in any company; (ii) a membership interest that constitutes voting rights in a company;
(iii) an interest in real estate or other assets; (iv) a grant or loan designated pursuant to a
competitive process administered by the agency, provided to governmental subdivisions,
community development corporations, community action agencies, for-profit entities, private
property owners, nonprofit entrepreneur support organizations or business operators for design,
construction or improvement of buildings or real estate to spur economic development; (v) a
transaction that in substance falls into any of these categories even though it may be structured as
some other form of business transaction, including, but not limited to, a lease of real estate for
such duration as the agency deems appropriate in light of the amount of the equity to be invested;
and (vi) an equity security; provided, however, that “equity investments” shall not include any of
the foregoing if the interest is taken as security for a loan.

SECTION 9. Section 45 of said chapter 23G, as so appearing, is hereby amended by
striking out the seventh paragraph.
SECTION 10. Section 46 of said chapter 23G, as so appearing, is hereby amended by striking out, in line 47, the word “by” and inserting in place thereof the following words:- , or to address regional opportunities or challenges identified by a gateway municipality, by.

SECTION 11. Section 3 of chapter 23L of the General Laws, as so appearing, is hereby amended by inserting after the word “to”, in line 6, the following words:- the agency and.

SECTION 12. Section 4 of said chapter 23L, as so appearing, is hereby amended by inserting after the word “cost”, in line 3, the following words:- , or the debt service of notes or bonds used to fund such cost.

SECTION 13. Said section 4 of said chapter 23L is hereby further amended by inserting after the word “aggregate”, in lines 51 and 52, the following word:- amount.

SECTION 14. Said section 4 of said chapter 23L is hereby further amended by striking out, in line 73, the words “As an alternative to levying” and inserting in place thereof the following words:- In furtherance of the ability to levy.

SECTION 15. Subsection (c) of said section 4 of said chapter 23L, as so appearing, is hereby amended by adding the following 2 sentences:- Infrastructure assessments levied under this chapter shall continue notwithstanding any alienation or conveyance of the property in the development zone by a property owner to a new property owner. A new property owner in the development zone shall take title to such property subject to the infrastructure assessments and related liens.

SECTION 16. Chapter 26 of the General Laws is hereby amended by inserting after section 3 the following section:-
Section 3A. (a) The division of banks shall maintain a consumer assistance unit. The unit may provide assistance in response to complaints involving any person or entity that the division has authority to regulate or in other areas as the commissioner deems appropriate, which may include, but shall not be limited to, complaints and requests for assistance involving state-chartered banks and credit unions, check cashers, foreign transmittal companies, sales finance companies, mortgage lenders, brokers, originators and student loan servicers.

(b) The unit shall share information with the student loan ombudsman to assist the student loan ombudsman in fulfilling the student loan ombudsman’s duties under section 35 of chapter 12.

SECTION 17. Chapter 29 of the General Laws is hereby amended by inserting after section 2HHHHH the following section:-

Section 2IIIII. There shall be a Student Loan Assistance Trust Fund administered by the office of the attorney general.

Expenditures may be made from the fund to: (i) fund the work of the student loan ombudsman established under section 35 of chapter 12; (ii) provide direct counseling and assistance to student loan borrowers; (iii) receive, review and assist in the resolution of complaints from student loan borrowers; and (iv) pursue legal action on behalf of student loan borrowers including, but not limited to, the investigation of complaints, the costs of personnel and litigation, the engagement of experts and the enforcement of settlements.

Amounts credited to the fund shall not be subject to further appropriation and money remaining in the fund at the end of a fiscal year shall not revert to the General Fund. The fund shall retain all interest earned on sums deposited in the fund.
The fund may receive revenue from: (i) appropriations or other money authorized by the
general court designated to the fund; and (ii) funds from public or private sources specifically
designated for the purposes of this section, including, but not limited to, gifts, grants, donations,
rebates and settlements received by the commonwealth.

The office of the attorney general shall provide an annual report to the house and senate committees on ways and means on the fund’s activity. The report shall include, but not be limited to: (i) the total amount of money in the fund, designated by source; (ii) the amount of money received by the fund, designated by source; (iii) if settlement funds were received, the percentage of the total settlement amount deposited into the fund; (iv) an accounting of all expenditures from the fund; (v) a description of the activities and staff supported by the fund; and (vi) revenue and expenditure projections for the current fiscal year and for the next fiscal year.

SECTION 18. Section 2 of chapter 40G of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in lines 23 to 26, inclusive, the words “1 person appointed by the governor who is a cabinet secretary or officer of the commonwealth having experience appropriate to the functions of MTDC” and inserting in place thereof the following words:- the executive director of the Massachusetts Technology Park Corporation established in section 3 of chapter 40J.

SECTION 19. Chapter 40J of the General Laws is hereby amended by striking out section 4G, as so appearing, and inserting in place thereof the following section:-

Section 4G. (a) In order to undertake projects and programs to promote job creation and retention and economic development, competitiveness and growth in the commonwealth through
the support of technology and innovation ecosystems, there shall be a Technology Research and Development and Innovation Fund administered by the corporation. There shall be credited to the fund proceeds of bonds or notes of the commonwealth issued for this purpose and revenue from appropriations or other monies authorized by the general court and specifically designated for the fund. Any appropriations remaining in the fund at the end of a fiscal year shall not revert to the General Fund. Appropriations from the general court into the fund may be expended by the corporation to establish programs that support technology and innovation ecosystems, consistent with the terms of the appropriation. A portion of the fund proceeds may be used by the corporation to support costs of administering the fund. The corporation shall hold the fund in an account or accounts separate from other funds of the corporation.

