

# SENATE . . . . . No. 2602

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Senate, July 12, 2018 – Text of the Senate amendment to the House Bill promoting climate change adaptation, environmental and natural resource protection, and investment in recreational assets and opportunity (House, No. 4613) (being the text of Senate, No. 2591, printed as amended).

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## The Commonwealth of Massachusetts

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In the One Hundred and Ninetieth General Court  
(2017-2018)  
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1           SECTION 1. To provide for a program of climate change adaptation and the  
2 preservation and improvement of the environmental and energy assets of the commonwealth, the  
3 sums set forth in this act, for the several purposes and subject to the conditions specified in this  
4 act, are hereby made available, subject to the laws regulating the disbursement of public funds,  
5 which sums shall be in addition to any other amounts previously made available for these  
6 purposes; provided, that the amounts specified for a particular project may be adjusted to  
7 facilitate projects authorized in this act.

8           SECTION 2.

9                           EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

10   Office of the Secretary

11           1100-3000   For a program to provide grants and low-interest loans to owners or  
12 operators of a dispensing facility, as defined in section 1 of chapter 21J of the General Laws, that  
13 retails gasoline and other petroleum products, for the purpose of replacing and modernizing  
14 existing single-walled underground petroleum storage tank equipment and related leak detection

15 equipment, and to reduce the risk of pollution from potential leakage; provided, that program  
16 grants and loans shall be made available for costs including, but not limited to, engineering, tank  
17 removal, construction and infrastructure replacement to install double-walled underground  
18 petroleum storage tank equipment and related leak detection equipment; provided further, that  
19 the installation of underground storage tank and leak inspection equipment funded under the  
20 program shall comply with applicable laws and regulations of the commonwealth and the federal  
21 government; provided further, that program grants and loans shall be made available only to  
22 small-business owners or operators of eligible dispensing facilities not located on land owned by  
23 the commonwealth; provided further, that priority for grants and loans under the program shall  
24 be given to eligible dispensing facilities that are located in a rural area; provided further, that the  
25 secretary of administration and finance shall make available the funds under this item to the  
26 Massachusetts Development Finance Agency to administer the grant and loan program; and  
27 provided further, that the Massachusetts Development Finance Agency, in consultation with the  
28 department of environmental protection, shall, not later than January 31, 2019, adopt standards to  
29 implement the program, including general guidelines and requirements for owners and operators  
30 to apply for grants and loans and the criteria used to evaluate applications for grants and loans  
31 under the program.....\$2,000,000

32 EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

33 Office of the Secretary

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

37 buildings, equipment, vehicles and communication and technology equipment; provided further,  
38 that the secretary of energy and environmental affairs may provide guidance for planning,  
39 prioritization, selection and implementation of projects in furtherance of the goals of climate  
40 change mitigation and adaptation and consistent with the integrated state hazard mitigation and  
41 climate change adaptation plan; provided further, that any expenditures for communication and  
42 technology equipment under this item shall be considered in consultation with the secretary of  
43 technology services and security; provided further, that not less than \$350,000 shall be expended  
44 for the conversion of 31 Plum Island boulevard to an emergency response facility; and provided  
45 further, that not less than \$800,000 shall be expended for the implementation of a combined  
46 sewer overflow monitoring and notification system under chapter 21 of the General  
47 Laws.....\$10,500,000

48       2000-7072     For grant programs for land, soil, water and natural resource conservation;  
49 open space preservation; watershed remediation; coastal resource protection, including securing  
50 access to protected coastal lands and lands to provide for the inland migration of coastal habitats;  
51 recreation; environmental equity and wildlife and endangered species protection including, but  
52 not limited to, the local acquisition for natural diversity grant program, the parkland acquisition  
53 and renovation for communities grant program, conservation partnership grant programs,  
54 including programs to support landscape-scale land conservation projects, the drinking water  
55 supply protection grant program, grant programs to assist and provide funding to conservation  
56 districts, grants to support projects and initiatives that promote carbon sequestration and climate  
57 change resiliency through sustainable forestry and salt marsh restoration, including associated  
58 educational initiatives, and grants to support local, regional and state land use planning and  
59 management capabilities to advance smart growth efforts, all pursuant to rules or regulations

60 adopted by the secretary of energy and environmental affairs to effectuate this item; provided,  
61 that the secretary of energy and environmental affairs may provide guidance for planning,  
62 prioritization, selection and implementation of projects in furtherance of the goals of climate  
63 change mitigation and adaptation and consistent with the integrated state hazard mitigation and  
64 climate change adaptation plan; provided further, that all projects shall provide appropriate  
65 public access as determined by the secretary; provided further, that not less than \$6,000,000 shall  
66 be expended for the dredging and conservation of Salisbury Pond at Institute Park in the city of  
67 Worcester; provider further, that not less than \$1,500,000 be expended for the design and  
68 construction of a public safety boat house on Lake Quinsigamond in the city of Worcester;  
69 provided further, that not less than \$500,000 shall be expended for improvements to Ipswich  
70 River park in the town of North Reading; provided further, that not less than \$200,000 shall be  
71 expended for improvements around Cook pond in the city of Fall River; provided further, that  
72 not less than \$300,000 shall be expended to Bay Coast Rowing Center, Inc. for the refurbishment  
73 and upgrade of an existing boat house building to house a community boating program in the city  
74 of Fall River; provided further, that \$1,000,000 shall be expended for the reconstruction of the  
75 Sandwich boardwalk providing access to Town Neck beach in the town of Sandwich; provided  
76 further, that not less than \$1,500,000 shall be expended to the Community Boating Center, Inc.  
77 for the creation of a community boating center in the south end section of the city of New  
78 Bedford to provide financially-disadvantaged children with sailing, youth development and  
79 extracurricular opportunities; provided further, that not less than \$1,500,000 shall be expended to  
80 the Buzzards Bay Coalition, Inc. for the acquisition and conservation of Crow Island in the town  
81 of Fairhaven to provide open, public access to coastal space in New Bedford and Fairhaven  
82 Harbor through sailing, rowing, kayaking and other water-dependent activities; provided further,

83 that not less than \$50,000 shall be expended to promote environmental initiatives in the Roxbury  
84 section of the city of Boston; provided further, that not less than \$300,000 shall be expended for  
85 the development and construction of a park and recreational area Warner's pond in the town of  
86 Concord; provided further, that not less than \$400,000 shall be expended for the rehabilitation of  
87 playgrounds in the town of Sudbury; provided further, that not less than \$100,000 shall be  
88 expended for rehabilitation and signage on the Western Greenway trails in the city of Waltham;  
89 provided further, that not less than \$1,000,000 shall be expended for repairs, maintenance and  
90 improvements of the Leo Jerome Martin Memorial Golf Course in the town of Weston; provided  
91 further, that not less than \$15,000 shall be expended for the installation of sand and gravel test  
92 wells for an irrigation well water conservation feasibility study at the high school and middle  
93 school athletic complex in the town of Weston; provided further, that not less than \$50,000 shall  
94 be expended for signage and other design efforts along the portion of the Massachusetts central  
95 rail trail in the town of Weston; provided further, that not less than \$500,000 shall be expended  
96 for the construction, renovation, improvement, maintenance and handicapped accessibility of  
97 Friendship park playground and Roberts field in the town of Chelmsford; provided further, that  
98 not less than \$1,750,000 shall be expended for trail signage, wayfinding, trail restoration and  
99 other improvements in the Middlesex Fells Reservation; provided further, that \$600,000 shall be  
100 expended to protect and preserve the shoreline and water quality of Crystal lake in the city of  
101 Newton; provided further, \$200,000 shall be expended for improvements around the Flax pond  
102 in the city of Lynn; provided further, that \$1,800,000 shall be expended for the procurement and  
103 installation of a high-efficiency irrigation system to promote water conservation at the Gannon  
104 Municipal Golf Course in the city of Lynn; provided further, that not less than \$500,000 shall be  
105 expended for dredging, safety and environmental improvements to Winter pond in the town of

106 Winchester; provided further, that not less than \$1,000,000 shall be expended for the permitting,  
107 design and undertaking of dredging of Memorial pond in the town of Walpole; provided further,  
108 that not less than \$1,000,000 shall be expended for the study, design, permitting and undertaking  
109 of repairs, remediation, conservation and improvements to ponds, waterways, dams and  
110 watersheds in the town of Walpole; provided further, that not less than \$500,000 shall be  
111 expended for repairs to the Dr. John W. Coleman Greenergy park in the city of Beverly;  
112 provided further, that not less than \$300,000 shall be expended for the planning, design,  
113 construction and operation of a regional glass recycling and sorting facility in the town of  
114 Dennis; provided further, that not less than \$1,215,000 shall be expended for improvements to  
115 the Run pond culvert in the town of Yarmouth to improve tidal flushing and reduce nutrient  
116 influxes and algal blooms; provided further, that not less than \$500,000 shall be expended for the  
117 reconstruction of certain roads in the town of Holbrook; provided further, that not less than  
118 \$1,000,000 shall be expended for the development and implementation of an energy efficiency  
119 pilot program for the implementation of energy efficiency measures in the city of Taunton;  
120 provided further, that not less than \$1,000,000 shall be expended for the development and  
121 implementation of an energy efficiency pilot program for the implementation of energy  
122 efficiency measures at Bridgewater State University; provided further, that \$200,000 shall be  
123 expended for improvements to the glacial pothole overlook in the town of Shelburne; provided  
124 further, that not less than \$208,683 shall be expended for an infiltration basin in the woodland  
125 behind Cunningham school in the town of Milton; provided further, that not less than \$158,283  
126 shall be expended for storm water improvements to the intersection of Adams and Pleasant  
127 streets in the town of Milton; provided further, that not less than \$700,000 shall be expended for  
128 recreational and capital facility improvements for the state park at Fort Phoenix in the town of

129 Fairhaven; provided further, that not less than \$280,000 shall be expended for recreational  
130 improvements for Brooklawn park in the north end of the city of New Bedford; provided further,  
131 that not less than \$330,000 shall be expended for improvements to East beach at East Rodney  
132 French boulevard in the city of New Bedford; provided further, that not less than \$1,000,000  
133 shall be expended to complete phase 2 restorations at Hazelwood park in the south end section of  
134 the city of New Bedford which shall include, but not be limited to, the creation of new  
135 playground facilities for children, construction of a community amphitheater and upgrades to the  
136 historic Congdon-Lucas House; provided further, that not less than \$45,000 shall be expended  
137 for road improvements and the planning development and construction for signalization at the  
138 intersection of Central street and United States highway route 1 in the town of Rowley; provided  
139 further, that not less than \$250,000 shall be expended for road improvements and planning and  
140 development of Maple street on state highway route 62 in the town of Middleton; provided  
141 further, that not less than \$50,000 shall be expended for sidewalk accessibility improvements in  
142 the town of Sudbury; provided further, that not less than \$925,000 shall be expended for new  
143 sidewalk construction in the town of Bedford; provided further, that not less than \$115,000 shall  
144 be expended for roadside path repairs in the town of Lincoln; provided further, that not less than  
145 \$111,000 shall be expended for the study and construction of intersection improvements in the  
146 town of Lincoln; provided further, that not less than \$13,000 shall be expended for new sidewalk  
147 construction in the town of Lincoln; provided further, that not less than \$82,500 shall be  
148 expended for accessibility, informational, wayfinding and safety improvements to the commuter  
149 lot at Lincoln Station in the town of Lincoln; provided further, that \$500,000 shall be expended  
150 to study the environmental and noise impacts, potential methods to reduce the impacts and  
151 potential sources for mitigation of the interstate highway route 90 construction project along

152 Storrow drive in the city of Boston and Memorial drive in the city of Cambridge; provided  
153 further, that not less than \$3,000,000 shall be expended on the planning and construction of a  
154 water transportation facility at Lewis Mall in the East Boston section of the city of Boston;  
155 provided further, that not less than \$1,125,000 shall be expended for improvements on Elm street  
156 in the city of Gardner; provided further, that not less than \$1,500,000 be expended to the city of  
157 Peabody for demolition of the existing building and for the design, engineering and permitting of  
158 an upgraded drainage system for the parcel and its tributaries at 10 Lowell street; provided  
159 further, that not less than \$100,000 shall be expended to the Worcester Community Action  
160 Council, Inc. for soil remediation at its Head Start project site in the town of Webster; provided  
161 further, that not less than \$500,000 shall be expended to the town of Uxbridge for a soil  
162 remediation project in the South Uxbridge section; provided further, that not less than \$250,000  
163 shall be expended for soil remediation at the Draper Mill Complex in the town of Hopedale;  
164 provided further, that not less than \$2,200,000 shall be expended for environmental remediation  
165 of property along the banks of the Merrimack river and the construction of Riverview park in the  
166 city of Lowell; provided further, that not less than \$750,000 shall be expended for environmental  
167 remediation of ash fill and reconstruction of the baseball field at O'Donnell park in the city of  
168 Lowell; provided further, that not less than \$1,250,000 shall be expended for environmental  
169 testing and potential remediation of hazardous materials at the Lowell high school construction  
170 site based on the hazardous materials survey performed in fall 2016 by Universal Environmental  
171 Consultants; provided further, that not less than \$500,000 shall be expended to fund professional  
172 services associated with the mitigation of contaminated needles in the public way; provided  
173 further, that not less than \$1,000,000 shall be expended for developing and implementing a grant  
174 program to improve the quality and quantity of waste diversion in gateway cities; provided



175 further, that grants of financial assistance issued under the grant program shall include, but not  
176 be limited to, efforts to promote appropriate waste diversion practices via print materials,  
177 conventional and electronic media advertising and outreach efforts to residents of gateway cities;  
178 provided further, that not less than \$300,000 shall be expended to fund construction,  
179 maintenance and improvements to a mattress recycling facility operated by UTEC, a youth  
180 services non-profit organization in the city of Lowell; provided further, that \$100,000 shall be  
181 expended to construct a community garden in Mission Hill in the Roxbury section of the city of  
182 Boston; provided further, that \$100,000 shall be expended for drainage pipe improvements on  
183 Stoddard place in the town of North Brookfield; provided further, that \$25,000 shall be expended  
184 for improvements to Turkey Hill pond in the town of Rutland; provided further, that \$25,000  
185 shall be expended for improvements to Demond Hill pond in the town of Rutland; provided  
186 further, that \$120,000 shall be expended for improvements to O'Gara park in the town of Spencer  
187 including, but not limited to, the construction of a field house and improvements to the  
188 grandstand; provided further, that \$10,000 shall be expended for improvements to Powder Mill  
189 park in the town of Spencer; provided further, that \$5,000 shall be expended for improvements to  
190 Luther Hill park in the town of Spencer; and provided further, that not less than \$3,708,221 shall  
191 be expended for the reconstruction of Turnpike street in the town of Stoughton to combat  
192 roadway settlement caused by of a vast depth of decomposing subsurface material..\$175,000,000

193           2000-7073     For the design, construction, reconstruction, rehabilitation, retrofitting,  
194 repair or removal of coastal infrastructure and resiliency measures, including, but not limited to,  
195 seawalls, jetties, revetments, retaining walls, beach nourishment, living shorelines and other  
196 nature-based solutions, which are defined as strategies that conserve, restore and employ the  
197 natural resources of the commonwealth to enhance climate adaptation, build resilience and

198 support mitigation; provided, that costs payable from this item may include, but shall not be  
199 limited to, the costs of engineering and other technical assistance and planning services essential  
200 to these projects rendered by the office of coastal zone management in the executive office of  
201 energy and environmental affairs, the office of waterways in the department of conservation and  
202 recreation and other commonwealth employees or consultants; provided further, that grants and  
203 loans may be made to local government units to carry out this item; provided further, that funds  
204 may be used on lands held by municipal, county, state or federal agencies or other governmental  
205 bodies, on lands held by nonprofit conservation organizations or on private lands with the  
206 consent of the owner and subject to covenants that assure the continued presence and  
207 effectiveness of such projects for the expected life of the projects; provided further, that the use  
208 of such funds by county and municipal governmental bodies on lands held by nonprofit  
209 conservation organizations, or on private lands, shall require, in a county, a vote of the county  
210 commissioners, in a city having a Plan D or Plan E charter, by the affirmative vote of a majority  
211 of all the members of the city council, in a city not having such a charter, by vote of the city  
212 council, subject to the charter of that city and in a town, by a majority vote of the selectboard;  
213 provided further, that the secretary of energy and environmental affairs may provide guidance for  
214 planning, prioritization, selection and implementation of projects in furtherance of the goals of  
215 climate change mitigation and adaptation and consistent with the integrated state hazard  
216 mitigation and climate change adaptation plan; provided further, that \$1,000,000 shall be  
217 allocated to the Marine Biological Laboratory for the restoration of the seawall located at  
218 Waterfront park in the town of Falmouth; provided further, that not less than \$150,000 shall be  
219 expended for seawall restorations at Apponagansett park in the town of Dartmouth; provided  
220 further, that not less than \$2,500,000 shall be expended for planning development and