(b) The fund shall be administered to foster scientific and technology research and development by providing matching funds for capital expenditures to be made in connection with projects that are: (i) sponsored by the University of Massachusetts, research universities, non-profit entities, independent research institutions or technology companies in the commonwealth for scientific or technology research and development that will increase and strengthen the commonwealth’s economic development, employment opportunities and commercial and industrial sectors; and (ii) funded in part by the federal government or other public or private funds; provided, however, that any grant awarded in accordance with this subsection shall leverage at least $1, in the aggregate, during activities funded by such grant, from sources other than an agency as defined in section 39 of chapter 6 for each dollar granted; provided further, that funds expended specifically for this matching grant program from the higher education bond bill, established by chapter 258 of the acts of 2008, shall not count towards the $1 of financing that is required for the matching grant program; provided further,
that as a condition of such grants being awarded, the corporation shall reach agreement with the
grant recipient on performance measures and indicators that will be used to evaluate the
performance of the grant recipient in carrying out the activities described in the recipient’s
application; provided further, that prior to awarding any grant under this subsection, the
corporation shall determine that the grant will advance the purposes of this subsection; provided
further, that priority shall be given to large-scale, long-term research and development activities
that have the greatest potential to support scientific and technological innovation and stimulate
economic and employment opportunities in the commonwealth through industry partnerships;
and provided further, that not less than 50 per cent of the grant funds under this subsection shall
be reserved for award, over the term of each authorization or appropriation, subject to
qualification, to the University of Massachusetts. The University of Massachusetts may, if it
deems necessary to help ensure efficient and effective research and development efforts, enter
into collaborative agreements with other higher education institutions in the commonwealth to
undertake parts of any research and development project for which grant funding under this
subsection is sought. Funds may be used by the corporation to support costs associated with
managing this program.

(c) The fund shall also be administered to support technology and innovation ecosystems
through grants or loans to eligible participants to pay or reimburse eligible capital costs of
facilities that foster innovation, demonstration, research and product development in emerging
technologies and systems, with preference given to sectors identified by the corporation as
having strategic importance to the commonwealth including, but not limited to, artificial
intelligence, robotics, quantum computing, advanced manufacturing, cyber security, financial
technology, blockchain and marine technologies; provided, however, that technology and
innovation ecosystems shall be developed in regions and communities that are historically underserved by technology investment. Eligible participants shall include universities, community colleges and public entities and may include for-profit business entities if the corporation finds that the use of funds by the private entity is primarily for a public purpose and will result in a significant and measurable public benefit. Eligible costs shall include the: (i) costs of acquiring and improving real property; (ii) costs of acquiring and installing fixtures, equipment and other personal property; (iii) costs of planning and designing; and (iv) any combination the costs described in clauses (i) to (iii), inclusive. Any such improvements, property or equipment shall be owned by 1 or more public entities but may be leased or licensed for use by private institutions; provided, however, that such assets may be privately owned where the corporation makes a finding that such private ownership is necessary to achieve the public purpose of the grant or loan. The corporation shall establish guidelines, requirements and standards for participation in the program.

(d) Annually, not later than October 1, the corporation shall file a report with the joint committee on higher education and the house and senate committees on ways and means detailing the grants awarded under this section.

SECTION 20. Paragraph (2) of subsection (a) of section 2 of chapter 62 of the General Laws, as so appearing, is hereby amended by adding the following subparagraph:-

(R) An amount which, but for this section, would be included in the gross income, in whole or in part, of an eligible recipient, as described in subsection (a) of section 1102 of the Coronavirus Aid, Relief, and Economic Security Act, P.L. 116-136, because of the forgiveness described in subsection (b) of section 1106 of said act.
SECTION 21. Section 24A of chapter 93 of the General Laws, as so appearing, is hereby amended by adding the following subsection:

(e) A student loan servicer licensed under chapter 93L who is engaged solely in the activities of a student loan servicer shall not be required to: (i) obtain a debt collector license pursuant to subsection (a); or (ii) register as a third party loan servicer pursuant to subsection (b); provided, however, that if a student loan servicer acts, represents, operates or holds itself out as a third party loan servicer or debt collector outside of the scope of said chapter 93L, the student loan servicer shall register as a third party loan servicer or obtain a debt collector license, or both, as appropriate. A licensed student loan servicer who engages in third party loan servicing activities or debt collection activities within the scope of said chapter 93L shall comply with all state and federal laws and regulations governing third party loan servicers and debt collection when acting in such capacity.

SECTION 22. The General Laws are hereby amended by inserting after chapter 93K the following 2 chapters:

CHAPTER 93L.

STUDENT LOAN SERVICERS.

Section 1. As used in this chapter, the following terms shall have the following meanings unless the context clearly requires otherwise:

“Commissioner”, the commissioner of banks.

“Person”, a natural person, corporation or other entity.
“Servicing”, (i) receiving or soliciting a scheduled periodic payment from a borrower pursuant to the terms of a student loan and making the principal, interest and other payments to the owner of the loan or other third party with respect to the amounts received from the borrower as may be required pursuant to the terms of the servicing loan document or servicing contract; (ii) maintaining account records for a loan and communicating with the borrower regarding the loan on behalf of the owner of the loan during a period in which no payment is required on the loan; or (iii) interacting with a borrower, including activities to help prevent default on obligations arising from a loan, to facilitate the activities described in clause (i) or clause (ii).

“Student loan”, a loan primarily used to finance post-secondary education or other school-related expenses.

“Student loan borrower”, a resident of the commonwealth who has received or agreed to repay a student loan or a person who shares responsibility with that resident for repaying the student loan.

“Student loan servicer”, a person responsible for servicing a student loan to a student loan borrower.

Section 2. (a) A person shall not directly or indirectly act as a student loan servicer without first obtaining a student loan servicer license pursuant to subsection (e) or an automatic federal student loan servicer license pursuant to subsection (f), as applicable, unless the person is exempt from licensure pursuant to subsection (b); provided, however, that a person with an automatic federal student loan servicer license shall not directly or indirectly act as a student loan servicer, other than pursuant to a contract with the United States Secretary of Education under 20 U.S.C. 1087f, without first obtaining a student loan servicer license under subsection (e).
(b) The following persons shall be exempt from student loan servicer licensing requirements under this section: (i) banks and credit unions, including federal credit unions and out-of-state banks and credit unions; (ii) wholly-owned subsidiaries of banks and credit unions; and (iii) nonprofit or public institutions of higher education.

(c) A person seeking to act as a student loan servicer, other than pursuant to a contract with the United States Secretary of Education under 20 U.S.C. 1087f, shall submit an application for a student loan servicer license in such form as the commissioner shall prescribe. The application may require that an applicant provide: (i) a financial statement prepared by a certified public accountant or a public accountant; (ii) a history of criminal convictions of the applicant; or (iii) any other information the commissioner considers necessary.

(d) An application for a student loan servicer license shall be accompanied by: (i) a nonrefundable license fee; (ii) a nonrefundable investigation fee; and (iii) a surety bond that provides for coverage for the applicant in an amount determined by the commissioner and in a form prescribed by the commissioner. The secretary of administration and finance shall annually determine the amounts of the license and investigation fees required under clauses (i) and (ii) pursuant to section 3B of chapter 7. The amount and form of the surety bond required under clause (iii) shall be determined by the commissioner.

(e) After the filing of an application for an initial student loan servicer license and the payment of the license and investigation fees, the commissioner shall investigate the financial condition, responsibility, financial and business experience, character and general fitness of the applicant.
The commissioner may issue a student loan servicer license if the commissioner finds that: (i) the applicant’s financial condition is sound; (ii) the applicant’s business has been conducted and will be conducted honestly, fairly, equitably, carefully, efficiently and in a manner consistent with this chapter; (iii) (A) if the applicant is an individual, the individual is properly qualified and of good character; (B) if the applicant is a partnership, each partner is properly qualified and of good character; (C) if the applicant is a corporation or association, the president, chair of the executive committee, senior officer responsible for the corporation’s business and chief financial officer or any other person who performs similar functions as determined by the commissioner, each director, each trustee and each shareholder owning at least 10 per cent of each class of the securities of the corporation are properly qualified and of good character; or (D) if the applicant is a limited liability company, each member is properly qualified and of good character; (iv) no person on behalf of the applicant has knowingly made any incorrect statement of a material fact in the application or in any report or statement made pursuant to this chapter; (v) no person acting on behalf of the applicant has knowingly failed to state any material fact necessary to give the commissioner any information required by the commissioner; (vi) the applicant has paid the license and investigation fees and provided the required surety bond under subsection (d); and (vii) the applicant has met all other requirements as determined by the commissioner.

(f) The commissioner shall issue an automatic federal student loan servicer license to a person that acts or intends to act as a student loan servicer pursuant to a contract with the United States Secretary of Education under 20 U.S.C. 1087f. The automatic federal student loan servicer license shall be irrevocable and shall not expire except as otherwise provided in this section.
Upon receipt of the automatic federal student loan servicer license, the student loan servicer shall pay the license and investigation fees and provide the required bond under subsection (d).

A person issued an automatic federal student loan servicer license shall provide written notice to the commissioner not more than 7 business days after receiving notification of the expiration, revocation or termination of a contract awarded by the United States Secretary of Education under 20 U.S.C 1087f. An automatic federal student loan servicer license shall immediately expire if the licensee is no longer acting as a student loan servicer pursuant to a contract with the United States Secretary of Education under said 20 U.S.C. 1087f. Nothing in this subsection shall prevent the commissioner from issuing a cease and desist or injunction against a student loan servicer to cease activities in violation of this chapter to the extent permitted by law.

(g) A student loan servicer license issued pursuant to subsection (e) shall be valid for 1 year as of a date determined by the commissioner unless suspended or revoked and shall not be automatically renewed.

(h) A student loan servicer license issued pursuant to subsection (e) may be renewed upon the filing of a renewal application containing all of the required documents and fees as provided in subsection (c). A renewal application shall be filed not less than 30 days before the expiration of the student loan servicer’s current license. The commissioner may assess a late fee for renewal applications filed less than 30 days before the expiration of a student loan servicer license.
If an application for renewal of a student loan servicer license under said subsection (e) has been filed with the commissioner not later than the date the previous license is to expire, the license sought to be renewed shall continue in full force and effect until the issuance of the renewal license or until the commissioner has notified the licensee in writing of the commissioner’s refusal to renew the license, together with the grounds upon which that refusal is based. The commissioner may refuse to renew a student loan servicer license for any reason that the commissioner may refuse to issue an initial student loan servicer license under said subsection (e).