221 construction to the Long beach sea wall in the town of Rockport; provided further, that not less  
222 than \$1,000,000 shall be expended for coastal infrastructure repair in town of Nahant; provided  
223 further, that not less than \$1,000,000 shall be expended for coastal infrastructure repair in the  
224 town of Swampscott; provided further, that not less than \$350,000 shall be expended for coastal  
225 infrastructure repair in the town of Marblehead; provided further, that \$500,000 shall be  
226 expended for planning and infrastructure improvements to mitigate flooding issues at Lewis  
227 Wharf in the North End section of the city of Boston; provided further, that not less than  
228 \$500,000 shall be expended for the renovation and improvement of the retaining seawall at  
229 Grandview avenue in the town of Winthrop; provided further, that not less than \$1,000,000 shall  
230 be allocated to the town of Plymouth for seawall and revetment work at Long beach; provided  
231 further, that not less than \$1,000,000 shall be allocated to the town of Plymouth for cobble  
232 nourishment at Long beach; provided further, that not less than \$1,300,000 shall be expended for  
233 study, design and construction of methods for storm relief and marsh restoration and to provide  
234 residents egress during significant flooding events in the Commerce road area in the town of  
235 Barnstable; provided further, that not less than \$1,400,000 shall be expended for the replacement  
236 and improvement of the culvert at Snow's Creek to provide storm relief and marsh restoration  
237 and for the installation of a sidewalk on the south side of Ocean street in the culvert vicinity and  
238 construction of safety railings in the town of Barnstable; provided further, that not less than  
239 \$400,000 shall be expended for construction costs associated with hydraulic dredging and beach  
240 nourishment at town owned beaches in the town of Chatham; provided further, that not less than  
241 \$250,000 shall be expended for flood water drainage and tide gate analysis and replacement at  
242 various locations in the town of Chatham; provided further, that not less than \$35,000 shall be  
243 expended for a climate resiliency study at Beach point in the town of Truro; provided further,

244 that not less than \$500,000 to fund the planning, engineering design, permitting and other bid-  
245 phase expenses for the repairs to the East Harbor culvert and surrounding infrastructure in the  
246 town of Truro; provided further, that not less than \$150,000 shall be expended for survey,  
247 design, engineering, materials estimating and permitting of the enhancement of shoreline  
248 protection and other measures necessary to protect vulnerable roadway and utilities infrastructure  
249 along state highway route 6A and Snail road in the town of Provincetown; provided further, that  
250 not less than \$1,500,000 shall be expended for the construction, purchase or repair of seawalls,  
251 jetties and wave attenuation devices in the town of Duxbury; provided further, that not less than  
252 \$1,500,000 shall be expended for the construction, purchase or repair of seawalls, jetties and  
253 wave attenuation devices in the town of Marshfield; provided further, that not less than  
254 \$1,500,000 shall be expended for the construction, purchase or repair of seawalls, jetties and  
255 wave attenuation devices in the town of Scituate; provided further, that not less than \$1,500,000  
256 shall be expended for the construction, purchase or repair of seawalls, jetties and wave  
257 attenuation devices in the town of Hull; provided further, that not less than \$1,000,000 shall be  
258 expended for shoreline and park restoration at Blessing of the Bay park in the city of Somerville;  
259 provided further, that not less than \$250,000 shall be expended to mitigate the impacts of ocean  
260 erosion in the town of Gosnold; provided further, that not less than \$200,000 shall be expended  
261 for the town of Nantucket to draft and create a coastal resiliency plan; provided further, that  
262 \$300,000 shall be expended for a study to determine solutions to flooding issues in the Riverside,  
263 Point of Pines and Beachmont sections of the city of Revere; provided further, that not less than  
264 \$200,000 shall be expended to implement the findings of the study; provided further, that not  
265 less than \$1,000,000 shall be expended for public safety measures to support and mitigate the

266 impacts of the proposed Massachusetts Water Resources Authority fishing pier at Deer  
267 island.....\$61,500,000

268           2000-7074   For the design, construction, reconstruction, rehabilitation, retrofitting,  
269 repair or removal of municipally-owned dams, publicly owned dams and other dams for which  
270 emergency action or statewide hazard mitigation is required and for inland flood control projects  
271 and projects for related facilities and equipment including, but not limited to, seawalls, jetties,  
272 revetments, retaining walls, beach nourishment and other nature-based solutions on publicly-  
273 owned land or related to state or municipal climate change adaptation and preparedness or for  
274 which emergency action or statewide hazard mitigation is required; provided, that the secretary  
275 of energy and environmental affairs shall give priority to dams and flood control projects that  
276 pose the greatest risk to public health or safety or to the environment; provided further, that  
277 funds shall be available for a program of planning, permitting and construction of fish ways and  
278 other aquatic habitat improvements, including the removal or breaching of selected dams and  
279 impoundments on state-owned land and waterways; provided further, that the secretary may  
280 provide guidance for planning, prioritization, selection and implementation of projects in  
281 furtherance of the goals of climate change mitigation and adaptation and consistent with the  
282 integrated state hazard mitigation and climate change adaptation plan; provided further, that  
283 projects shall be considered in consultation with the municipality hosting the asset to be repaired  
284 and those municipalities impacted by the project; provided further, that not less than \$1,000,000  
285 shall be expended for the costs associated with the replacement of the Factory Pond dam in the  
286 town of Holliston; provided further, than not less than \$1,000,000 shall be expended for  
287 rehabilitation of the Willett pond dam in the town of Norwood; provided further, that \$800,000  
288 shall be expended to replace the Waite Pond dam in the town of Leicester; provided further,

289 \$657,500 shall be expended for dam repairs in the town of Upton; provided further, that  
290 \$250,000 shall be provided to the city of Pittsfield for repairs to the Wild Acres dam; provided  
291 further, that \$500,000 shall be provided to the town of Ashfield for mitigation of the Ashfield  
292 Lake dam; provided further, that \$1,000,000 shall be expended for culvert upgrades to reduce  
293 flooding and increase coastal resiliency in the Ring's Island area and Ferry and March roads in  
294 the town of Salisbury; provided further, that \$500,000 shall be expended for the removal of the  
295 Jones river dam in the town of Kingston; provided further, that \$2,500,000 shall be expended on  
296 dams in the city of Springfield; provided further, that not less than \$200,000 shall be expended  
297 for costs associated with repairs to the Greenough dam in the town of Carlisle; provided further,  
298 that not less than \$500,000 shall be expended for the design and construction of a pump house  
299 system for distributing aluminum sulfite in Monponsett pond in the town of Halifax; provided  
300 further, that not less than \$1,980,000 shall be expended to improve the structural integrity and  
301 safety of the Hobart Pond dam and Harding Pond dam in the town of Whitman; provided further,  
302 that not less than \$1,500,000 shall be expended to prepare a master plan for dam improvements,  
303 invasive plant control, dredging the lakes, construction, repaving roads and highway lights at  
304 D.W. Field park in the city of Brockton; provided further, that not less than \$2,000,000 shall be  
305 expended for storm resiliency efforts in the city of Quincy, including sea wall repair and the  
306 dredging of brooks, rivers and creeks for flood storage capacity; provided further, that not less  
307 than \$500,000 shall be expended for the management and improvement of Studley's pond dam  
308 in the town of Rockland; provided further, that \$300,000 shall be expended for engineering,  
309 improvements and repairs to the Hamilton Reservoir dam in the town of Holland; provided  
310 further, that \$200,000 shall be expended for improvements to the Queen Lake dam in the town of  
311 Phillipston; provided further, that not less than \$100,000 shall be expended for the repair, design,

312 permitting and construction of the Leverett Pond dam in the town of Leverett; and provided  
313 further, that not less than \$1,250,000 shall be expended for infrastructure and improvements at  
314 Green River and the Wiley-Russell Dam in the town of Greenfield.....\$75,000,000

315           2000-7075     For the acquisition of land and interests in land by the executive office of  
316 energy and environmental affairs and its departments and divisions and for associated costs,  
317 including planning, study, due diligence, title and appraisal services, site restoration, monitoring  
318 and stewardship, including, but not limited to, acquisitions for open space, recreation,  
319 conservation, wildlife and endangered species protection, forest land protection and for related  
320 costs and activities in support of conservation goals, including, but not limited to, capitalization  
321 of the Transfer of Development Rights Revolving Fund established under section 35HHH of  
322 chapter 10 of the General Laws; provided, that funds under this item may be used to develop and  
323 implement a stewardship program on lands under the care and control of the executive office or  
324 its departments and divisions or subject to conservation restrictions or other related interests in  
325 land purchased through this item, including, but not limited to, resource and land use monitoring,  
326 signage, boundary delineation and monitoring, preparation of baseline documentation,  
327 stewardship planning, ecological monitoring and enforcement of conservation or other related  
328 restrictions or detection and resolution of encroachments on land and rights in land, and repair of  
329 damage to property related to illegal uses, including off-road vehicle trespass; provided further,  
330 that funds may be used for inventory, restoration and reclamation of acquired land, including  
331 demolition of structures, removal of debris, eradication of non-native species and other services  
332 essential to these reclamation efforts; provided further, that the secretary of energy and  
333 environmental affairs may provide guidance for preservation, maintenance, and acquisition of  
334 land and interests in land in furtherance of the goals of climate change mitigation and adaptation

335 and consistent with the integrated state hazard mitigation and climate change adaptation plan and  
336 may expend funds under this item for those purposes; provided further, that projects shall be  
337 considered in consultation with the municipality hosting the asset to be repaired and those  
338 municipalities impacted by the project; provided further, \$100,000 shall be expended for  
339 invasive aquatic plant species eradication in Lake Quinsigamond in the towns of Grafton and  
340 Shrewsbury and the city of Worcester; and provided further, that not less than \$500,000 shall be  
341 expended for invasive species mitigation in the city of Northampton.....\$32,000,000

342 Department of Environmental Protection

343 2200-7022 For investment in water and air quality protection including, but not  
344 limited to, investments necessary to meet the legislative and regulatory requirements of the  
345 Rivers Protection Act, the federal and state Clean Water Acts and the Massachusetts Wetlands  
346 Protection Act and to provide for integrated energy and environmental projects to optimize and  
347 preserve environmental quality and public health and provide for appropriate protection,  
348 restoration, management and best use of air, energy, water and land resources, assets and  
349 infrastructure, including upgrades to laboratory equipment, and to provide for research, studies  
350 and the collection of data to support investment in environmental assets, including sampling and  
351 analysis of water and air quality, monitoring cumulative environmental impacts in environmental  
352 justice communities, the development of geographic information system maps for wetlands  
353 conservancy and tidelands, stormwater infrastructure and public water supplies, the development  
354 of water quality analyses known as total maximum daily loads, the assessment of water quality  
355 health and impaired use of waterways and projects related to nonpoint and point sources of water  
356 pollution and the wetlands circuit rider program, and to provide for local grants and research for  
357 implementation of the commonwealth's sustainable water management initiative, including



358 grants and research to provide the data necessary for municipalities to invest in efficient and  
359 effective mitigation practices to restore and preserve the commonwealth's water resources, assets  
360 and infrastructure, and to provide for sustainable water management initiative related research  
361 and implementation projects conducted by the department of fish and game and its divisions, and  
362 to provide for the department's statewide air monitoring network, upgrades of air monitoring  
363 equipment to comply with federal requirements, implementation of a water quality monitoring  
364 network and eelgrass mapping to track water quality improvements, and to provide for  
365 investments in water quality restoration of degraded estuarine habitat for projects deemed  
366 consistent with a current area-wide water resources management plan adopted under section 208  
367 of the federal Clean Water Act, 33 U.S.C. section 1288, and to fund pilot projects that test  
368 innovative and green wastewater management technologies and approaches, and for sustainable  
369 technologies at wastewater treatment facilities, for long-term monitoring and stewardship of  
370 restoration projects developed under the oversight of natural resources damages trustees, and to  
371 provide grants and technical assistance to public water suppliers for energy efficiency  
372 improvements for drinking water systems, and to provide for municipal grants for water and air  
373 quality protection, including to support training and workforce development for drinking water  
374 and wastewater treatment facilities, and to support the preparation and implementation of  
375 geographic response plans for the commonwealth's inland waterways, and to provide grants to  
376 municipalities to support compliance with the federal municipal separate storm sewer system  
377 permit; provided, that the secretary of energy and environmental affairs may provide guidance  
378 for planning, prioritization, selection and implementation of projects in furtherance of the goals  
379 of climate change mitigation and adaptation and consistent with the integrated state hazard  
380 mitigation and climate change adaptation plan; provided further, that not less than \$1,000,000

381 shall be expended to increase the sewer main capacity in the town of Hopkinton; provided  
382 further, that not less than \$1,000,000 shall be expended for the replacement of equipment at the  
383 Springvale water treatment facility in the town of Natick; provided further, that not less than  
384 \$480,000 shall be expended for improvements to culverts along Topsfield road in the town of  
385 Wenham; provided further, that not less than \$500,000 shall be expended for the restoration of  
386 the Miles river which runs through the towns of Hamilton, Ipswich, Wenham and the city of  
387 Beverly; provided further, that not less than \$775,000 shall be expended for the replacement of  
388 the town wharf sewer pumping station in the town of Ipswich; provided further, \$732,500 shall  
389 be expended on the Westboro road, state highway route 30, sewer extension project in the town  
390 of Grafton; provided further, that not less than \$3,000,000 shall be expended for design, planning  
391 and preconstruction of a new water transmission main connecting the Massachusetts Water  
392 Resources Authority's Arlington transmission main line with the town of Burlington; provided  
393 further, that not less than \$750,000 shall be expended for coastal shoreline stabilization,  
394 polychlorinated biphenyls, or PCB, removal and storm surge protection of the Newburyport  
395 Clipper City Rail Trail for redesign and construction along the Merrimack river; provided  
396 further, that not less than \$50,000 shall be expended to the town of Sherborn to conduct an  
397 environmental impact study and related engineering at the intersection of Coolidge street and  
398 Speen street; provided further, that not less than \$6,000,000 shall be expended for a smart sewer  
399 project in the town of Littleton; provided further, that not less than \$2,000,000 shall be expended  
400 for resurfacing, recoating and structural rehabilitation of all tank wells to maintain the water  
401 treatment facility to provide safe drinking water for the city of Brockton and the towns of  
402 Hanson and Whitman from Silver lake in the town of Kingston; provided further, that not less  
403 than \$600,000 shall be expended for the installation of a cogeneration heating and cooling

404 system in the Beede Swim and Fitness Center in the town of Concord; provided further, that not  
405 less than \$100,000 shall be expended for wetlands reclamation on the Fernald property in the city  
406 of Waltham; provided further, that not less than \$1,000,000 shall be expended to design and  
407 permit a sewer on United States highway route 20 in the town of Sudbury; provided further, that  
408 not less than \$1,000,000 shall be expended for the planning, design, construction and other  
409 associated costs for drainage improvements along state highway route 9 adjacent to Boulder  
410 brook and Morse's pond in the town of Wellesley; provided further, that \$4,000,000 shall be  
411 expended for removing hazardous materials and debris, demolition and redevelopment, sediment  
412 soil excavation and removal and post-remediation groundwater monitoring of the former  
413 Attleboro Dyeing and Finishing Corp. site, including the dam, sluiceway and industrial settling  
414 ponds that abut the Ten-Mile river at 37 Maple avenue in the town of Seekonk; provided further,  
415 that not less than \$300,000 shall be expended for the relocation and replacement of the  
416 wastewater leach field at Nashoba regional high school in the town of Bolton; provided further,  
417 that not less than \$1,000,000 shall be expended for sewerage development at Sholan Farms in the  
418 city of Leominster; provided further, that not less \$350,000 shall be expended for the installation  
419 of a solar panel roof array in the town of Berlin; provided further, that not less than \$1,000,000  
420 shall be expended for the construction of a water treatment plant in the town of Topsfield;  
421 provided further, that not less than \$1,000,000 shall be expended for wastewater treatment  
422 upgrades in the city of Taunton; provided further, that not less than \$100,000 shall be expended  
423 for the removal of the pump house at the Lower Mill pond in the city of Easthampton; provided  
424 further, that not less than \$600,000 shall be expended for engineering, planning, construction and  
425 related infrastructure for storm water drainage management at Westfield-Barnes Regional  
426 Airport; provided further, that not less than \$400,000 shall be expended for drainage pipe and