(i) The commissioner may consider an application for a student loan servicer license under subsection (e) abandoned if the applicant fails to respond to a request for information required under this section within 60 days after such request is made. The commissioner shall notify the applicant, in writing, that the application shall be considered abandoned if the applicant fails to submit that information within the required time period. Abandonment of an application pursuant to this subsection shall not preclude the applicant from submitting a new application for a student loan servicer license under this chapter.

Section 3. Not later than 15 days after a licensed student loan servicer ceases to engage in the business of student loan servicing for any reason including, but not limited to: (i) a business decision to terminate operations in the commonwealth; (ii) license expiration, revocation or termination; (iii) bankruptcy; or (iv) voluntary dissolution, the licensee shall provide written notice of surrender to the commissioner and shall surrender to the commissioner the student loan servicer license or automatic federal student loan servicer license for each location in which the licensee has ceased to engage in such business.
The notice shall include, but not be limited to: (i) the location where the records of the student loan servicer shall be stored; and (ii) the name, address and telephone number of an individual authorized to provide access to the records. The surrender of a student loan servicer license or automatic federal student loan servicer license shall not affect the licensee’s civil or criminal liability arising from acts or omissions occurring before the surrender of the license.

Section 4. The commissioner may participate in a multistate licensing system for the sharing of regulatory information and for the application, by electronic or other means, and licensing of persons engaged in student loan servicing. The commissioner may establish requirements for participation by an applicant in a multistate licensing system that vary from the provisions of this chapter. The commissioner may require a background investigation of each applicant for a student loan servicer license by means of fingerprint and state and national criminal history record checks by the department of criminal justice information services pursuant to section 172 of chapter 6 and the Federal Bureau of Investigation.

If the applicant is a partnership, association, corporation or other form of business organization, the commissioner may require a background investigation for each member, director and principal officer of the applicant and any individual acting as a manager of an office location. The applicant shall pay directly to the multistate licensing system any additional fees related to participation in the multistate licensing system.

Section 5. (a) If a person licensed as a student loan servicer under subsection (e) of section 2 intends to operate at any place in addition to the address on the license or plans to change the location of its place of business, the licensee shall: (i) notify the commissioner, in writing, not less than 30 days before doing so; and (ii) shall pay a fee for each additional location
at a reasonable cost as determined by the commission. Such notice shall contain the address of any additional or changed location and such other information required by the commissioner. A student loan servicer license shall not be transferable or assignable.

(b) A student loan servicer shall maintain adequate records of each student loan transaction for not less than 2 years following the final payment on the student loan or the assignment of the student loan, whichever occurs first, or except as otherwise required by federal law or a contract with the United States Secretary of Education under 20 U.S.C. 1087f. The commissioner may request these records from a student loan servicer and the servicer shall comply with the request not later than 5 business days after the request is received. The commissioner may, upon request, grant a student loan servicer additional time to make such records available.

Section 6. A student loan servicer shall comply with all applicable federal laws and regulations relating to student loan servicing. A violation of a federal law or regulation shall be a violation of this chapter and the commissioner may investigate any such violation pursuant to section 7.

Section 7. (a) The commissioner shall conduct investigations and examinations for: (i) initial licensing, license renewal, license suspension, license revocation or termination or determining compliance with this chapter; and (ii) investigation of violations or complaints arising under this chapter.

In an investigation or examination conducted pursuant to this section, the commissioner may access, receive and use information from any relevant party’s books, accounts, records, files, documents and other information as needed.
If there is reason to believe that a person other than a licensee has violated this chapter, the commissioner may investigate the person as necessary. The commissioner may examine the person who allegedly violated this chapter and may compel the production of relevant books, accounts, records, files, documents and other information as needed.

The total cost for any investigation or examination shall be paid by the student loan servicer not more than 30 days after the receipt of an invoice for the total cost, shall be in accordance with fees determined annually by the secretary of administration and finance pursuant to section 3B of chapter 7 and shall include expenses for necessary travel outside of the commonwealth to conduct the investigation or examination.

All records of investigations and reports of examinations by the commissioner, including workpapers, information derived from the reports and responses to the reports, and any copies thereof in the possession of a student loan servicer under the supervision of the commissioner, shall be confidential and privileged communications; provided, however, that nothing in this subsection shall interfere with the work of the office of the student loan ombudsman established under section 35 of chapter 12; and provided further, that records shall be made public if it is in the public interest.

For the purposes of this subsection, records of investigation and reports of examinations shall include records of investigation and reports of examinations conducted by a financial regulatory agency of the federal government, another state or a foreign government that are considered confidential by the agency or foreign government and are in the possession of the commissioner. In a proceeding before a court, the court may issue a protective order in appropriate circumstances to protect the confidentiality of the record and order that the record on
file with the court or filed in connection with the court proceeding be sealed and that the public
be excluded from any portion of the proceeding at which the record is disclosed. Copies of the
reports of examination shall be furnished to a licensee for the licensee’s use only and shall not be
exhibited to any other person, organization or agency without prior written approval by the
commissioner. The commissioner may furnish information, reports and statements relating to the
licensees under the commissioner’s supervision to regulatory agencies of the federal government,
other states and foreign countries and to law enforcement agencies as considered appropriate.

(b) In an investigation or examination conducted pursuant to this section, the
commissioner shall have free access to the documents and records of the student loan servicer or
any other person under investigation or examination. Unless the commissioner has reasonable
grounds to believe that the documents or records of the student loan servicer or other person have
been or are at risk of being altered or destroyed for the purposes of concealing a violation of this
chapter, the student loan servicer or owner of the documents and records shall have access to the
documents or records as necessary to conduct ordinary business affairs.

(c) No student loan servicer or person subject to investigation or examination under this
section shall knowingly withhold, amend, remove, mutilate or destroy any books, records,
computer records or other information requested by the commissioner.

(d) The commissioner may suspend a student loan servicer license issued under
subsection (e) of section 2 if the commissioner finds that: (i) the student loan servicer has
violated this chapter; or (ii) a fact or condition exists that would have warranted a denial of the
license if the fact or condition existed at the time of the original application for the license.
(e) The commissioner may revoke or refuse to renew a student loan servicer license issued under subsection (e) of section 2 if the commissioner finds: (i) 2 or more violations or facts or conditions as described in subsection (d) during a license period; (ii) reckless or willful conduct on the part of the licensee; or (iii) it is in the public interest to revoke or refuse to renew the license.

(f) Notwithstanding any general or special law to the contrary, if the commissioner determines that a person has violated this chapter or that a person or entity associated with a student loan servicer has committed fraud or engaged in unfair, deceptive or dishonest activities, the commissioner may take action against that person or entity including, but not limited to: (i) suspension or revocation of that person’s license pursuant to subsection (e); (ii) imposition of an administrative penalty of not more than $50,000 per incident; or (iii) both.

Section 8. A student loan servicer shall not engage in unfair methods of competition or unfair or deceptive acts or practices. A violation of this chapter shall also be a violation of chapter 93A. Nothing in this chapter shall preclude an action being brought under said chapter 93A or any other law.

The commissioner may notify the attorney general or the student loan ombudsman established in section 35 of chapter 12 of a potential violation of this chapter or said chapter 93A.

Section 9. The commissioner shall promulgate rules and regulations necessary to implement this chapter.

CHAPTER 93M.

BAD FAITH ASSERTIONS OF PATENT INFRINGEMENT.
Section 1. As used in this chapter, the following terms shall have the following meanings unless the context clearly requires otherwise:

“Assertion of patent infringement”, (i) the sending or delivering of a demand letter to a target; (ii) the threatening of a target with litigation and asserting, alleging or claiming that the target has engaged in patent infringement; (iii) the sending or delivering of a demand letter to the customers of a target; or (iv) a claim or allegation, other than those made in litigation against a target, that a target has engaged in patent infringement or that a target should obtain a license to a patent in order to avoid litigation, or any similar assertion.

“Demand letter”, a letter, e-mail or other communication asserting, alleging or claiming that the target has engaged in patent infringement or that a target should obtain a license to a patent in order to avoid litigation, or any similar assertion.

“Target”, a person residing in, conducting substantial business in or having its principal place of business in Massachusetts against whom an assertion of patent infringement is made.

Section 2. (a) A person shall not make an assertion of patent infringement in bad faith. In determining whether a person has made an assertion of patent infringement in bad faith, and in addition to any other factor the court finds relevant, a court may consider whether: (i) the demand letter failed to contain the following information: (A) the patent number; (B) the name and address of the patent owner or owners and assignee or assignees, if any; and (C) factual allegations concerning the specific areas in which the target’s products, services or technology infringe the patent or are covered by the claims in the patent; (ii) the target requested information described in clause (i) that was not included in the demand letter and the person failed to provide the information within a reasonable period of time; (iii) the demand letter demanded payment of
of patent infringement was meritless and the person knew, or should have known, that the claim or assertion was meritless; (v) the claim or assertion of patent infringement was deceptive; (vi) the person or its subsidiaries or affiliates have previously filed or threatened to file 1 or more lawsuits based on the same or similar claim of patent infringement and (A) those threats or lawsuits lacked the information described in said clause (i); or (B) the person attempted to enforce the claim of patent infringement in litigation and a court found the claim to be meritless; and (vii) the patent has been held invalid or unenforceable in a final judgment or administrative decision.

(b) A court may consider the following factors, and any other factors the court finds relevant, as evidence that a person has not made an assertion of patent infringement in bad faith:

(i) the demand letter contained the information described in clause (i) of subsection (a); (ii) the target requested such information described in said clause (i) of said subsection (a) that was not included in the demand letter and the person provided the information within a reasonable period of time; (iii) prior to sending the demand letter, the person failed to conduct an analysis comparing the claims in the patent to the target’s products, services or technology or whether such an analysis failed to identify specific areas in which the products, services or technology are covered by the claims in the patent; (iv) the person engaged in a good faith effort to establish that the target has infringed the patent and to negotiate an appropriate remedy; and (v) the person is the inventor or joint inventor of the patent or, in the case of a patent filed by and awarded to an assignee of the original inventor or joint inventor, the original assignee.

(c) This chapter shall not apply to: (i) an institution of higher education or a technology transfer organization owned or affiliated with an institution of higher education; (ii) a non-profit
research institute or organization that manages inventions on behalf of an institute of higher education or a non-profit research institute or organization as a primary function; (iii) a person who is currently making significant investments in: (A) research and development in connection with the patented technology; provided, however, that “development” shall mean technical or experimental work to create, test, qualify, modify or validate technologies or processes for commercialization of goods or services; (B) development, product marketing, manufacturing or sale of products or processes covered by the patent; (C) the delivery or provision of goods or commercial services using the patented technology; or (D) a combination of subclauses (A) to (C), inclusive; and (iv) a person whose business is the licensing of patents as a wholly-owned subsidiary of a person described in clause (iii).