427 structural repairs on Cayuga street in the town of Tewksbury; provided further, that \$5,000,000  
428 shall be expended for water infrastructure improvements in the town of Hardwick; provided  
429 further, that \$2,000,000 shall be expended for water and sewer improvements in the town of  
430 Palmer including, but not limited to, the replacement of a sewer siphon, a generator and  
431 expansion of the Palmer sewer system, installation of a centrifuge at the Palmer wastewater  
432 treatment plant, replacement of a scum concentrator and the replacement of grinder pumps on  
433 Lake Thompson; provided further, that \$2,000,000 shall be expended for extensions to the public  
434 water line in the town of Sturbridge; provided further, that \$15,000 shall be expended for the  
435 construction of a new well to provide drinking water for the town hall in the town of Phillipston;  
436 provided further, that not less than \$1,500,000 shall be expended to the town of Millville for  
437 water infrastructure improvements in the neighborhoods abutting Kempton road; provided  
438 further, that not less than \$1,000,000 shall be expended on water infrastructure improvements to  
439 increase the reliable water supply in the town of the Mendon; provided further, that \$1,000,000  
440 shall be expended for improvements to the wastewater treatment facility in the town of  
441 Southbridge; provided further, that \$250,000 shall be expended to the town of Dudley for the  
442 expansion of a water main line to the town of Southbridge; provided further, that not less than  
443 \$150,000 shall be expended for drainage and other town common improvements in the town of  
444 Royalston; provided further, that not less than \$1,000,000 shall be expended for water and sewer  
445 improvements in the town of Colrain; provided further, that not less than \$1,000,000 shall be  
446 expended for planning, design and infrastructure improvements for wastewater treatment  
447 facilities in the city of Northampton; and provided further, that not less than \$1,000,000 shall be  
448 expended for planning, design and infrastructure improvements for drinking water systems in the  
449 city of Northampton.....\$105,000,000

450           2200-7024    For discovery, assessment, containment, monitoring, cleanup and closure  
451 of existing or closed solid waste facilities causing or threatening to cause pollution as authorized  
452 by section 4 of chapter 21H of the General Laws, and for capital expenditure associated with  
453 composting and recycling programs consistent with the comprehensive statewide solid waste  
454 master plan authorized by section 21 of chapter 16 of the General Laws; provided, that not less  
455 than \$1,000,000 shall be expended for the costs associated with the expansion of the Beaver  
456 street recycling center in the city known as the town of Franklin.....\$7,500,000

457           2200-7016    For the assessment, containment, monitoring, cleanup, control, removal of  
458 or response actions concerning oil or hazardous materials or for any other action necessary to  
459 implement chapter 21E of the General Laws and the Massachusetts Contingency Plan; provided  
460 further, that \$500,000 shall be expended for the Coastal Metals Brownfields Site Cleanup, the  
461 closure of the landfill and the Bear Hill Culvert replacement and water infrastructure  
462 improvements in the town of Merrimac; provided further, that \$500,000 shall be expended for  
463 the demolition of the former Microfab building in the city known as the town of Amesbury;  
464 provided further, that \$2,000,000 shall be expended to install a backup generator to the Greater  
465 Lawrence Sanitary District's Riverside Pump Station to prevent the spill of untreated sewerage  
466 into the Merrimack river in cases of long-term power outages; provided further, that \$400,000  
467 shall be expended for the repair of town-owned property at Lead Mills in the town of  
468 Marblehead to prevent the erosion of a landfill cap; provided further, that not less than \$100,000  
469 shall be expended for the cleanup and removal of hazardous materials at parking garages in the  
470 town of Sudbury; and provided further, that not less than \$1,000,000 shall be expended for an oil  
471 spill cleanup at a developable site in the town of Sutton.....\$40,000,000

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Department of Fish and Game

2300-0421 For the acquisition of land and interests in land by the department of fish and game and for associated costs, including planning, studies, due diligence, title and appraisal services, site restoration and stewardship; provided, that such lands may be purchased after approval by the commissioner of fish and game; provided further, that funds may be expended on the development and implementation of a stewardship program on lands under the care and control of the department of fish and game and its divisions, either in rights in land or through conservation easements or conservation restrictions including, but not limited to, resource and land use monitoring, baseline documentation report creation, signage, boundary marking and monitoring, stewardship planning, stewardship personnel, stewardship database development, ecological monitoring and enforcement of conservation easements or conservation restrictions or detection and resolution of encroachments on land owned and rights in land and repair of damage related to illegal off-road vehicle trespass; provided further, that funds may be used for inventory, restoration and reclamation of acquired land, including demolition of structures, removal of debris, eradication of nonnative species and other services essential to these reclamation efforts; provided further, that projects under such program may be carried out with other governmental agencies and entities, nonprofit and conservation organizations and public and private land owners; and provided further, that funds shall be expended for the Fishing Innovation Fund established in chapter 10 of the General Laws.....\$30,000,000

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2300-7019 For planning, design, engineering, construction, reconstruction, renovation, repair, demolition, acquisition, enhancements, improvements, removal and replacement of the infrastructure, facilities and equipment under the care and control of the

495 department of fish and game and its divisions, including, but not limited to, buildings and other  
496 structures, education centers, district headquarters, hatchery facilities, offices, storage buildings,  
497 shooting ranges, archery facilities, dams, laboratories, equipment, vehicles, vessels and site  
498 clearance; provided, that any such facilities supported by this item may incorporate energy  
499 efficiency and renewable technologies to decrease energy use and greenhouse gas emissions,  
500 such as solar, wind and geothermal power; provided further, that funds shall also be available for  
501 investments for protection, remediation and restoration of aquatic and marine fisheries, wildlife  
502 species, land and marine plants and the habitats that support them; and provided further, that the  
503 secretary of energy and environmental affairs may provide guidance for planning, prioritization,  
504 selection and implementation of projects in furtherance of the goals of climate change mitigation  
505 and adaptation and consistent with the integrated state hazard mitigation and climate change  
506 adaptation plan.....\$50,000,000

507           2300-7022     For river and wetland restoration programs in the division of ecological  
508 restoration, the riverways program and the office of the commissioner of fish and game;  
509 provided, that funds authorized by this item may be utilized for river, wetland and river corridor  
510 revitalization, ecological restoration and protection of aquatic ecosystems and functions  
511 throughout the commonwealth including, but not limited to, dam and barrier removal, instream  
512 improvements, flow, water quality, riverine habitat, protection of high quality riparian and  
513 wetland habitat, assessment and mitigation of threats from climate change, flooding and  
514 improving recreational opportunities; provided further, that these costs may include, but shall not  
515 be limited to, equipment to implement these programs; provided further, that the commissioner  
516 or a designee may enter into cooperative agreements with state and federal government agencies  
517 and municipalities, may contract for services related to this item including, but not limited to,

518 engineering and monitoring and may award grants to public and nonpublic entities to foster and  
519 carry out this item; provided further, that \$131,000 shall be expended for a feasibility study for a  
520 salt marsh restoration project at 0, 69, 73 and 77 Mashnee road and 88 Rocky Point road in the  
521 town of Bourne; and provided further, that not less than \$500,000 shall be expended for habitat  
522 restoration along the Monatiquot river in the city known as the town of Braintree; provided  
523 further, that not less than \$250,000 shall be expended for the Merrimack Valley river project for  
524 the purchase of a boat skimmer to clean the Merrimack river.....\$55,000,000

525 Department of Agricultural Resources

526 2500-7021 For the purpose of developing and implementing programs designed to  
527 address agricultural economic and environmental sustainability, including the development and  
528 implementation of farm viability plans and other technical and engineering assistance, urban  
529 agriculture,including hydroponics, research, industry promotion, technology transfer and  
530 education and to facilitate improvements to agricultural infrastructure, energy conservation and  
531 efficiency and climate change adaptation and resiliency; provided, that \$4,000,000 shall be  
532 expended on programs to promote urban agriculture and hydroponics, including grants to  
533 municipalities and nonprofit organizations to acquire land for urban agriculture and for related  
534 infrastructure, equipment and technical assistance, provided, that such expenditures benefit  
535 recipient communities by promoting community, access to locally grown food, job creation,  
536 small business development, agricultural training and youth development; provided further, that  
537 funds shall be available to provide for short-term land covenants; provided further, that a grant  
538 program shall be established to provide grants to public and nonpublic entities for the  
539 development and implementation of new procedures for energy conservation and efficiency and  
540 for renewable and alternative energy sources to assist the agricultural community to grow and



541 develop; provided further, that funds shall be available for a program to assist in the preservation  
542 and rehabilitation of facilities and land resources of agricultural fairs through short-term  
543 preservation covenants, grants, demonstration projects and other means; provided further, that  
544 funds may be expended for infrastructure and equipment upgrades to prevent or reduce food  
545 safety risk, programs to control invasive species and provide pesticide disposal, and programs to  
546 support aquaculture, dairy digesters and agricultural composters; provided further, that funds  
547 may be expended for the agricultural environmental enhancement program on the abatement of  
548 all forms of pollution generated from agricultural activities; provided further, that funds may be  
549 allocated by the commissioner through competitive grants pursuant to rules or regulations  
550 adopted by the commissioner to implement this item; provided further, that not less than  
551 \$300,000 shall be expended, in consultation with the department of agricultural resources and  
552 division of marine fisheries, for the Southeastern Massachusetts Aquaculture Center at  
553 Barnstable County Cooperative Extension, the Northeastern Massachusetts Aquaculture Center  
554 at Salem State College and the Western Massachusetts Center for Sustainable Aquaculture at the  
555 University of Massachusetts at Amherst; provided further, that not less than \$3,000,000 shall be  
556 expended for the creation and development of an eastern regional center for urban sustainability  
557 at Bristol county agricultural high school in the town of Dighton; provided further, that not less  
558 than \$700,000 shall be expended for structural improvements to the Old Shepard dam in order to  
559 manage initial repair and longer-term maintenance to maintain typical historical pool elevations;  
560 provided further, that not less than \$1,000,000 shall be expended for the establishment of an  
561 energy storage innovation institute at the Massachusetts clean energy center to promote energy  
562 storage innovation in the commonwealth; provided further, that not less than \$300,000 shall be  
563 expended for the greenhouse and farming initiatives at the Fowler-Clark farm in the Mattapan



586 railroad tracks in the town of Wellesley; provided further, that not less than \$30,000 shall be  
587 expended for an asbestos and lead removal project at the Fitchburg library in the city of  
588 Fitchburg; and provided further, that not less than \$465,000 shall be expended for an asbestos  
589 and lead removal project at the Clinton Senior Center in the town of  
590 Clinton.....\$75,500,000

591           2800-1121   For the acquisition of land and interests in land by the department of  
592 conservation and recreation and for associated costs, including planning, study, due diligence,  
593 title and appraisal services, site restoration and stewardship, including, but not limited to, coastal  
594 land acquisition and securing access to protected coastal lands, including barrier beaches that  
595 separate great ponds from the Atlantic Ocean, and lands to provide for the inland movement of  
596 coastal habitats; provided, that funds may be used for development and implementation of a  
597 stewardship program on lands under the care and control of the department including, but not  
598 limited to, resource and land use monitoring, signage, boundary delineation and monitoring,  
599 preparation of baseline documentation, stewardship planning, ecological monitoring and  
600 enforcement of conservation restrictions or detection and resolution of encroachments on land  
601 owned and rights in land and repair of damage to property related to illegal uses, including off-  
602 road vehicle trespass; and provided further, that funds may be used for inventory, restoration and  
603 reclamation of acquired land, including demolition of structures, removal of debris, eradication  
604 of non-native species and other services essential to these reclamation  
605 efforts.....\$40,000,000

606           2800-7020   For natural resource restoration and protection, including protection and  
607 rehabilitation of lakes, ponds, rivers and streams and associated watersheds, and for  
608 improvements and costs associated with site assessment, containment, cleanup, control, removal

609 of or response actions concerning hazardous materials or substances at forests, parks,  
610 reservations, waterbodies and other properties of the department of conservation and recreation;  
611 provided, that the secretary of energy and environmental affairs may provide guidance for  
612 planning, prioritizing, selecting and implementing projects in furtherance of the goals of climate  
613 change mitigation and adaptation and consistent with the integrated state hazard mitigation and  
614 climate change adaptation plan.....\$20,000,000

615           2800-7014   For the design, construction, reconstruction, improvement or rehabilitation  
616 of department or navigable coastal and inland waterways projects including, but not limited to,  
617 design, permitting, operation, maintenance of waterways, operation and maintenance of state  
618 piers, coastal protection, dredging, river and stream cleaning, coastal structure maintenance,  
619 piers, dune stabilization, culvert repair, renourishment, erosion control and implementing nature-  
620 based solutions, waterfront access and transportation improvements and improvements to related  
621 facilities and equipment; provided, that funds from this item may be expended to support state  
622 coordination with a cooperative federal-state program with the United States Geological Survey  
623 in the United States Department of the Interior, for continuous data collection and analysis  
624 regarding water resources; provided further, that the secretary of energy and environmental  
625 affairs may provide guidance for planning, prioritizing, selecting and implementing projects in  
626 furtherance of the goals of climate change mitigation and adaptation and consistent with the  
627 integrated state hazard mitigation and climate change adaptation plan; provided further, that not  
628 less than \$1,500,000 shall be expended for the design and construction of a forebay on Indian  
629 Lake in Worcester; provided further, that not less than \$5,500,000 shall be expended for the  
630 preservation of historic naval vessels berthed in Battleship Cove in the city of Fall River;  
631 provided further, that not less than \$120,000 shall be provided to the town of Mount Washington

632 for repairs to the guard-railed culvert of the southern intersection of East street and West street;  
633 provided further, that not less than \$500,000 shall be expended for the city of Everett for  
634 stormwater restoration of North and South creeks that flow into the Malden river for dredging  
635 and restoration of ecology; provided further, that not less than \$1,000,000 shall be expended for  
636 the city of Everett to daylight a portion of the Island End river; provided further, that not less  
637 than \$600,000 shall be expended for headwall and culvert repairs on Andover street, Hood road  
638 and Lower Pinnacle street in the town of Tewksbury; provided further, that not less than  
639 \$1,750,000 shall be expended for culvert repair and restoration in the city known as the town of  
640 Dracut; provided further, that not less than \$1,000,000 shall be expended for the Merrimack and  
641 Shawsheen river access project in the town of Andover; provided further, that \$685,000 shall be  
642 expended for the dredging of Laurel Park pond in the town of Longmeadow; provided further,  
643 that not less than \$350,000 shall be expended for improvements to Magnolia Pier in the city of  
644 Gloucester; provided further, that not less than \$800,000 shall be provided to the city of Pittsfield  
645 for repairs to the Dan Casey Memorial drive culverts; and provided further, that not less than  
646 \$800,000 shall be expended to the city of Melrose for costs associated with dredging First  
647 pond.....\$26,000,000

648           2800-7025   For the design, construction, reconstruction, rehabilitation, retrofitting,  
649 repair or removal of state-owned dams for which emergency action or statewide hazard  
650 mitigation is required, and for inland flood control projects and projects for related facilities and  
651 equipment, including, but not limited to, seawalls, jetties, revetments and retaining walls, with  
652 equal consideration given to beach nourishment and nature-based solutions on state-owned land  
653 or related to state climate change adaptation and preparedness or for which emergency action or  
654 statewide hazard mitigation is required; provided, that the department of conservation and

655 recreation shall give priority to dams and flood control projects that pose the greatest risk to  
656 public health or safety, or to the environment; provided further, that funds shall be available for a  
657 program of planning, permitting and construction of fish ways and other aquatic habitat  
658 improvements, including the removal or breaching of selected dams and impoundments on state-  
659 owned land and waterways; provided further, that such projects shall include those which  
660 maintain or improve coastal access; provided further, that the secretary of energy and  
661 environmental affairs may provide guidance for planning, prioritizing, selecting and  
662 implementing projects in furtherance of the goals of climate change mitigation and adaptation  
663 and consistent with the integrated state hazard mitigation and climate change adaptation plan;  
664 provided further, that not less than \$200,000 shall be expended to complete a pumping capacity  
665 evaluation of the Amelia Earhart dam; and provided further, that not less than \$2,000,000 shall  
666 be expended to purchase and install a fourth pump at the Amelia Earhart dam on the Mystic  
667 river.....\$105,000,000

668           2800-7031     For the protection and rehabilitation of lakes, ponds, rivers and streams  
669 and associated watersheds including, but not limited to, assistance and grant programs under  
670 sections 37A to 37D, inclusive, of chapter 21 of the General Laws; provided, that such programs  
671 shall include, without limitation, technical assistance, studies, preservation, environmental  
672 improvements, including the removal of aquatic invasive plants, and associated costs; provided  
673 further, that \$30,000 shall be expended to conduct a feasibility study on the eradication of zebra  
674 mussels at Laurel lake in the town of Lee; provided further, that not less than \$1,000,000 shall be  
675 expended for flooding control, dredging and eradication of non-native plant species of Canal  
676 brook, an outlet of Lake Congamond; provided further, that not less than \$254,000 shall be  
677 expended to the Webster Lake Association, Inc. for invasive species mitigation in Lake

678 Chargoggagoggmanchauggagoggchaubunagungamaugg in the town of Webster; and provided  
679 further, that not less than \$100,000 shall be expended for weed eradication on the Nashua river in  
680 the city of Fitchburg .....\$10,000,000