Section 3. (a) A target or a person aggrieved by a violation of this chapter may bring an action in superior court against a person who has made a bad-faith assertion of patent infringement. The court may award to a plaintiff who prevails in an action brought pursuant to this subsection 1 or more of the following remedies: (i) equitable relief; (ii) damages; (iii) costs and fees, including reasonable attorneys’ fees; and (iv) exemplary damages in an amount equal to $50,000 or 3 times the total of damages, costs and fees, whichever is greater.

(b) A person who by contract, agreement or otherwise, directly or indirectly, arranged for the bad faith assertion of patent infringement and a person who otherwise caused or is legally responsible for such bad faith assertion of patent infringement under the principles of the common law shall be liable to a prevailing plaintiff for all damages, costs and fees. Such liability shall be joint and several.
(c) A court may award to a defendant who prevails in an action brought pursuant to this
section costs and fees, including reasonable attorneys’ fees, if the court finds the action was not
well-grounded in fact and warranted by existing law or was interposed for any improper purpose,
such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

(d) Nothing in this chapter shall limit any right or remedy otherwise available under law
to the commonwealth or to any person.

Section 4. The attorney general shall have the same authority under this chapter to make
rules, conduct civil investigations, bring civil actions and enter into assurances of discontinuance
as provided under chapter 93A. In an action brought by the attorney general pursuant to this
section, the court may award or impose any relief available under this chapter.

SECTION 23. Chapter 138 of the General Laws is hereby amended by striking out
section 15F, as appearing in the 2018 Official Edition, and inserting in place thereof the
following section:-

Section 15F. (a) For the purposes of this section, “agricultural event” shall only include
events certified by the department of agricultural resources pursuant to this section.

(b) Notwithstanding any other provision of this chapter, the local licensing authority of a
city or town authorized to grant licenses to sell alcoholic beverages under this chapter may issue
to an applicant a special license to sell: (i) wine produced by or for the applicant at an indoor or
outdoor agricultural event if the wine is in sealed containers for off-premises consumption and
the applicant is authorized to operate a farmer-winery under section 19B; (ii) malt beverages
produced by or for the applicant at an indoor or outdoor agricultural event if the malt beverages
are in sealed containers for off-premises consumption and the applicant is authorized to operate a
farmer-brewery under section 19C; or (iii) distilled spirits produced by or for the applicant at an indoor or outdoor agricultural event if the spirits are in sealed containers for off-premises consumption, the applicant is authorized to operate a farmer-distillery under section 19E and the city or town is authorized to grant licenses for the sale of all alcoholic beverages.

(c) The sale of alcoholic beverages under this section shall be conducted by the licensee or by an agent, representative or solicitor of the licensee to customers who are not less than 21 years of age. A licensee under this section may provide samples of its alcoholic beverages to prospective customers at an indoor or outdoor agricultural event without charge. A sample shall be served by the licensee or by an agent, representative or solicitor of the licensee to individuals who are not less than 21 years of age and shall be consumed in the presence of the licensee or an agent, representative or solicitor of the licensee; provided, however, that a sample of wine shall not exceed 1 ounce, a sample of a malt beverage shall not exceed 2 ounces and a sample of distilled spirits shall not exceed ¼ ounce; and provided further, that not more than 5 samples shall be served to an individual prospective customer.

(d) An applicant for a special license under this section shall first submit a plan to the department of agricultural resources that shall demonstrate that the event is an agricultural event. The plan shall include: (i) a description of the event; (ii) the date, time and location of the event; (iii) a copy of the operational guidelines or rules for the event; (iv) written proof that the applicant has been approved as a vendor at the event, including the name and contact information of the on-site manager; and (v) a plan depicting the premises and the specific location where the license shall be exercised. Upon review of the plan, the department may certify that the event is an agricultural event; provided, however, that in making that determination, the department shall consider: (i) whether the event is operating as a farmers’ market or agricultural fair approved or
inspected by the department; (ii) the frequency and regularity of the event, including dates, times and locations; (iii) the number of vendors; (iv) the terms of vendor agreements; (v) the presence of an on-site manager; (vi) the training of the on-site manager; (vii) any operational guidelines or rules, which shall include vendor eligibility and produce source; (viii) the focus of the event on local agricultural products grown or produced within the market area; (ix) the types of shows or exhibits, including those described in clause (f) of section 2 of chapter 128; and (x) the event’s sponsorship or operation by an agricultural or horticultural society organized under the laws of the commonwealth or by a local grange organization or association that has a primary purpose of promoting agriculture and its allied industries. The department may promulgate rules and regulations necessary for the operation, oversight, approval and inspection of agricultural events under this section.

In addition to its application, an applicant for a special license under this section shall file with the local licensing authority proof of certification from the department of agricultural resources that the event is an agricultural event. A special license shall designate the specific premises and the dates and times covered; provided, however, that a special license may be granted for an indoor or outdoor agricultural event that takes place on multiple dates or times during a single calendar year; provided further, that a special license shall not be granted for an agricultural event if the event will not take place within 1 calendar year.

(e) A special license under this section shall be conspicuously displayed at the licensed premises. The licensing authority shall submit a copy of a special license to the commission not less than 7 days before the date the agricultural event is first scheduled to begin. The local licensing authority may charge a fee for each special license granted; provided, however, that the
fee shall not exceed $50. A special license shall not be transferable to any other person, corporation or organization and shall be clearly marked “nontransferable” on its face.

(f) A special license under this section may be granted by a local licensing authority for a portion of premises that are licensed under section 12; provided, however, that: (i) the holder of the special license shall document the legal basis for use of the premises; (ii) the area in which the special license is to be approved shall be physically delineated from the area remaining under the control of the holder of the license granted under said section 12; (iii) the holder of the special license shall be solely liable for all activities that arise from the special license; and (iv) the holder of the special license shall not pay any consideration, directly or indirectly, to the holder of the license granted under said section 12 for the access to or use of the premises.

The commission may promulgate rules and regulations as it deems appropriate to implement this section.

SECTION 24. Section 87T of chapter 112 of the General Laws, as so appearing, is hereby amended by inserting after the word “hairdressing”, in line 63, the following words: ; provided further, that “hairdressing” shall not include natural hair braiding.

SECTION 25. Said section 87T of said chapter 112 is hereby further amended by inserting after the definition of “Mobile services”, as so appearing, the following definition: - “Natural hair braiding”, twisting, wrapping, weaving, extending, locking or braiding the hair of any person either by hand or with a mechanical device.
SECTION 26. The first paragraph of section 87V of said chapter 112, as so appearing, is hereby amended by adding following sentence:- Natural hair braiding shall be exempt from the rules and regulations issued by the board.

SECTION 27. Section 24L of chapter 149 of the General Laws, as so appearing, is hereby amended by striking out, in lines 82 and 83, the words:- , as that term is defined in section 1 of chapter 93L.

SECTION 28. Section 276 of chapter 165 of the acts of 2014 is hereby amended by striking out the words “and 2020”, inserted by section 237 of chapter 218 of the acts of 2016, and inserting in place thereof the following words:-, 2020, 2021, 2022 and 2023.

SECTION 29. Subsection (b) of section 58 of chapter 228 of the acts of 2018 is hereby amended by striking out the words “neither the New Bedford State Pier nor the Fall River State Pier shall be used to support facilities for offshore energy exploration or development” and inserting in place thereof the following words:- “that the New Bedford State Pier shall not be used to support facilities for offshore energy exploration or development; provided further, that the Fall River State Pier shall not be used for offshore oil and gas exploration or development; provided further, that the Fall River State Pier may be used to support offshore wind development and operations.

SECTION 30. (a) There shall be a special commission to conduct a comprehensive study relative to the impact of automation, artificial intelligence, global trade, access to new forms of data and the internet of things on the workforce, businesses and economy. The main objective of the commission shall be to ensure sustainable jobs, fair benefits and workplace safety standards for workers in all industries, including, but not limited to, access to adequate and affordable
health insurance, financial security in retirement, unemployment insurance and disability insurance. The commission shall consist of: 2 persons appointed by the president of the senate, 1 of whom shall serve as co-chair; 2 persons appointed by the speaker of the house of representatives, 1 of whom shall serve as co-chair; 1 person appointed by the minority leader of the senate; 1 person appointed by the minority leader of the house of representatives; the secretary of labor and workforce development or a designee; 2 persons appointed by the governor, 1 of whom shall have expertise in the future of work issues and 1 of whom shall have experience in workforce training and education; 2 persons appointed by the attorney general, 1 of whom shall have expertise in fair labor and workers’ rights and 1 of whom shall have expertise in future of work issues; and 6 persons appointed by the co-chairs, 3 of whom shall be members of the labor community with experience in future of work issues and 3 of whom shall be members of the business community with experience in future of work issues.

(b) The commission shall study and evaluate the future of work including, but not limited to: (i) trends and drivers of the transformation of industries and employment and how they will impact workers; (ii) policies and practices that may assist workers, businesses and communities to thrive and maintain a robust economy while responding to the rapid transformation of technology, workplace practices, environmental and security concerns and global interdependence; (iii) the impact of industry transformation on worker access to affordable and adequate healthcare, financial security in retirement and adequate unemployment insurance, disability insurance and other benefits; (iv) best practices on maintaining cohesive and beneficial partnerships between workers and employers during industry growth and transformation; and (v) any other factors the commission deems relevant.
(c) The commission, in collaboration with the executive office of labor and workforce development, shall: (i) develop and maintain an inventory of the current and future trends and factors that will likely drive the transformation of industries and work over the next 25 years; (ii) research best practices from state, national and international sources and develop case studies and examples for the future of work; (iii) gather data and input from employers and workers from the major industrial sectors in every region of the commonwealth; and (iv) work with organizations that engage in workforce training to identify best practices and any obstacles that may exist to adequate workforce training during future industry transformation.

(d) The task force shall meet not less than 4 times in different geographic regions and shall accept input from the public during not less than 2 public hearings and solicit expert testimony from individuals identified by the commission. The commission shall convene its first meeting not later than September 1, 2020.

(e) Not later than September 1, 2021, the commission shall file a report of its analysis, recommendations and any proposed legislation necessary to effectuate its recommendations to the clerks of the senate and house of representatives, the joint committee on economic development and emerging technologies and the joint committee on labor and workforce development.

The report shall include, but not be limited to, legislative and policy recommendations that: (i) ensure workers in the future secure access to affordable and adequate healthcare, financial security in retirement and adequate unemployment insurance, disability insurance and other benefits; (ii) provide for portable, transferable, cost-efficient and time-efficient credentialing; (iii) support life-long learning and talent development for workers of all ages; (iv)
help workers maintain relevant skills or learn new skills for the careers and workplaces of the future; (v) prepare young people to succeed in the careers and workplaces of the future; (vi) ensure employers and workforce training entities are up to date on training needs for workers in current and future industries and careers; and (vii) enable workers, businesses and workforce training entities to simultaneously learn and incorporate new technologies into workforce training.