681           2840-7025   For the planning, design, construction, reconstruction, repair, removal,  
682 demolition, improvement, furnishing, equipping or rehabilitation of department reservations,  
683 forests, parks, campgrounds, comfort stations, harbor islands, skating rinks, skate parks,  
684 swimming and wading pools, spray parks, golf courses, tennis courts, basketball courts, ball  
685 fields, playgrounds, exercise and fitness paths, tracks, other recreational facilities, historic sites,  
686 beaches and related facilities, storage buildings, office buildings, visitor centers, fire towers,  
687 maintenance facilities and other park buildings and structures, and equipment, including  
688 upgrades to information technology equipment to be considered in consultation with the  
689 secretary of technology services and security, and for the planning, design, acquisition,  
690 construction, reconstruction, repair, removal, improvement or rehabilitation of department bike  
691 paths, greenways, recreational trails and related facilities and equipment; provided, that the  
692 secretary of energy and environmental affairs may provide guidance for planning, prioritizing,  
693 selecting and implementing projects in furtherance of the goals of climate change mitigation and  
694 adaptation and consistent with the integrated state hazard mitigation and climate change  
695 adaptation plan; provided further, that the department of conservation and recreation may expend  
696 funds for technical assistance and grants to cities and towns in accordance with rules or  
697 regulations adopted by the department to implement this item; provided further, that the  
698 department of conservation and recreation shall conduct a study on the feasibility to repair and  
699 reuse as of the Havey beach property in the West Roxbury section of the city of Boston;  
700 provided further, that the study shall evaluate the feasibility of repairing and reusing the property

701 to create an outdoor recreation center and investigate potential public and private partnerships for  
702 funding such a project; provided further, that not less than \$150,000 shall be expended for the  
703 feasibility study; provided further, that not less than \$3,000,000 shall be expended for the  
704 construction of the Roslindale Gateway path located in the Roslindale section of the city of  
705 Boston; provided further, that any funds expended under this item or item 2840-7024 authorized  
706 pursuant to chapter 286 of the acts of 2014 for capital improvements to the Horseneck Beach  
707 State Reservation in the town of Westport shall be subject to the restriction that the department  
708 shall not relocate any of the existing 32 waterfront campsites at the Horseneck Beach  
709 campgrounds as a result of such improvements; provided further, \$1,681,000 shall be expended  
710 for the athletic field project in the town of Millbury; provided further, \$528,000 shall be  
711 expended for the rehabilitation of Round Pond in the town of Millbury; provided further, that  
712 \$1,000,000 shall be expended for park and playground improvements in the town of Auburn;  
713 provided further, that not less than \$1,000,000 shall be expended for Mill brook bank  
714 stabilization in the town of Arlington; provided further, that not less than \$1,000,000 shall be  
715 expended for Mill brook culvert and outfall repair and improvement in the town of Arlington;  
716 provided further, that not less than \$2,300,000 shall be expended for the construction of the  
717 outdoor center, campgrounds, recreational trail system and event parking area at the Greylock  
718 glen in the town of Adams; provided further, that \$1,000,000 shall be expended for the planning  
719 and construction of a park in the Mildred C. Hailey apartments in the Jamaica Plain section of  
720 the city of Boston; provided further, that not less than \$400,000 shall be expended for renovation  
721 of the tot lot, passive areas and athletic field at the Crawford street playground in the city of  
722 Boston; provided further, that not less than \$1,000,000 shall be expended for the design and  
723 construction of improvements to the Southern New England Trunkline trail in the city known as



724 the town of Franklin; provided further, that not less than \$20,000 shall be expended for the trail  
725 system to connect between Queset Commons and North Easton Village to provide pedestrian  
726 access in the town of Easton; provided further, that not less than \$400,000 shall be expended for  
727 rehabilitation of playgrounds in the town of Wayland; provided further, that not less than  
728 \$1,575,000 shall be expended for improvements to Fellsmere park in the city of Malden;  
729 provided further, that not less than \$300,000 shall be expended for planning and construction of  
730 a recreational area at 40 to 48 Geneva avenue, inclusive, in the Grove Hall section of the  
731 Roxbury section of the city of Boston; provided further, that not less than \$1,500,000 shall be  
732 expended for the city of Chelsea for a new waterfront park if the city of Chelsea provides a 30  
733 per cent match toward the new waterfront park; provided further, that not less than \$1,000,000  
734 shall be expended for the city of Cambridge for environmental remediation and renovation of  
735 Binney street park; provided further, that \$2,500,000 shall be expended for the purposes of  
736 repair, improvements and restoration at Larz Anderson park in the town of Brookline; provided  
737 further, that \$1,700,000 shall be expended for the repair, improvements and restoration of parks,  
738 playgrounds and recreation areas in the city of Newton; provided further, that \$1,000,000 shall  
739 be expended to the city of Lynn for reconstructing and making improvements to Lynn Heritage  
740 State Park; provided further, that \$1,300,000 shall be expended for the feasibility, design and  
741 permitting of the Bourne rail trail shared-use path along the Massachusetts Department of  
742 Transportation rail line right-of-way from the existing Shining Sea bike path in the town of  
743 North Falmouth to the Cape Cod canal in the town of Bourne; provided further, that \$1,700,000  
744 shall be expended for the Forest River Pool and Shoreline/Tidal Restoration Project by the city  
745 of Salem; provided further, that not less than \$900,000 shall be deposited into the Castle Island  
746 and Marine Park Trust Fund established in section 35III of chapter 10 of the General Laws;

747 provided further, that not less than \$2,000,000 shall be expended for improvements to Squantum  
748 Point park in the city of Quincy for the planning, design, engineering and construction associated  
749 with readying the park and its pier for ferry service; provided further, that not less than \$500,000  
750 shall be expended for improvements to the Ames Nowell state park in the town of Abington,  
751 including the development of a master plan and the planning, design and engineering costs  
752 associated with the implementation of that plan; provided further, that \$750,000 shall be  
753 expended for drainage upgrades for municipally-owned recreation field improvements and for  
754 playground upgrades in the city of Methuen; provided further, that not less than \$500,000 shall  
755 be expended for maintenance and improvements for Hampton Ponds state park in the city of  
756 Westfield; provided further, that not less than \$500,000 shall be expended for maintenance and  
757 improvements for Mount Tom state reservation in the city of Holyoke; provided further, that not  
758 less than \$100,000 shall be expended for maintenance and improvements to Granville state forest  
759 in the town of Granville; provided further, that not less than \$250,000 shall be expended for  
760 maintenance and improvements to Robinson state park in the city known as the town of  
761 Agawam; provided further, that not less than \$100,000 shall be expended for maintenance and  
762 improvements to Tolland state forest in the town of Tolland; provided further, that not less than  
763 \$100,000 shall be expended for the maintenance of and improvements to the Gerald J. Mason  
764 Memorial pool and fields in the city known as the town of Agawam; provided further, that not  
765 less than \$100,000 shall be expended for the maintenance of and improvements to the Sarah Jane  
766 Sherman swimming pool in the city of Chicopee; provided further, that \$175,000 shall be  
767 expended for the resurfacing of the track and tennis courts at the Belchertown public schools  
768 complex in the town of Belchertown; provided further, that \$150,000 shall be expended for or  
769 the repair and replacement of bleachers in Whitney park in the city of Ludlow; provided further,

770 that \$250,000 shall be expended for the development of a kayak and canoe launch on the  
771 Chicopee river adjacent to Fuller road in the city of Chicopee, including floating docks at the  
772 river with equipment that allows physically challenged individuals to launch their watercraft, and  
773 access the dock system with needed equipment to facilitate boarding watercraft from a  
774 wheelchair; provided further, that \$4,500,000 shall be expended to build or upgrade Camp STAR  
775 Angelina Administration Lodge, Forest Park Comfort Shelter and the Horticultural Training  
776 Center in Forest park to ensure that park structures are energy efficient in the city of Springfield;  
777 provided further, that \$240,000 shall be expended for upgrades to the play unit and lighting in  
778 Greenleaf park in the city of Springfield; provided further, that not less than \$2,000,000 shall be  
779 expended for Ryan playground in the Charlestown section of the city of Boston to support the  
780 design and implementation of flood resilience; provided further, that not less than \$1,000,000  
781 shall be expended for repairs and improvements to Foss park in the city of Somerville; provided  
782 further, that \$100,000 shall be expended for improvements to Howe state park in the town of  
783 Spencer; provided further, that \$100,000 shall be expended for improvements to Moore state  
784 park in the town of Paxton; provided further, that notwithstanding any general or special law to  
785 the contrary, the department may expend funds for a 1-time paving of Cushing Park road, a  
786 private way in the town of Scituate which provides access to Cushing Memorial state park;  
787 provided further, that not less than \$950,000 shall be expended for improvements to Hunt park,  
788 Memorial park, Washington park, Symmonds way and Sturges park in the town of Reading; and  
789 provided further, that not less than \$250,000 shall be expended for the planning, design,  
790 construction and programming of an indoor golf facility at the site of the former Boston State  
791 Hospital in the Mattapan section of the city of Boston.....\$420,000,000

792           2890-7034    For the planning, design, construction, reconstruction, repair,  
793 improvement or rehabilitation of department of conservation and recreation parkways,  
794 boulevards, multi-use trails, internal state park roads and recreational trails, pedestrian bridges  
795 and related appurtenances and equipment including, but not limited to, the costs of planning,  
796 design and engineering and other services for those projects rendered by commonwealth  
797 employees or by consultants; provided, that funds may be expended for pedestrian and bicycle  
798 safety, traffic calming, landscape improvements, street lighting, safety equipment and  
799 accessibility; provided further, that all work funded by this item shall be carried out according to  
800 standards developed by the department pursuant to historic parkways preservation treatment  
801 guidelines to protect the scenic and historic integrity of the bridges and parkways under its  
802 control; provided further, that the secretary of energy and environmental affairs may provide  
803 guidance for planning, prioritization, selection and implementation of projects in furtherance of  
804 the goals of climate change mitigation and adaptation and consistent with the integrated state  
805 hazard mitigation and climate change adaptation plan; provided further, that not less than  
806 \$2,000,000 shall be expended for the planning, design and construction of a trail and any related  
807 structures and infrastructure in dedication to former Representative Chris Walsh in the city of  
808 Framingham; provided further, that not less than \$2,000,000 shall be expended for the Upper  
809 Charles bike trail in the town of Ashland; provided further, that not less than \$3,000,000 shall be  
810 expended for improvements to the intersection of Walter street and Centre street in the  
811 Roslindale section of the city of Boston; provided further, that \$500,000 shall be expended to  
812 extend the James J. Fiorentini rail trail and further construct access infrastructure to the  
813 Merrimack river in the city of Haverhill; provided further, that not less than \$500,000 shall be  
814 expended to the South Coast Bikeway Alliance, Inc. for the feasibility study, design and

815 construction of the Southcoast Scenic Greenway project in the cities of Fall River and New  
816 Bedford and the towns of Dartmouth and Westport; provided further, that not less than \$15,000  
817 shall be expended to the town of Millis to replace existing water booster pump station; provided  
818 further, that not less than \$2,000,000 shall be expended for the design, acquisition and  
819 construction of multipurpose trails in the town of Natick; provided further, that not less than  
820 \$175,000 shall be expended to the towns of Stoneham and Winchester for pedestrian and bicycle  
821 safety, traffic calming, landscape improvements, street lighting, safety equipment and  
822 accessibility improvements on the Tri-Community Greenway; provided further, that \$2,000,000  
823 shall be expended for improvements to the Southwest Corridor park in the city of Boston;  
824 provided further, that not less than \$700,000 shall be awarded to the town of Sherborn for the  
825 acquisition of the CSX property north of Whitney street and converting it to a rail trail; provided  
826 further, that not less than \$2,000,000 shall be expended for expanding greenspaces within the 5  
827 corners area of the city of Lawrence; provided further, that not less than \$800,000 shall be  
828 expended for the completion of the downtown corridor phase of the Columbia Greenway project  
829 in the city of Westfield; provided further, that \$850,000 shall be expended for the construction of  
830 a bike path in the town of Southampton; provided further, that not less than \$104,813 shall be  
831 expended for stormwater improvements to the police station parking lot in the town of Milton;  
832 provided further, that not less than \$250,000 shall be expended for planning, development and  
833 construction of a foot bridge at Good Harbor beach in the city of Gloucester; provided further,  
834 that not less than \$500,000 shall be expended for developing the Bartlett pond trail in the town of  
835 Lancaster; provided further, that not less than \$900,000 shall be expended for developing the  
836 Rollstone hill trail in the city of Fitchburg; provided further, that \$2,000,000 shall be expended  
837 for improvements to the Southwest Corridor park in the city of Boston; provided further, that not

838 less than \$1,000,000 shall be expended for planning, design and infrastructure improvements for  
839 the Rocky Hill bike path in the city of Northampton; and provided further, that not less than  
840 \$5,000,000 shall be expended for costs associated with the design, improvements and restoration  
841 of the Charlesgate Park in the city of Boston.....\$160,000,000

842 SECTION 2A.

843 EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

844 Office of the Secretary

845 2000-7080 For implementation of the integrated state hazard mitigation and climate  
846 change adaptation plan; provided, that the secretary of energy and environmental affairs shall  
847 give priority to critical actions and strategies identified in the plan.....\$100,000,000

848 2000-7081 For the municipal vulnerability preparedness grant program to support and  
849 provide technical assistance for cities and towns to complete climate-related vulnerability  
850 assessments, develop action-oriented resiliency plans and complete integrated climate change  
851 adaptation plans and local hazard mitigation plans and to implement local and regional  
852 adaptation solutions identified through such plans, including changes to policies, bylaws and  
853 plans, municipal infrastructure improvements, repairs to address vulnerability and improve  
854 resiliency and nature-based climate adaptation strategies that are defined as strategies that  
855 conserve, restore and employ the natural resources of the commonwealth to enhance climate  
856 adaptation, build resilience and support mitigation; provided, that such funds may be used on  
857 lands held by municipal, state or federal agencies or other governmental bodies, on lands held by  
858 nonprofit conservation organizations or on private lands with the consent of the owner and  
859 subject to covenants that shall assure the continued presence and effectiveness of such projects

860 for the expected life of the projects; provided further, that the use of such funds by municipal  
 861 governmental bodies on lands held by nonprofit conservation organizations or on private lands  
 862 shall require the affirmative vote of a majority of all the members of the city council in a city  
 863 having a Plan D or Plan E charter, the vote of the city council in a city not having such a charter,  
 864 subject to the charter of such a city, and the majority vote of the selectboard in a town; provided  
 865 further, that such funds may be used for a municipality, or municipalities in the same region, to  
 866 appoint and retain a regional coordinator to oversee sustainability, resiliency and climate  
 867 adaptation programs in the region and to liaise with utilities and government agencies to  
 868 coordinate long-term planning and identify grid-hardening and modernization opportunities and  
 869 methods; and provided further, that such funds may be used for municipal and consumer costs  
 870 associated with undergrounding electric distribution lines where the project is intended to  
 871 improve reliability in wind and winter weather events.....\$75,000,000

872           2000-7084    To capitalize the Global Warming Solutions Trust Fund established in  
 873 section 35GGG of chapter 10 of the General Laws.....\$5,000,000

874           2000-7085    For the climate change science and data program to support the  
 875 development and maintenance of data including statewide, basin scale and other relevant climate  
 876 change projections and data, the establishment of datasets to track and monitor ongoing impacts  
 877 from climate change and the maintenance and expansion of the climate change clearinghouse  
 878 data and tools available to cities and towns and the regional planning agencies that support them;  
 879 provided, that any expenditures for communication and technology equipment under this item  
 880 shall be considered in consultation with the secretary of technology services and  
 881 security.....\$10,000,000

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Department of Environmental Protection

2200-7019 For the electric vehicle incentive program to provide grants to public entities to acquire passenger plug-in vehicles for fleets, install charging stations for public electric vehicles, and promote the establishment of vehicle charging stations; provided further, that \$5,000,000 shall be expended for the electric vehicle incentive program to provide matching grants to employers to install electric vehicle charging stations at workplaces; provided further, that not less than \$24,000 shall be expended for the installation of electric vehicle charging stations at public buildings in the town of Concord; provided further, that not less than \$14,500 shall be expended for a community electric vehicle consumer awareness and education program in the town of Concord; and provided further, that not less than \$300,000 shall be expended for upgrading and expanding the electric public school bus fleet in the town of Concord.....\$9,000,000

EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

Office of the Secretary

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

SECTION 2B.

OFFICE OF THE TREASURER AND RECEIVER GENERAL

0620-1002 For the Massachusetts Clean Water Trust established in section 2 of chapter 29C of the General Laws for deposit in the Water Pollution Abatement Revolving Fund



903 established in section 2L of chapter 29 of the General Laws for application by the trust to the  
904 purposes specified in section 5 of said chapter 29C, any portion of which may be used as a  
905 matching grant by the commonwealth to federal capitalization grants received under Title VI of  
906 the federal Clean Water Act or for deposit in the Drinking Water Revolving Fund established in  
907 section 2QQ of said chapter 29 for application by the trust to the purposes specified in section 18  
908 of said chapter 29C, any portion of which may be used as a matching grant by the  
909 commonwealth to federal capitalization grants received under the federal Safe Drinking Water  
910 Act.....\$60,333,000

911 SECTION 2C.

912 EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

913 Office of the Secretary

914 2000-7061 For a tree planting greening program for projects throughout the  
915 commonwealth on publicly-owned land including, but not limited to, the evaluation and planning  
916 of tree greening projects, tree stock and planting and the care and protection of urban street trees;  
917 provided, that the secretary shall give priority to the planting of trees in cities or towns with a  
918 completed tree management plan; provided further, that the secretary shall issue grants to cities  
919 and towns to achieve the purposes of this item; provided further, that not less than \$1,000,000  
920 shall be provided to the city of Boston for the planting of new trees in the South Boston,  
921 Dorchester, Mattapan and Hyde Park sections of the city and for the creation of a Geographic  
922 Information System, geocoded inventory and condition assessment of the city's trees by a  
923 licensed arborist.....\$10,000,000

924           2000-7064     For a program to be administered by the secretary of energy and  
925 environmental affairs to acquire land for the purposes of open space, recreation and  
926 conservation, to be protected pursuant to Article 97 of the Amendments to the Constitution;  
927 provided, that the lands are located near or adjacent to the mean high water mark of coastal  
928 areas, on coastal barrier beaches or in coastal high risk flooding zones and the lands or structures  
929 thereon have suffered or are projected to be subject to repeated damage from flooding, storm  
930 surges, wave action or erosion caused by ocean waves or waters or are otherwise impacted or  
931 projected to be impacted catastrophically by extreme weather events, astronomical high tides or  
932 elevated sea levels related to climate change and cause a substantial risk to public health, public  
933 safety or the environment; provided further, that funds may be used to purchase adjoining coastal  
934 parcels next to such acquired land or any other Article 97 coastal land to achieve the purposes of  
935 this item; provided further, that grants may be made to cities and towns to acquire such coastal  
936 lands for the purposes of this item and may as a condition of any grant require the municipality  
937 to hold title to the acquired land jointly with the commonwealth under the terms of the grant; and  
938 provided further, that funds from this item shall not be used to compensate land owners for lands  
939 taken by eminent domain..... \$30,000,000

940           2000-7077     For the acquisition, development, construction and improvement of parks  
941 in urban and suburban neighborhoods currently underserved with parks and that are consistent  
942 with attainment of environmental equity, including community engagement and planning related  
943 to these parks; provided, that funds shall be available for the completion of urban forestry and  
944 tree planting projects, assessment and remediation of brownfield and grayfield sites intended for  
945 reuse as parks, drafting of architectural renderings, construction documents and other technical  
946 documents necessary for parks construction, acquisition of land or interests in land, including

947 rail-banked corridors, for the creation of parks pursuant to Article 97 of the Amendments to the  
948 Constitution and for the construction, rehabilitation and improvement of parks including, but not  
949 limited to, all related facilities, landscaping, monuments and features, parking areas and  
950 roadways; provided further, that the secretary of energy and environmental affairs may issue  
951 grants to public and nonpublic entities to implement these projects; provided further, that the  
952 secretary may provide guidance for planning, prioritization and selection of parks to promote  
953 environmental equity and in furtherance of the goals of climate change mitigation and adaptation  
954 and consistent with the integrated state hazard mitigation and climate change adaptation plan;  
955 provided further, that not less than \$250,000 shall be expended for the restoration of Old Village  
956 cemetery in the town of Dedham; provided further, that \$500,000 shall be expended for  
957 brownfield site reclamation and cleanup at 2040 Providence road in the town of Northbridge;  
958 provided further, that \$2,500,000 shall be expended to reopen the access park road in Blunt park  
959 between Roosevelt avenue and Tapley street in the city of Springfield and for improvements,  
960 including LED lighting, pedestrian and bikeways and road materials of impervious asphalt  
961 protecting the adjacent wetlands; provided further, that not less than \$250,000 shall be expended  
962 for the completion of the feasibility study for the Wakefield and Lynnfield rail trail in the towns  
963 of Wakefield and Lynnfield; provided further, that not less than \$250,000 shall be expended for  
964 the renovations to Fournier park in the city of Leominster; provided further, that not less than  
965 \$900,000 shall be expended for the development of Omelia park in the city of Gardner; provided  
966 further, that not less than \$80,000 shall be expended for the removal and replacement of the town  
967 common's sidewalks in the town of Townsend; provided further, that not less than \$1,000,000  
968 shall be expended for maintenance and improvements to Holyoke Heritage state park in the city  
969 of Holyoke; provided further, that not less than \$1,000,000 shall be expended to the city of

970 Boston for the planning, construction and maintenance of the Coppen’s Square fountain  
971 renovation and beautification project; provided further, that not less than \$300,000 shall be  
972 expended for the planning and construction of public access, recreation and landscaping  
973 improvements on lands of the commonwealth along the Neponset river adjacent to Edgewater  
974 drive in the Mattapan section of the city of Boston; provided further, that not less than \$250,000  
975 shall be expended for improvements including, but not limited to, paving, basketball court and  
976 wading pool upgrades at Ryan Playground on River street in the city of Boston; and provided  
977 further, that not less than \$2,000,000 shall be expended on the planning, construction and  
978 maintenance of the Dot Greenway, located above the Massachusetts Bay Transportation  
979 Authority’s red line tunnel cap between Talbot avenue and Park street in the Dorchester section  
980 of the city of Boston.....\$60,000,000

981           2000-7078     For investment in trails to include planning, engineering, design,  
982 permitting, construction, repair, technical assistance and improvement of trails and the  
983 acquisition of property interests for trail purposes; provided, that funds may be granted at the  
984 discretion of the secretary of energy and environmental affairs to public and non-public entities  
985 including municipalities, regional planning agencies and non-profit organizations or expended  
986 directly by the executive office of energy and environmental affairs and its departments and  
987 division; provided further, that trails are to be broadly defined to include water, recreational,  
988 multi-use and motorized for use by recreational and snow vehicles and may be paved, improved,  
989 natural surface or on-road for limited distances when necessary to make key connections;  
990 provided further, that any project funded under this item is to be open to the public; provided  
991 further, that wherever practicable, property interests acquired are to be permanently conserved  
992 such that the trail thereon is permanently accessible to the public, but may be long-term leases

993 where necessary to advance trail projects; provided further, that a match from the funding  
994 recipient, which may include in-kind match, may be required at the discretion of the secretary of  
995 energy and environmental affairs; provided further, that funds expended from this item for the  
996 cost of employees shall not exceed 5 per cent of funds expended from this item in any fiscal  
997 year; provided further, that not less than \$1,000,000 shall be expended for planning and design,  
998 engineering and construction of the community center to Lexington high school greenways  
999 connector in the town of Lexington; provided further, that \$500,000 shall be expended for trail  
1000 linkages and for trail projects, including design and construction of infrastructure, for the  
1001 creation of the Highlands footpath between the towns of Lee and Goshen; provided further, that  
1002 not less than \$800,000 shall be expended to identify, develop, map, market and construct trails  
1003 for the purpose of mountain biking in Berkshire, Hampshire, Franklin and Hampden counties;  
1004 provided further, that not less than \$250,000 shall be expended for the completion of the  
1005 feasibility study for the Wakefield-Lynnfield Rail Trail in the town of Wakefield and in the town  
1006 of Lynnfield; provided further, that \$500,000 shall be expended for the design and engineering of  
1007 the North Adams adventure trail in the city of North Adams; provided further that \$1,000,000  
1008 shall be expended to build or upgrade the woodland trails systems in Forest park, Blunt park and  
1009 Van Horn park; provided further, that not less than \$100,000 shall be expended to the towns of  
1010 Dudley and Webster for improvements to the Quinnebaug rail trail; and provided further, that not  
1011 less than \$46,000 shall be expended to the town of Sutton for the expansion of and  
1012 improvements to the trails at Marion's Camp.....\$25,000,000

1013 Department of Conservation and Recreation

1014 2800-7023 For a forestry and tree planting program for projects throughout the  
1015 commonwealth including, but not limited to, the evaluation and planning of forestry and tree

1016 planting projects, tree stock and planting and the care and protection of trees and forests;  
1017 provided, that the secretary of energy and environmental affairs shall give priority to the planting  
1018 of trees in areas experiencing heat island effects, underserved with tree cover, affected by severe  
1019 weather events or insect infestation, in areas where aquifers, recharge areas, wells, reservoirs and  
1020 other water bodies are located that will improve and protect water quality as part of a natural  
1021 ecosystem and in furtherance of environmental equity, climate change mitigation, adaptation and  
1022 resiliency strategies; provided, that the secretary shall provide guidance for coordination between  
1023 municipal and utility stakeholders on incorporating utility gas leaks data into planning for street  
1024 tree planting projects and for testing street tree pits for methane before planting; provided  
1025 further, that funds from this item may be expended to provide technical assistance and support to  
1026 landowners to engage in sustainable forest management and long-term conservation practices  
1027 and to undertake projects and activities to protect the ecological integrity of the commonwealth's  
1028 forestlands under the forest vision plan; provided further, that not less than \$220,000 shall be  
1029 expended for the Elm street culvert replacement effort in the town of Canton; and provided  
1030 further, that not less than \$900,000 shall be expended for the recreation department of town of  
1031 Milton.....\$25,000,000

1032 SECTION 2D.

1033 MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

1034 6121-1315 For the complete streets program established pursuant to chapter 90I of the  
1035 General Laws for complete streets grants to municipalities; provided, that not less than 33 per  
1036 cent of the grants awarded shall be issued to cities and towns with a median household income  
1037 below the average of the commonwealth.....\$55,000,000

1038 SECTION 2E.

1039 MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

1040 *Highway Division*

1041 6121-1715 For projects on the interstate and non-interstate federal highway system;  
 1042 provided, that funds may be expended for the costs of these projects including, but not limited to,  
 1043 the nonparticipating portions of these projects and the costs of engineering and other services  
 1044 essential to these projects; provided further, that notwithstanding this act or any other general or  
 1045 special law to the contrary, the department shall not enter into any obligations for projects that  
 1046 are eligible to receive federal funds under this act unless state matching funds exist that have  
 1047 been specifically authorized and are sufficient to fully fund the corresponding state portion of the  
 1048 federal commitment to fund these obligations; and provided, further, that the department shall  
 1049 only enter into obligations for projects under this act based upon a prior or anticipated future  
 1050 commitment of federal funds and the availability of corresponding state funding authorized and  
 1051 appropriated for this use by the general court for the class and category of project for which this  
 1052 obligation applies..... \$992,000,000

1053 SECTION 3. Chapter 10 of the General Laws is hereby amended by inserting after  
1054 section 35FFF the following 5 sections:-

1055 Section 35GGG. (a) There shall be a Global Warming Solutions Trust Fund into which  
 1056 shall be deposited: (i) any revenues or other financing sources directed to the fund by  
 1057 appropriation; (ii) bond revenues or other monies authorized by the general court and specifically  
 1058 designated to be credited to the fund; (iii) any income derived from the investment of amounts  
 1059 credited to the fund or repayment of loans from the fund; (iv) funds from public or private

1060 sources including, but not limited to, gifts, federal or private grants, donations, rebates and  
1061 settlements received by the commonwealth that are specifically designated to be credited to the  
1062 fund; and (v) all other amounts credited or transferred into the fund from any other source. The  
1063 fund shall be administered by the secretary of energy and environmental affairs.

1064 (b) Amounts credited to the fund may be used, without further appropriation, to provide  
1065 grants or loans to governmental, quasi-governmental or nonprofit entities for costs incurred in  
1066 relation to implementation of chapter 298 of the acts of 2008, the Clean Energy and Climate Plan  
1067 published by the executive office of energy and environmental affairs and other state and local  
1068 strategies for climate change mitigation and adaptation. Such expenditures may include, but shall  
1069 not be limited to: (i) payment of costs associated with planning, monitoring and managing  
1070 carbon reduction measures; (ii) development and deployment of mitigation strategies and best  
1071 practices to reduce carbon emissions; (iii) planning, monitoring and managing strategies to adapt  
1072 to and prepare for the impacts of climate change; (iv) priority adaptation projects with potential  
1073 co-benefits for climate change mitigation, environmental protection, public health or other  
1074 factors, as determined by the secretary of energy and environmental affairs; (v) costs incurred by  
1075 the bureau of environmental health in the department of public health associated with  
1076 monitoring, studying and reporting on environmental pollutants in the air, water or soil to  
1077 prevent or minimize environmental harms to public health; and (vi) pilot projects for new  
1078 technologies or strategies to support carbon emission reductions. The amounts expended from  
1079 the fund during any fiscal year for the costs of employees shall not exceed 5 per cent of total  
1080 funds expended from the fund in that fiscal year. Monies deposited into the fund that are  
1081 unexpended at the end of the fiscal year shall not revert to the General Fund and shall be  
1082 available for expenditure in the subsequent fiscal year.



1083 (c) Annually, not later than December 1, the secretary shall report on the activities of the  
1084 fund to the clerks of the senate and house of representatives and to the senate and house  
1085 committees on ways and means. The report shall include an accounting of expenditures made  
1086 from the fund with a description of the authorized purpose of each expenditure, an accounting of  
1087 amounts credited to the fund and any unexpended balance remaining in the fund.

1088 Section 35HHH. (a) There shall be a Transfer of Development Rights Revolving Fund  
1089 into which shall be deposited: (i) any revenues or other financing sources directed to the fund by  
1090 appropriation; (ii) bond revenues or other monies authorized by the general court and specifically  
1091 designated to be credited to the fund; (iii) any income derived from the investment of amounts  
1092 credited to the fund or repayment of loans from the fund; (iv) funds from public or private  
1093 sources including, but not limited to, gifts, federal or private grants, donations, rebates and  
1094 settlements received by the commonwealth that are specifically designated to be credited to the  
1095 fund; and (v) all other amounts credited or transferred into the fund from any other source. The  
1096 fund shall be administered by the secretary of energy and environmental affairs.

1097 (b) Amounts credited to the fund may be used, without further appropriation, to provide  
1098 loans to municipalities for the acquisition of transferable development rights as provided in  
1099 section 27 of chapter 21A. Monies deposited into the fund that are unexpended at the end of the  
1100 fiscal year shall not revert to the General Fund and shall be available for expenditure in the  
1101 subsequent fiscal year.

1102 (c) Annually, not later than December 1, the secretary shall report on the activities of the  
1103 fund to the clerks of the senate and house of representatives and to the senate and house  
1104 committees on ways and means. The report shall include an accounting of expenditures made

1105 from the fund with a description of the authorized purpose of each expenditure, an accounting of  
1106 the amounts credited to the fund and any unexpended balance remaining in the fund.

1107           Section 35III. There shall be a Castle Island and Marine Park Trust Fund to be used for  
1108 the long-term preservation, maintenance, nourishment and public safety of Castle Island and  
1109 Marine park in the South Boston section of the city of Boston into which shall be deposited: (i)  
1110 any revenues or other financing sources directed to the fund by appropriation; (ii) bond revenues  
1111 or other money authorized by the general court and specifically designated to be credited to the  
1112 fund; (iii) any income derived from the investment of amounts credited to the fund or repayment  
1113 of loans from the fund; (iv) funds from public or private sources including, but not limited to,  
1114 gifts, federal or private grants, donations, rebates and settlements received by the commonwealth  
1115 that are specifically designated to be credited to the fund; and (v) all other amounts credited or  
1116 transferred to the fund from any other source. The fund shall be administered by the secretary of  
1117 energy and environmental affairs.

1118           Any balance in the fund at the end of a fiscal year shall not revert to the General Fund,  
1119 but shall remain available for expenditure in subsequent fiscal years. Annually, not later than  
1120 December 1, the secretary shall report on the activities of the fund to the clerks of the senate and  
1121 house of representatives and to the senate and house committees on ways and means. The report  
1122 shall include an accounting of expenditures made from the fund and shall include a description  
1123 of the authorized purpose of each expenditure, an accounting of the amounts credited to the fund  
1124 and any unexpended balance remaining in the fund.

1125           Section 35JJJ. (a) There shall be a Fishing Innovation Fund. The fund shall finance grants  
1126 for permit banks, the design, construction and modification of commercial fishing vessels

1127 including, but not limited to, research, development and construction of innovative fishing  
1128 vessels with attributes including, but not limited to, increased fuel efficiency, reduced carbon  
1129 emissions, improved stability and the capability of supporting sustainable fishing practices  
1130 through harvesting and on-board storage and processing methods, research, development,  
1131 acquisition and deployment of advanced or innovative technologies including, but not limited to,  
1132 sonar, radar, radio communications, satellite and global position and other locating and tracking  
1133 devices and the research and development, acquisition and deployment of safety equipment and  
1134 technologies; provided, that any such grants may be conditioned on a vessel or guarantor or other  
1135 reasonable condition remaining active in commercial fishing in the commonwealth, landing or  
1136 processing fish in the commonwealth or maintaining permits or licenses to do so without regard  
1137 or preference to any particular geographic location or region of the commonwealth; provided  
1138 further, that grants shall be distributed in a manner developed by the advisory committee  
1139 established under clause (c).