SECTION 31. Notwithstanding any general or special law to the contrary, certain regulatory approvals are hereby extended as provided in this section.

(a) For purposes of this section, the following words shall have the following meanings unless the context clearly requires otherwise:

“Approval”, except as otherwise provided in subsection (b), any permit, certificate, order, excluding enforcement orders, license, certification, determination, exemption, variance, waiver, building permit or other approval or determination of rights from any municipal, regional or state governmental entity, including any agency, department, commission or other instrumentality thereof, concerning the use or development of real property, including certificates, licenses, certifications, determinations, exemptions, variances, waivers, building permits or other approvals or determinations of rights issued or made under chapter 21, chapter 21A except section 16 of said chapter 21A, chapter 21D, sections 61 to 62I, inclusive, of chapter 30, chapters 30A, 40, 40A to 40C, inclusive, 40R, 41, 43D, section 21 of chapter 81, chapters 91, 131, 131A, 143, sections 4 and 5 of chapter 249 or chapter 258 of the General Laws or chapter 665 of the acts of 1956 or any local by-law or ordinance.
“Development”, division of a parcel of land into 2 or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of a building or other structure or facility or any grading, soil removal or relocation, excavation or landfill or any use or change in the use of any building or other structure or land or extension of the use of land.

“Tolling period”, the period from March 10, 2020 to March 10, 2021, inclusive.

(b) (1) Notwithstanding any general or special law to the contrary, an approval in effect or existence during the tolling period shall be extended for a period of 1 year in addition to the lawful term of the approval.

(2) Nothing in this section shall extend or purport to extend: (i) a permit or approval issued by the federal government or an agency or instrumentality thereof or a permit or approval of which the duration of effect or the date or terms of its expiration are specified or determined under a law or regulation of the federal government or an agency or instrumentality thereof; (ii) a permit, license, privilege or approval issued by the division of fisheries and wildlife under chapter 131 of the General Laws; (iii) an approval, determination, exemption, certification, statement of qualification or any other administrative action by the department of energy resources under 225 CMR 20.00, subsection (c) of section 17 of chapter 25A of the General Laws or corresponding regulations at 225 CMR 21.00; or (iv) any agreement entered into by the Massachusetts Department of Transportation or the Massachusetts Bay Transportation Authority or any permit, license or approval issued by the department or authority relating to the sale, acquisition or lease or development of real property owned in whole or in part by the department or authority or the sale, acquisition, lease or development of any interest therein related to such real property pursuant to chapter 6C or chapter 161A of the General Laws.
(3) Nothing in this section shall affect the ability of a municipal, regional or state
governmental entity, including an agency, department, commission or other instrumentality
thereof, to revoke or modify a specific permit or approval, or extension of a specific permit or
approval under this section, when that specific permit or approval or the law or regulation under
which the permit or approval was issued contains language authorizing the modification or
revocation of the permit or approval.

(4) If an approval tolled under this section is based upon the connection to a sanitary
sewer system, the approval's extension shall be contingent upon the availability of sufficient
capacity, on the part of the treatment facility, to accommodate the development whose approval
has been extended. If sufficient capacity is not available, those permit holders whose approvals
have been extended shall have priority with regard to the further allocation of gallonage over
those permit holders who have not received approval of a hookup prior to the effective date of
this section. Priority regarding the distribution of further gallonage to a permit holder who has
received the extension of an approval under this section shall be allocated in order of the granting
of the original approval of the connection.

(5) If an owner or petitioner sells or otherwise transfers a property or project in order for
an approval to receive an extension all commitments made by the original owner or petitioner
under the terms of the permit must be assigned to and assumed by the new owner or petitioner. If
the new owner or petitioner does not meet or abide by such commitments, then the approval shall
not be extended under this section.
Nothing in this section shall be construed or implemented in such a way as to modify a requirement of law that is necessary to retain federal delegation to or assumption by the commonwealth of the authority to implement a federal law or program.

SECTION 32. Notwithstanding any general or special law to the contrary, to meet the expenditures necessary in carrying out section 2, the state treasurer shall, upon receipt of a request by the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time but not exceeding, in the aggregate, $240,100,000. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face “Commonwealth Economic Development Act of 2020” and shall be issued for a maximum term of years not exceeding 30 years as the governor may recommend to the general court pursuant to section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth; provided, however, that all such bonds shall be payable not later than June 30, 2055. All interest and payments on account of principal on such obligations shall be payable from the General Fund. Bonds and interest thereon issued under the authority of this section shall, notwithstanding any other provision of this act, be general obligations of the commonwealth.

SECTION 33. Notwithstanding any general or special law to the contrary, to meet the expenditures necessary in carrying out section 2A, the state treasurer shall, upon receipt of a request by the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time but not exceeding, in the aggregate, $135,000,000. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face “Commonwealth Economic Development Act of 2020” and shall be issued for a maximum term of years not exceeding 30 years as the governor may recommend to the general court pursuant to section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth; provided, however,
that all such bonds shall be payable not later than June 30, 2055. All interest and payments on
account of principal on such obligations shall be payable from the General Fund. Bonds and
interest thereon issued under the authority of this section shall, notwithstanding any other
provision of this act, be general obligations of the commonwealth.

SECTION 34. The secretary of administration and finance shall establish the fees

SECTION 35. The first report required under section 35 of chapter 12 of the General
Laws shall be submitted not later than January 1, 2022.

SECTION 36. Sections 7 and 16 shall take effect on September 1, 2020.