1140 (b) The fund shall consist of: (i) any revenues or other financing sources directed to the  
1141 fund by appropriation; (ii) bond revenues or other monies authorized by the general court and  
1142 specifically designated to be credited to the fund; (iii) any income derived from the investment of  
1143 amounts credited to the fund or repayment of loans from the fund; (iv) funds from public or  
1144 private sources including, but not limited to, gifts, federal or private grants, donations, rebates  
1145 and settlements received by the commonwealth that are specifically designated to be credited to  
1146 the fund; and (v) all other amounts credited or transferred into the fund from any other source.  
1147 The department of fish and game shall seek to maximize fund revenues through federal monies,  
1148 matching funds and grants. The fund shall be administered by the commissioner of the  
1149 department of fish and game in consultation with the advisory committee established under

1150 clause (c), subject to approval by the secretary of administration and finance. Any unexpended  
1151 balances in the fund at the end of the fiscal year shall not revert to the General Fund and shall be  
1152 available for expenditures in the subsequent fiscal year.

1153 (c) There shall be an advisory committee that shall consist of: the director of marine  
1154 fisheries, who shall serve as chair; and 12 members to be appointed by the governor, 2 of whom  
1155 shall have academic or research experience in fishing and the marine economy and 10 of whom  
1156 shall be from geographically diverse regions of the commonwealth. There shall be at least 1  
1157 representative for each of the following gear types: (i) mobile gear, such as trawls; (ii) hooks;  
1158 (iii) gillnets; and (iv) traps.

1159 The advisory committee shall file a report detailing the amount, types and nature of  
1160 grants made and the impacts of the grants with the clerks of the senate and house of  
1161 representatives annually, not later than September 30.

1162 The advisory committee shall annually hold at least 1 public hearing to receive public  
1163 testimony to inform its efforts in developing and deploying grant programs.

1164 (d) Annually, not later than December 1, the commissioner of the department of fish and  
1165 game shall report on the activities of the fund to the clerks of the senate and house of  
1166 representatives and to the senate and house committees on ways and means. The report shall  
1167 include an accounting of expenditures made from the fund with a description of the authorized  
1168 purpose of each expenditure, an accounting of amounts credited to the fund and any unexpended  
1169 balance remaining in the fund.

1170 Section 35KKK. (a) There shall be an Agricultural Innovation Fund. The fund shall  
1171 finance grants for the commonwealth's agricultural and cranberry producers through the  
1172 agricultural innovation center for programs that may add value to the producers' products and  
1173 services. The center shall develop an outreach program to identify and foster new, innovative  
1174 ideas and approaches to adding value to the commonwealth's agricultural and cranberry  
1175 economy. The center may solicit requests from the commonwealth's agricultural and cranberry  
1176 industry for funding and technical assistance in: (i) reclamation and revitalization of cranberry  
1177 bogs; (ii) training, marketing, distribution, applied research, agritourism, aquaculture, forestry,  
1178 processing, fiber and agricultural resource management research, development, poultry and red  
1179 meat processing and construction of energy efficient agricultural buildings and structures; and  
1180 (iii) research, development and construction of energy efficient agricultural equipment. Grants  
1181 shall be administered in a manner developed by the advisory committee established under clause  
1182 (c).

1183 (b) The fund shall consist of: (i) any revenues or other financing sources directed to the  
1184 fund by appropriation; (ii) bond revenues or other monies authorized by the general court and  
1185 specifically designated to be credited to the fund; (iii) any income derived from the investment of  
1186 amounts credited to the fund or repayment of loans from the fund; (iv) funds from public or  
1187 private sources including, but not limited to, gifts, federal or private grants, donations, rebates  
1188 and settlements received by the commonwealth that are specifically designated to be credited to  
1189 the fund; and (v) all other amounts credited or transferred into the fund from any other source.  
1190 The department of fish and game shall seek to maximize fund revenues through federal monies,  
1191 matching funds and grants. The fund shall be administered by the commissioner of agricultural  
1192 resources in consultation with the advisory committee established under clause (c), subject to

1193 approval by the secretary of administration and finance. Any unexpended balances in the fund at  
1194 the end of the fiscal year shall not revert to the General Fund and shall be available for  
1195 expenditures in the subsequent fiscal year.

1196 (c) There shall be an advisory committee that shall consist of the commissioner of  
1197 agricultural resources, who shall serve as chair and 12 persons to be appointed by the governor, 2  
1198 of whom shall have academic or research experience in the agriculture and cranberry economy  
1199 and 10 of whom shall be from geographically diverse regions of the commonwealth, with at least  
1200 1 from the following sectors: (i) horticulture; (ii) cranberry growing; (iii) dairy farming; (iv)  
1201 raising livestock; and (v) raising crops. The Agricultural Innovation Center shall consult with the  
1202 advisory committee in matters related to the fund and in the implementation of this section.

1203 The advisory committee shall file a report detailing the amount, types, and nature of  
1204 grants made and the impacts of the grants with the clerks of the senate and house of  
1205 representatives annually, not later than September 30.

1206 The advisory committee shall annually hold at least 1 public hearing to receive public  
1207 testimony to inform its efforts in developing and deploying grant programs.

1208 (d) Annually, not later than December 1, the commissioner of agricultural resources shall  
1209 report on the activities of the fund to the clerks of the senate and house of representatives and to  
1210 the senate and house committees on ways and means. The report shall include an accounting of  
1211 expenditures made from the fund with a description of the authorized purpose of each  
1212 expenditure, an accounting of amounts credited to the fund and any unexpended balance  
1213 remaining in the fund.

1214 SECTION 4. Section 10H of chapter 21A of the General Laws, as appearing in the 2016  
1215 Official Edition, is hereby amended by striking out the sixth, seventh and eighth paragraphs and  
1216 inserting in place thereof the following 4 paragraphs:-

1217 A person notified to appear before the clerk of a district court as provided in said section  
1218 10G for a violation of section 17A, 18, 19, 30, 31, 33, 34, 35, 36, 51, 51A, 66, 69, 70, 71, 72,  
1219 100C or 102 of chapter 130 may so appear within the time specified and pay a fine of \$100.

1220 A person notified to appear before the clerk of a district court as provided in said section  
1221 10G for a violation of section 13, 17, 21, 29, 37, 38, 38A, 39, 40, 41, 41A, 44, 44A, 44B, 47, 49,  
1222 80, 81, 82, 92, 100A, 100B or 106 of said chapter 130 may so appear within the time specified  
1223 and pay a fine of \$200.

1224 A person notified to appear before the clerk of a district court as provided in said section  
1225 10G for a violation of section 23, 25, 67, 68, 75, 95 or 100D of said chapter 130 may so appear  
1226 within the time specified and pay a fine of \$400.

1227 A person notified to appear before the clerk of a district court as provided in said section  
1228 10G for a violation of section 17, 17A, 34, 35, 37, 40, 41, 41A, 44, 44A, 44B, 95, 100A, 100B or  
1229 100C of chapter 130 may so appear within the time specified and pay, in addition to the  
1230 applicable fine specified in this section, a supplemental fine of \$10 per fish; provided, however,  
1231 that for the purposes of this paragraph, the term “fish” shall have the meaning provided in  
1232 section 1 of chapter 130, but shall not include bi-valve shellfish.

1233 SECTION 5. Said chapter 21A is hereby further amended by adding the following  
1234 section:-

1235           Section 27. (a)(1) There shall be within the executive office of energy and environmental  
1236    affairs a program to facilitate, through municipal ordinances or by-laws, the transfer of  
1237    development rights to protect conservation values and encourage development through market  
1238    incentives. For the purposes of this section, “secretary” shall mean the secretary of energy and  
1239    environmental affairs and “transfer of development rights” shall have the same meaning as  
1240    provided in section 1A of chapter 40A.

1241           (2) The secretary, in consultation with the secretary of housing and economic  
1242    development and other agencies or offices as appropriate, shall manage and oversee the program,  
1243    including the administration of the Transfer of Development Rights Revolving Fund established  
1244    in section 35HHH of chapter 10. The secretary may promulgate regulations to carry out the  
1245    provisions of this section.

1246           (b) To be eligible for a loan from the Transfer fund, a municipality shall:(i) establish a  
1247    municipal transfer of development rights revolving fund under section 53E½ of chapter 44 for  
1248    the purchase and sale of the transfer of development rights; and (ii) enact a transfer of  
1249    development rights zoning bylaw or ordinance approved by the secretary, in consultation with  
1250    the secretary of housing and economic development, that, at a minimum: (A) enables the  
1251    acquisition, retention and disposition of the transfer of development rights; (B) provides  
1252    reasonable assurance that areas designated for preservation through the transfer of development  
1253    rights have ample natural resource, agricultural, recreational, historic or other conservation value  
1254    such that their protection will be of sufficient public benefit to meet the standards for approval of  
1255    a conservation, agricultural preservation, watershed protection, preservation or other use  
1256    restriction as provided in this section; (C) requires that the land from which development rights  
1257    will be extinguished shall be subject to a permanent conservation, watershed preservation,



1258 agricultural preservation or preservation restriction pursuant to sections 31 to 33, inclusive, of  
1259 chapter 184; (D) requires that the restriction described in clause (C) shall be recorded with the  
1260 registry of deeds or registered in the registry district of the land court for the county or district  
1261 wherein the land lies; provided, however, that if the land is submitted for approval by the  
1262 appropriate state official but does not qualify or is not approved for such a restriction the land  
1263 shall be subject to a restrictive covenant extended in perpetuity pursuant to sections 26 to 30,  
1264 inclusive, of said chapter 184, and such a covenant shall be: (1) approved by the planning board  
1265 and the city council or board of selectmen, as appropriate; (2) held by the municipality or a non-  
1266 profit organization permitted to hold restrictions pursuant to section 32 of said chapter 184; and  
1267 (3) duly recorded or registered, as applicable; (E) provides reasonable assurance that an area  
1268 designated for receipt of transferred development rights is properly sized based on the potential  
1269 increase in growth that may result from transfers to the area, and that the area is appropriate for  
1270 additional growth based on its location, the availability of infrastructure or planned infrastructure  
1271 development and access to municipal services; and (F) establishes a procedure for the planning  
1272 board to issue development rights certificates, in a form specified by the secretary, indicating  
1273 ownership of transferable development rights, and to provide for and document the creation,  
1274 acquisition, disposition, exercise and redemption of transferable development rights, including:  
1275 (1) procedures for the filing of development rights certificates with the municipal clerk and  
1276 recording with the registry of deeds or registration in the registry district, as applicable, for both  
1277 the land from which development rights are extinguished and the land to which such rights are  
1278 transferred; (2) procedures for documenting the recording or registration of the original  
1279 restriction or restrictive covenant as required in clause (C); and (3) procedures, including any  
1280 limitations, for the exercise of transferable development rights in the event of subsequent

1281 amendments to zoning ordinances and bylaws affecting the development authorized by the  
1282 transferable development right.

1283 (c) To apply for a loan from the fund, an eligible municipality shall submit an application  
1284 that certifies, at a minimum, that the municipality shall: (i) follow the provisions of chapter 30B  
1285 when acquiring or disposing of transferable development rights; (ii) commit, through approval of  
1286 the local legislative body, to repay any loan from the fund under the terms then specified; (iii)  
1287 keep permanent records of all restrictions recorded and transferable development rights created,  
1288 acquired, held, sold, disposed or exercised, and report on these activities to the secretary in a  
1289 manner directed by the secretary; and (iv) keep permanent records of all financial transactions  
1290 involving the municipal transfer of development rights revolving fund and report on these  
1291 transactions and fund balances to the secretary in a manner directed by the secretary.

1292 (d) Loans from the fund shall carry 0 per cent interest for the first 5 years from the date of  
1293 origination, and the prime rate plus 1 per cent from the sixth to the tenth year from the date of  
1294 origination. A municipality that has not repaid its loan within 10 years of the origination date  
1295 shall be considered in default. In addition to other remedies specified under any loan agreement,  
1296 if a municipality shall fail to pay to the fund any principal, interest or other charges payable  
1297 under a loan or loan agreement, when due and after demand, the secretary may certify to the state  
1298 treasurer the amount owed by the municipality to the fund and may request that the state  
1299 treasurer reduce annual local aid to the recipient by the amount necessary to repay the principal,  
1300 interest or other charges owed over a 10 year period. The state treasurer shall promptly pay over  
1301 to the secretary for deposit in the fund, without further appropriation, local aid distributions in  
1302 the amounts requested by the secretary and otherwise certified to the state treasurer as payable to  
1303 the municipality.

1304 SECTION 6. Section 7 of chapter 21H of the General Laws, as appearing in the 2016  
1305 Official Edition, is hereby amended by striking out, in line 18, the words “food and agriculture”  
1306 and inserting in place thereof the following words:- environmental protection.

1307 SECTION 7. Subsection (b) of said section 7 of said chapter 21H, as so appearing, is  
1308 hereby amended by adding the following sentence:- The department of environmental protection  
1309 shall not delegate regulatory authority to any other executive agency or allow for exception from  
1310 such regulations for any type of composting operation.

1311 SECTION 8. Section 1 of chapter 21N of the General Laws, as so appearing, is hereby  
1312 amended by striking out the definition of “Allowance” and inserting in place thereof the  
1313 following 2 definitions:-

1314 “Adaptation”, adjustments in natural or human systems in response to actual or expected  
1315 climatic stimuli and associated impacts, including but not limited to changes in processes,  
1316 practices and protocols to increase resiliency of built and natural structures, moderate potential  
1317 damages or benefit from opportunities associated with climate change.

1318 “Allowance”, an authorization to emit, during a specified year, up to 1 ton of carbon  
1319 dioxide equivalent.

1320 SECTION 9. Said section 1 of said chapter 21N, as so appearing, is hereby further  
1321 amended by inserting after the definition of “Greenhouse gas emissions source” the following  
1322 definition:-

1323 “Hazard mitigation”, any action that reduces or eliminates long-term risks caused by  
1324 natural or man-made disasters.

1325 SECTION 10. Said section 1 of chapter 21N, as so appearing, is hereby further amended  
1326 by inserting after the definition of “Market-based compliance mechanism” the following  
1327 definition:-

1328 “Nature-based solutions”, strategies that conserve, create, restore and employ natural  
1329 resources to enhance climate adaptation, resilience and mitigation to mimic natural processes or  
1330 work in tandem with manmade engineering approaches to address natural hazards like flooding,  
1331 erosion, drought and heat islands and to maintain healthy natural cycles to sequester and  
1332 maintain carbon and other greenhouse gases.

1333 SECTION 11. Said section 1 of said chapter 21N, as so appearing, is hereby further  
1334 amended by inserting after the definition of “Secretary” the following definition:-

1335 “State plan”, the integrated state climate adaptation and hazard mitigation plan which  
1336 shall include the state hazard mitigation plan, required by the Robert T. Stafford Disaster Relief  
1337 and Emergency Assistance Act, Public Law 93-288, 42 U.S.C. section 5121, et seq., and any  
1338 subsequent revisions of the plan developed pursuant to this chapter.

1339 SECTION 12. Said section 1 of said chapter 21N, as so appearing, is hereby further  
1340 amended by adding the following definition:-

1341 “Vulnerability assessment”, an evaluation of degree of susceptibility to, or ability to cope  
1342 with, adverse effects of climate change, such as climate variability and extremes, including an  
1343 evaluation of adaptive capacity and subsequent adaptation strategies and options for the asset,  
1344 system, institution or other subject being assessed.

1345 SECTION 13. Said chapter 21N is hereby amended by adding the following 2 sections:-

1346 Section 10. (a) The secretary and the secretary of public safety and security shall  
1347 coordinate efforts across the commonwealth to strengthen the resiliency of communities, prepare  
1348 for the impacts of climate change and prepare for and mitigate damage from extreme weather  
1349 events. The secretaries shall, every 5 years, publish a state plan that includes a statewide  
1350 adaptation strategy incorporating: (i) observed and projected climate trends based on the best  
1351 available data, including but not limited to, extreme weather events, drought, coastal and inland  
1352 flooding, sea level rise and increased storm surge, wildfire and extreme temperatures; (ii) risk  
1353 analysis and vulnerability assessment of: (A) key physical assets and functions of state  
1354 government, municipalities and local economies; (B) natural resources; and (C) the built  
1355 environment; provided, however, that the analysis and assessment shall include key findings  
1356 from vulnerability assessments conducted pursuant to subsection (b); (iii) an evaluation of the  
1357 commonwealth's capacity to respond and adapt to climate change impacts and opportunities; (iv)  
1358 guidance and strategies for state agencies and authorities, municipalities and regional planning  
1359 agencies to proactively address these impacts through adaptation and resiliency measures,  
1360 including changes to plans, by-laws, regulations and policies; (v) clear goals, expected outcomes  
1361 and a path to achieving results; (vi) approaches for the commonwealth to increase the resiliency  
1362 of state government operations; (vii) policies and strategies for ensuring that adaptation and  
1363 resiliency efforts complement and do not conflict with efforts to reduce greenhouse gas  
1364 emissions and contribute to meeting statewide emission limits, established pursuant to this  
1365 chapter; and (viii) strategies that conserve and sustainably employ the natural resources of the  
1366 commonwealth.

1367 (b) The secretary and the secretary of public safety and security shall: (i) establish and  
1368 maintain a framework for each executive office established under section 2 of chapter 6A to

1369 complete a vulnerability assessment for such office and each agency under the jurisdiction of  
1370 such office to be incorporated into the state plan; (ii) establish and maintain a framework for  
1371 each municipality in the commonwealth that chooses to complete a vulnerability assessment to  
1372 incorporate the assessment, if the municipality so chooses, into the state plan; (iii) implement the  
1373 state plan; and (iv) incorporate information learned from implementing the state plan in plan  
1374 updates, including the experiences of executive offices, agencies, and municipalities in assessing  
1375 and responding to climate change vulnerability.

1376 (c) The secretary of each executive office established in section 2 of chapter 6A shall  
1377 designate an employee to serve as the climate change coordinator of such office. Each climate  
1378 change coordinator shall, under the leadership of the executive office of energy and  
1379 environmental affairs and the executive office of public safety: (i) serve as such office's principal  
1380 liaison regarding climate change mitigation, adaptation and resiliency efforts; (ii) assist in the  
1381 development and implementation of the state plan; (iii) work with agencies under the jurisdiction  
1382 of such office to complete vulnerability assessments for each agency and assist in incorporating  
1383 these assessments into the state plan, on a schedule determined by the executive office of energy  
1384 and environmental affairs and the executive office of public safety and security; and (iv)  
1385 implement priority strategies and recommendations from the vulnerability assessment to  
1386 moderate risk from climate change.

1387 (d) There shall be an advisory group to assist the secretaries in developing, maintaining  
1388 and implementing the integrated climate adaptation and hazard mitigation plan, in accordance  
1389 and integrated with the requirements and intent of 44 CFR 201.4(b) and this section. The  
1390 planning process shall include coordination with other state agencies, appropriate federal  
1391 agencies and interested groups, be integrated to the extent possible with other ongoing state

1392 planning efforts as well as other adaptation and mitigation programs and initiatives and  
1393 emphasize the valuable role of collaboration among various sectors to ensure adaptation and  
1394 mitigation capabilities continually develop and that comprehensive adaptation and mitigation  
1395 includes strategies for all community systems.

1396         The advisory group shall consist of the secretary of energy and environmental affairs or a  
1397 designee, the secretary of public safety and security or a designee and not more than 21 persons  
1398 to be appointed by the secretary of energy and environmental affairs and the secretary of public  
1399 safety and security including, but not limited to, those agencies and stakeholders from sectors  
1400 with expertise, mitigation capabilities and responsibility for: (i) hazard data; (ii) climate  
1401 projections and data; (iii) coastal zones and oceans; (iv) commercial, industrial and  
1402 manufacturing activities; (v) economic development; (vi) electric generation and transmission;  
1403 (vii) floodplain management; (viii) ecosystem dynamics; (ix) emergency management; (x)  
1404 housing; (xi) health and social services; (xii) land use and development; (xiii) municipal  
1405 government; (xiv) natural and cultural resources; (xv) freshwater systems; (xvi) regional  
1406 planning; (xvii) transportation and built infrastructure; and (xviii) water supply and resources.

1407         The secretary of energy and environmental affairs and the secretary of public safety and  
1408 security shall jointly designate an appointee to serve as chair. Non-state agency members shall be  
1409 appointed for terms of 3 years. The appointing authorities may fill any vacancy that occurs in an  
1410 unexpired term. The advisory group shall meet not less than quarterly and at the discretion of the  
1411 secretaries. The advisory group shall hold public meetings relative to matters within the  
1412 jurisdiction of the adaptation management plan and shall make recommendations to the  
1413 secretaries for developing, maintaining and implementing the plan. The secretaries shall consider  
1414 the recommendation of the advisory group. The advisory group shall advise the secretaries

1415 regarding identifying how: (i) the secretaries can support existing adaptation, resilience and  
1416 hazard mitigation efforts of state agencies; (ii) stakeholders can play an active role assisting the  
1417 efforts of state agencies, regional planning agencies and municipalities; (iii) efforts can be best  
1418 integrated across the public and private sector to enhance adaptation, build resiliency and  
1419 mitigation climate change in a complementary fashion.

1420 (e) Not more than 24 months after adoption of the plan, all executive branch agencies  
1421 shall revise those rules, regulations and guidelines identified in the integrated state hazard  
1422 mitigation and adaptation plan to ensure consistency with that plan.

1423 Section 11. (a) The secretary shall develop and support a municipal vulnerability  
1424 preparedness grant program. The program shall consist of: (i) financial assistance to  
1425 municipalities to complete a community-led resilience building process and vulnerability  
1426 assessment that enables climate change information and adaptation actions to be directly  
1427 incorporated into existing municipal plans, policies and spending programs; (ii) technical  
1428 planning guidance; (iii) a statewide catalogue of municipal climate vulnerabilities and impacts  
1429 identified through the assessment process that may be incorporated into the state plan; and (iv)  
1430 support for implementation projects to address vulnerabilities.

1431 (b) A grant of financial assistance issued under this section shall be used to advance  
1432 efforts to adapt land use, zoning, infrastructure, financial decision-making, policies and programs  
1433 to reduce the vulnerability of the built and natural environment to changing environmental  
1434 conditions that are a result of climate change.



1435 (c) The secretary shall develop and implement an outreach and education program about  
1436 climate change and its effects for low-income, environmental justice and urban communities to  
1437 increase participation in the grant program established in this section.

1438 SECTION 14. The General Laws are hereby further amended by inserting after chapter  
1439 21O the following chapter:-

1440 CHAPTER 21P.

1441 PLASTIC BAG REDUCTION

1442 Section 1. As used in this chapter, the following words shall have the following meanings  
1443 unless the context clearly requires otherwise:

1444 “Post-consumer recycled material”, a material that would otherwise be destined for solid  
1445 waste disposal, having completed its intended end use and product life cycle; provided, however,  
1446 that “post-consumer recycled material shall not include materials and byproducts generated from,  
1447 and commonly reused within, an original manufacturing and fabrication process.

1448 “Recycled paper bag”, a paper bag that is: (i) 100 per cent recyclable; (ii) contains a  
1449 minimum of 40 per cent post-consumer recycled materials; provided, however, that an 8 pound  
1450 or smaller recycled paper bag shall contain a minimum of 20 per cent post-consumer recycled  
1451 material; and (iii) displays the words "recyclable" and "made from 40 per cent post-consumer  
1452 recycled content" or other applicable amount in a visible manner on the outside of the bag.

1453 “Reusable grocery bag”, a sewn bag with stitched handles that is: (i) specifically designed  
1454 and manufactured for not less than 175 uses; (ii) can carry 25 pounds over a distance of 300 feet;

1455 and (iii) is made of cloth or other machine-washable fabric other than polyethylene or polyvinyl  
1456 chloride.

1457 “Single-use carryout bag”, a bag made of plastic, paper or other material that is provided  
1458 by a store to a customer at the point of sale and that is not a recycled paper bag or a reusable  
1459 grocery bag; provided, however, that single-use carryout bag” shall not include: (i) a paper bag  
1460 provided by a pharmacy to a customer purchasing a prescription medication; (ii) a non-handled  
1461 bag used to protect items from damaging or contaminating other purchased items placed in a  
1462 recycled paper bag or a reusable grocery bag; (iii) a bag provided to contain an unwrapped food  
1463 item; or (iv) a non-handled bag that is designed to be placed over articles of clothing on a hanger.

1464 “Store”, a retail establishment, person, corporation, partnership, business venture, or  
1465 vendor that sells or provides merchandise, goods or materials directly to a customer, whether for  
1466 or not for profit, including, but not limited to, restaurants, pharmacies, convenience and grocery  
1467 stores, liquor stores, seasonal and temporary businesses, farmers markets, public markets,  
1468 jewelry stores and household goods stores, provided, however, that “store” shall not include  
1469 bazaars, fairs or festivals operated by nonprofit organizations or religious institutions.

1470 Section 2. (a) No store shall provide a single-use carryout bag to a customer at the point  
1471 of sale.

1472 (b) The department of environmental protection shall promulgate regulations with regard  
1473 to the enforcement of this chapter.

1474 Section 3. Nothing in this chapter shall preempt a political subdivision from imposing  
1475 further limitations on the use of single-use carryout bags.

1476 SECTION 15. Section 3 of chapter 25A of the General Laws, as appearing in the 2016  
1477 Official Edition, is hereby amended by striking out the definition of “Alternative energy  
1478 development” and inserting in place thereof the following 2 definitions:-

1479 "Adaptation projects”, public infrastructure projects designed to mitigate adjustments in  
1480 natural or human systems in response to actual or expected climatic stimuli and associated  
1481 impacts, including, but not limited to, changes in processes, practices and built and natural  
1482 structures to increase resiliency, moderate potential damages or benefit from opportunities  
1483 associated with climate change.

1484 "Alternative energy development", shall include, but not be limited to, solar energy,  
1485 wood, alcohol, hydroelectric, biomass energy systems and renewable nondepletable and  
1486 recyclable energy sources.

1487 SECTION 16. Section 11C of said chapter 25A, as so appearing, is hereby amended by  
1488 adding the following subsection:-

1489 (e) The division of capital asset management and maintenance may contract for the  
1490 procurement of capital improvements for adaptation projects in the manner provided in  
1491 subsections (a) and (c). A local governmental body may contract for the procurement of capital  
1492 improvements for adaptation projects in the manner provided in subsections (b) and (c).

1493 SECTION 17. Chapter 29 of the General Laws is hereby amended by inserting after  
1494 section 2YYYY the following section:-

1495 Section 2ZZZZ. There shall be a Solid Waste Reduction Assistance Fund. The  
1496 commissioner of environmental protection shall be the trustee of the fund. The fund shall be

1497 credited with revenues transferred to it from: (i) penalties assessed to solid waste haulers for  
1498 waste ban violations on waste disposed of at a solid waste disposal facility; (ii) appropriations,  
1499 bond proceeds or other funds authorized by the general court and specifically designated to be  
1500 credited to the fund; (iii) other amounts credited or transferred to the fund from another fund or  
1501 source; and (iv) interest earned on the money in the fund. The amount credited to the fund shall  
1502 be expended without further appropriation. Money in the fund shall be allocated by the  
1503 department to fund municipal and other recycling programs, composting programs, composting  
1504 and recycling public education programs and programs promoting zero waste principles. Money  
1505 in the fund may also be allocated to provide grants to solid waste haulers and generators for  
1506 equipment to assist in meeting the commonwealth's waste ban requirements. The unexpended  
1507 balance in the fund at the end of a fiscal year shall not revert to the General Fund but shall  
1508 remain available for expenditure in subsequent fiscal years. The commissioner of environmental  
1509 protection shall annually, not later than December 31, file a report with the clerks of the senate  
1510 and house of representatives, who shall forward the same to the senate and house chairs of the  
1511 joint committee on environment, natural resources and agriculture, detailing the amount and  
1512 source of money credited to the fund and the expenditures and grants provided from the fund.

1513 SECTION 18. Section 1A of chapter 40A of the General Laws, as appearing in the 2016  
1514 Official Edition, is hereby amended by inserting after the definition of "Special permit granting  
1515 authority" the following 2 definitions:-

1516 "Transfer of development rights", the process by which the owner of a parcel may  
1517 convey development rights, extinguishing those rights on the first parcel and where the owner of  
1518 another parcel may obtain and exercise those rights in addition to the development rights already  
1519 existing on that second parcel.

1520 “Transfer of development rights zoning” or “TDR zoning”, zoning that authorizes  
1521 transfer of development rights by permitting landowners in specific preservation areas identified  
1522 as sending areas to sell their development rights to landowners in specific development districts  
1523 identified as receiving areas.

1524 SECTION 19. Section 9 of said chapter 40A, as so appearing, is hereby amended by  
1525 inserting after the word “interests”, in line 34, the following words:- ; provided, however, that  
1526 nothing herein shall prohibit a zoning ordinance or by-law from allowing transfer of  
1527 development rights to be permitted as of right without the need for a special permit or other  
1528 discretionary zoning approval.

1529 SECTION 20. Section 6F of chapter 62 of the General Laws, as so appearing, is hereby  
1530 amended by inserting after the word “under”, in line 52, the following words:- subsections (a) or  
1531 (c) of.

1532 SECTION 21. Section 5 of chapter 65C of the General Laws, as so appearing, is hereby  
1533 amended by striking out subsection (c) and inserting in place thereof the following 2  
1534 subsections:-

1535 (c) If the gross estate of a decedent dying on or before December 31, 2018 includes real  
1536 property devoted to use as a farm for farming purposes, the estate may elect to value such  
1537 property in accordance with section 2032A of the Code in effect on January 1, 1985. If a federal  
1538 return is required to be filed, such election shall be consistent with the election made for federal  
1539 estate tax purposes. All substantive and procedural provisions of said section 2032A shall,  
1540 insofar as pertinent and consistent, apply to such election. The commissioner shall promulgate  
1541 regulations to carry out this subsection.

1542 (d)(1) As used in this subsection, the following words shall have the following meanings  
1543 unless the context clearly requires otherwise:

1544 “Applicable date”, the date upon which the 10-year period that the estate shall be liable  
1545 for assessment under paragraph (4) begins; provided, however, that for qualifying agricultural  
1546 and associated land, the applicable date shall be the date of death of the decedent; and provided  
1547 further, that for qualifying noncommitted land, the applicable date shall be 2 years from the date  
1548 of death of the decedent.

1549 “Associated land”, land under the same ownership as and contiguous to qualifying  
1550 agricultural land and which, as of the date of death of the decedent, is not committed to  
1551 residential, industrial or commercial use; provided, however, that land shall be deemed  
1552 contiguous if it is separated from other land under the same ownership only by a public or  
1553 private way or waterway; provided further that land under the same ownership shall be deemed  
1554 contiguous if it is connected to other land under the same ownership by an easement for water  
1555 supply; and provided further, that any such land in excess of 100 per cent of the acreage of  
1556 qualifying agricultural land shall be deemed qualifying noncommitted land.

1557 “Closely held agricultural land”, qualifying agricultural and associated land and  
1558 qualifying noncommitted land for which an election is made under this subsection.

1559 “Qualifying agricultural land”, land which meets the definition of forest land under  
1560 chapter 61, land actively devoted to agricultural, horticultural or agricultural and horticultural  
1561 uses under chapter 61A and recreational land under chapter 61B that is also used for farming or  
1562 agriculture as defined in section 1A of chapter 128 and has been devoted to any such use for not  
1563 less than 2 of the tax years immediately preceding the death of the decedent; provided, however,

1564 that the land need not be classified by municipal assessors as forest land under chapter 61, land  
1565 actively devoted to agricultural or horticultural or agricultural and horticultural uses under said  
1566 chapter 61A or recreational land under said chapter 61B to qualify for valuation as closely-held  
1567 agricultural land under this subsection.

1568 “Qualifying noncommitted land”, land that is not qualifying agricultural land and is not  
1569 committed to residential, industrial or commercial use, including associated land in excess of 100  
1570 per cent of the acreage of qualifying agricultural land.

1571 “Savings”, the difference between the estate taxes paid as a result of an election made  
1572 under this subsection and the estate taxes that would have otherwise been paid had the election  
1573 not been made.

1574 (2) If the gross estate of a decedent dying on or after January 1, 2019 includes real  
1575 property that is qualifying agricultural land, associated land or qualifying noncommitted land, the  
1576 estate may elect to value such property, or any portion thereof, as closely-held agricultural land  
1577 pursuant to the valuation set by the farmland valuation advisory commission established in  
1578 section 11 of chapter 61A for the fiscal year of the most recent growing season. The value of  
1579 closely-held agricultural land as determined pursuant to such election shall only be for the  
1580 purpose of computing the tax due under this chapter. Such election shall be subject to the  
1581 paragraphs (3) to (6), inclusive.

1582 (3) Unless the property is restricted by a nondevelopment covenant that: (i) is approved  
1583 by the commissioner of agriculture; (ii) is for the purposes of maintaining the land in agricultural  
1584 use; (iii) precludes nonagricultural development of the land; (iv) is recorded at the registry of  
1585 deeds in the counties or districts in which the property is located; and (v) does not expire within

1586 10 years of the applicable date, the commissioner shall forthwith cause to be recorded in the  
1587 registry of deeds of the counties or districts in which the property is situated a statement which  
1588 shall constitute a lien upon the land covered by election under this subsection. The statement  
1589 shall include any owners of record, the savings as a result of such election, the fair market value  
1590 of the property and a description of the land adequate for identification. Unless such a statement  
1591 is recorded, the lien shall not be effective with respect to a bona fide purchaser or other  
1592 transferee without actual knowledge of the lien. Upon application by a record owner, any such  
1593 lien shall be released by the commissioner with respect to that property upon the facts being  
1594 established by record or by affidavit or otherwise that all assessments have been paid or unless it  
1595 is more than 10 years past the applicable date and no assessment is due. All recording fees paid  
1596 under this subsection, whether for statements of liens, certificates, releases or otherwise, shall be  
1597 borne by the owner of record of the land.

1598           Property restricted by an agricultural preservation restriction as defined in section 31 of  
1599 chapter 184 that is signed by the commissioner of agriculture shall be deemed to be restricted by  
1600 a nondevelopment covenant if the restriction: (i) is approved by the commissioner of agriculture;  
1601 (ii) is for the purposes of maintaining the land in agricultural use; (iii) precludes nonagricultural  
1602 development of the land; (iv) is recorded at the registry of deeds in the counties or districts in  
1603 which the property is located; and (v) does not expire within 10 years of the applicable date.

1604           (4)(i) When land valued as closely-held agricultural land under this subsection within a  
1605 period of 10 years from the applicable date is sold for other use or no longer qualifies as closely-  
1606 held agricultural land, any owners shall immediately notify the commissioner of such sale or  
1607 change of use and an assessment shall be due to the commonwealth. Such assessment shall be



1608 calculated with interest based on the date of sale for other use or based on the last date of use as  
1609 closely-held agricultural land as specified in this paragraph.

1610           The assessment shall be equal to 100 per cent of the savings if such date is not more than  
1611 1 year of the applicable date; 90 per cent of the savings if such date is more than 1 year but not  
1612 more than 2 years of the applicable date; 80 per cent of the savings if such date is more than 2  
1613 years but not more than 3 years of the applicable date; 70 per cent of the savings if such date is  
1614 more than 3 years but not more than 4 years of the applicable date; 60 per cent of the savings if  
1615 such date is more than 4 years but not more than 5 years of the applicable date; 50 per cent of the  
1616 savings if such date is more than 5 years but not more than 6 years of the applicable date; 40 per  
1617 cent of the savings if such date is more than 6 years but not more than 7 years of the applicable  
1618 date; 30 per cent of the savings if such date is more than 7 years but not more than 8 years of the  
1619 applicable date; 20 per cent of the savings if such date is more than 8 years but not more than 9  
1620 years of the applicable date; 10 per cent of the savings if such date is more than 9 years but not  
1621 more than 10 years of the applicable date. No assessment shall be due if such date is more than  
1622 10 years from the applicable date.

1623           Such assessment shall also include interest calculated at a simple interest rate of 5 per  
1624 cent per annum on the savings from the applicable date.

1625           There shall be an additional assessment equal to 30 per cent of the savings if the date of  
1626 sale for other use or the last date of use while qualified as closely-held agricultural land occurs  
1627 not more than 1 year of the applicable date and 15 per cent of the savings if such date occurs  
1628 more than 1 year but not more than 2 years of the applicable date.

1629 (ii) If an election has been made with respect to: (A) qualifying noncommitted land  
1630 which, on the applicable date, fails to meet the definition of forest land under chapter 61; (B)  
1631 land actively devoted to agricultural or horticultural or agricultural and horticultural uses under  
1632 chapter 61A; or (C) recreational land under chapter 61B that is also used for farming or  
1633 agriculture as defined in section 1A of chapter 128, an assessment shall be due to the  
1634 commonwealth and payable by the owners not more than 30 days of the applicable date;  
1635 provided, however, that the land need not be classified by municipal assessors as forest land  
1636 under said chapter 61, land actively devoted to agricultural or horticultural or agricultural and  
1637 horticultural uses under said chapter 61A or recreational land under said chapter 61B. Such  
1638 assessment shall be equal to the sum of: (I) 100 per cent of the savings; (II) interest calculated at  
1639 a simple interest rate of 5 per cent per annum on the savings from the date of death of the  
1640 decedent; and (III) an additional assessment equal to 30 per cent of the savings.

1641 (iii) Notwithstanding this paragraph, there shall be no assessment if the land involved, or  
1642 a lesser interest in the land involved, is acquired for a natural resource by the commonwealth or  
1643 by a nonprofit conservation organization; provided, however, that if any portion of the land is  
1644 sold or converted to commercial, residential or industrial use not more than 10 years after the  
1645 applicable date by a nonprofit conservation organization, an assessment shall be imposed against  
1646 the nonprofit conservation organization in the amount that would have been imposed at the time  
1647 of acquisition of the subject parcel by the nonprofit conservation organization had the transaction  
1648 been subject to an assessment or, in the case of qualifying noncommitted land acquired by a  
1649 nonprofit conservation organization before the applicable date, the amount that would have been  
1650 imposed on the applicable date under subparagraph (ii).

1651 (iv) In the case of sale for other use of closely-held agricultural land, other than  
1652 qualifying noncommitted land sold for other use before the applicable date, assessments imposed  
1653 by this subsection shall be due and payable by the grantor at the time of transfer of the property  
1654 by deed or other instrument of conveyance. In the case of qualifying noncommitted land sold for  
1655 other use before the applicable date, assessments imposed by this subsection shall be due and  
1656 payable by the grantor on the applicable date. In the case of change to a nonqualifying use,  
1657 assessments imposed by this subsection shall be due and payable by the owners not more than 30  
1658 days after the last date of use as closely-held agricultural land, regardless of the date on which  
1659 the commissioner was notified by the owners of such change of use.

1660 (v) An assessment shall only be imposed under this subsection on that portion of the land  
1661 on which the use has changed. If, by conveyance or other action of the owner thereof, a portion  
1662 of land which is valued as closely-held agricultural land under this subsection is separated for  
1663 other use, the land so separated shall be subject to liability for assessment, interest and additional  
1664 assessment under this paragraph based on the proportion that the acreage of the land so separated  
1665 bears to the total acreage of the land valued as closely-held agricultural land under this  
1666 subsection.

1667 (5) All buildings located on land which is valued as closely-held agricultural land under  
1668 this subsection and all land occupied by a dwelling or regularly used for family living shall not  
1669 be valued as provided in this subsection.

1670 (6) The commissioner shall promulgate regulations to carry out this subsection.

1671 SECTION 22. Chapter 85 of the General Laws is hereby amended by adding the  
1672 following section:-

1673 Section 38. (a) As used in this section, the following words shall have the following  
1674 meanings unless the context clearly requires otherwise:

1675 “Correlated color temperature”, the apparent hue of the light emitted by a fixture,  
1676 expressed in kelvins.

1677 “Direct light”, light emitted by a fixture, whether from the light source or a reflector or  
1678 through a refractor.

1679 “Façade lighting”, a permanent outdoor fixture that is specifically intended to illuminate  
1680 the exterior surface of a building or structure.

1681 “Fixture”, a complete lighting unit, including a light source together with the parts  
1682 designed to distribute the light, to position and protect the light source and connect the light  
1683 source to the power supply.

1684 “Fixture lumens”, total lumens emitted by a fixture.

1685 “Fully-shielded fixture”, a fixture that emits no direct light above a horizontal plane  
1686 through the fixture’s lowest light-emitting part, in its mounted position.

1687 “Glare”, light emitted by a fixture that causes visual discomfort or reduced visibility.

1688 “Illuminance”, the luminous power incident per unit area of a surface.

1689 “Light trespass”, light that falls beyond the property it is intended to illuminate.

1690 “Lumen”, a standard unit of measurement of the quantity of light emitted from a source  
1691 of light.

1692           “Ornamental roadway lighting”, a roadway-lighting fixture that serves a decorative  
1693 function in addition to a roadway-lighting function and that has a historical-period appearance or  
1694 decorative appearance.

1695           “Parking-lot lighting”, a permanent outdoor fixture specifically intended to illuminate an  
1696 uncovered vehicle-parking area.

1697           “Part-night service”, a rate charged by a utility company to provide unmetered electricity  
1698 for permanent outdoor fixtures that operate for only a portion of each night’s dusk-to-dawn  
1699 cycle.

1700           “Permanent outdoor fixture”, a fixture for use in an exterior environment installed with  
1701 mounting not intended for relocation.

1702           “Roadway lighting”, a permanent outdoor fixture specifically intended to illuminate a  
1703 public roadway.

1704           “Sky glow”, scattered light in the atmosphere that is caused by light directed upward or  
1705 sideways from fixtures that reduces an individual’s ability to view the natural night sky.

1706           “State funds”, bond revenues or money appropriated or allocated by the general court.

1707           (b) State funds shall not be used to install a new permanent outdoor fixture or to pay for  
1708 the cost of operating a new permanent outdoor fixture except:

1709                   (i) for roadway lighting or parking-lot lighting, whether mounted to poles,  
1710 buildings or other structures and the fixture is fully shielded;

1711 (ii) for a building-mounted fixture not specifically intended for roadway lighting,  
1712 parking-lot lighting or façade lighting and the fixture is fully shielded when its initial fixture  
1713 lumens is greater than 3000 lumens;

1714 (iii) for façade lighting where the fixture is shielded to reduce glare, sky glow and  
1715 light trespass to the greatest extent possible;

1716 (iv) for an ornamental roadway lighting fixture where the fixture emits not more  
1717 than 700 lumens above a horizontal plane through the fixture's lowest light-emitting part;

1718 (v) where the light emitted by the fixture has a correlated color temperature that is  
1719 not greater than 3000 kelvins; and

1720 (vi) for roadway lighting unassociated with intersections of 2 or more streets or  
1721 highways where the Massachusetts Department of Transportation has determined that the  
1722 purpose of the fixture installation cannot be achieved by installation of a reflectorized roadway  
1723 marker, line, warning or informational sign or other passive means.

1724 (c) This section shall not apply: (i) if it is preempted by federal law; (ii) if the outdoor  
1725 lighting fixture is used temporarily for an emergency procedure or road repair; (iii) to  
1726 navigational and other lighting systems necessary for aviation and nautical safety; (iv) to lighting  
1727 for an athletic playing area provided, however, that a fixture used for an athletic field playing  
1728 area shall be selected and installed so as to minimize glare, light trespass and sky glow outside  
1729 that area; (v) if a compelling and bona fide safety or security need exists that cannot be addressed  
1730 by another reasonable method; (vi) to the replacement of a previously-installed, permanent  
1731 outdoor fixture that is destroyed, damaged or inoperative, that has experienced electrical failure

1732 due to failed components or that requires standard maintenance; (vii) to lighting intended for a  
1733 tunnel or roadway underpass; or (viii) to a special event or situation that might require additional  
1734 illumination including, but not limited to, the illumination of a historic structure, monument or  
1735 flag; provided, however, that the illumination shall be selected and installed to minimize glare,  
1736 light trespass and sky glow to the greatest extent possible.

1737 (d) The department of energy resources, in consultation with the Massachusetts  
1738 Department of Transportation, shall develop and promulgate regulations to implement and  
1739 enforce this section. The regulations shall include a system to ensure that the use of state funds  
1740 including, but not limited to, operating costs for new permanent outdoor fixtures for roadway  
1741 lighting or parking-lot lighting installed by electric distribution companies and municipal  
1742 aggregators comply with this section.

1743 SECTION 23. Section 25 of chapter 90B of the General Laws, as appearing in the 2016  
1744 Official Edition, is hereby amended by inserting after the word “way,” in line 44, the following  
1745 words:- or upon, but to the extreme right of, such travelled portion.

1746 SECTION 24. The fourth paragraph of said section 25 of said chapter 90B, as so  
1747 appearing, is hereby further amended by adding the following 2 sentences:- This paragraph shall  
1748 also apply to any portion of a public way designated by the governmental entity with jurisdiction  
1749 over the public way, with approval of the chief of police of the municipality in which such  
1750 portion lies, to permit travel by a recreational vehicle from 1 authorized operating area to another  
1751 or to permit access by a recreational vehicle to essential services, including fuel, food and  
1752 lodging, from an authorized operating area. The designated portion shall be the minimum  
1753 distance necessary to permit such travel or access but shall not exceed 4 miles.

1754 SECTION 25. Chapter 94 of the General Laws is hereby amended by inserting after  
1755 section 13E the following section:-

1756 Section 13F. (a) A dairy farmer manufacturing raw milk for human consumption shall be  
1757 licensed under section 16A and under section 5 of chapter 94A. A licensed raw milk farmer may  
1758 deliver raw milk directly to a consumer, off-site from the farm if the raw milk farmer has a  
1759 direct, contractual relationship with the consumer. The raw milk farmer may contract with a third  
1760 party for such delivery; provided, however, that the raw milk farmer shall maintain the  
1761 contractual relationship with the consumer. The raw milk farmer may deliver raw milk through a  
1762 community-supported agriculture delivery system; provided, however, that the raw milk farmer  
1763 shall maintain a contractual relationship with the consumer. Delivery may be made directly to  
1764 the consumer's residence or to a pre-established receiving site. A receiving site shall not be in a  
1765 retail setting, with the exception of a community-supported agriculture delivery system, in which  
1766 case the raw milk shall be kept separate from retail items for sale and shall not be accessible to  
1767 the general public.

1768 (b) A raw milk farmer may sell raw milk from the farmer's farm stand even if not  
1769 contiguous to the farmer's raw milk dairy; provided, however, that the farmer shall comply with  
1770 section 3 of chapter 40A .

1771 (c) The department of agricultural resources and the department of public health, acting  
1772 jointly, shall adopt and promulgate rules and regulations governing the handling, packaging,  
1773 storage, testing and transportation of raw milk; provided, however, that any delivery vehicle  
1774 transporting raw milk shall comply with the inspection requirements set forth in sections 33, 35  
1775 and 40.



1776 (d) The label on any raw milk sold pursuant to this section shall contain: (i) the identity  
1777 of the farm where the raw milk was packaged, including the licensee's name, address and license  
1778 number; and (ii) the following warning: "Raw milk is not pasteurized. Pasteurization destroys  
1779 organisms that may be harmful to health.

1780 SECTION 26. Chapter 129 of the General Laws is hereby amended by striking out  
1781 section 18, as appearing in the 2016 Official Edition, and inserting in place thereof the following  
1782 section:-

1783 Section 18. (a) Each inspector shall comply with and enforce all orders and regulations as  
1784 directed by the director.

1785 (b) The director shall establish mandatory training programs for all municipal animal  
1786 inspectors. Such training shall be designed to ensure that inspections are conducted on a  
1787 consistent basis and that inspectors are educated on matters including, but not limited to, animal  
1788 health and welfare. Each municipal animal inspector shall complete such training not more than  
1789 90 days after appointment and every 2 years thereafter. The director may require additional  
1790 training for animal inspectors as needed.

1791 (c) An inspector who refuses or neglects to comply with this section shall be punished by  
1792 a fine of not more than \$500.

1793 SECTION 27. Said chapter 129 is hereby further amended by striking out section 25, as  
1794 so appearing, and inserting in place thereof the following section:-

1795 Section 25. Each inspector shall keep a record of all inspections made of animals  
1796 pursuant to this chapter. The director shall provide forms in any manner, electronic format or

1797 medium necessary to implement this section, including any forms or records to be utilized and  
1798 kept by inspectors; provided, however, that such forms and records shall be retained for at least  
1799 10 years in an electronic database implemented and maintained by the director.

1800 SECTION 28. Section 2 of chapter 130 of the General Laws, as so appearing, is hereby  
1801 amended by striking out the fourth and fifth paragraphs and inserting in place thereof the  
1802 following paragraph:-

1803 Whoever violates this chapter shall , unless otherwise provided, be: (i) punished by a fine  
1804 of not less than \$400 but not more than \$10,000 or by imprisonment in the house of correction  
1805 for not more than 2 ½ years or by both such fine and imprisonment; or (ii) liable for a civil  
1806 penalty not to exceed \$10,000 for each violation. The civil penalty may be assessed in an action  
1807 brought on behalf of the commonwealth in the superior or district court.

1808 SECTION 29. Section 13 of said chapter 130, as so appearing, is hereby amended by  
1809 striking out the third paragraph.

1810 SECTION 30. Said chapter 130 is hereby further amended by striking out section 18, as  
1811 so appearing, and inserting in place thereof the following section:-

1812 Section 18. No person shall, without right, enter in or upon any building or other structure  
1813 or any area of land, flats or water, set apart and used by or under authority of the director for  
1814 conducting scientific experiments or investigations or for the propagation or protection of fish or,  
1815 contrary to regulations, fish in waters so set apart and used after the director has caused printed  
1816 notice of such occupation and use and the purposes thereof to be placed in a conspicuous  
1817 position upon any such building or other structure or adjacent to any such area of land, flats or  
1818 water. No person shall injure or deface any such building or other structure or any notice so

1819 posted and no person shall injure or deface any property used in any such experiment or  
1820 investigation or for such purposes or otherwise interfere with any property used in any such  
1821 experiment or investigation or for such purposes.

1822 SECTION 31. Section 19 of said chapter 130, as so appearing, is hereby amended by  
1823 striking out the fifth paragraph.

1824 SECTION 32. The sixth paragraph of said section 19 of said chapter 130, as so  
1825 appearing, is hereby amended by striking out the third sentence.

1826 SECTION 33. Section 21 of said chapter 130, as so appearing, is hereby amended by  
1827 striking out the fifth paragraph.

1828 SECTION 34. Said chapter 130 is hereby further amended by striking out section 23, as  
1829 so appearing, and inserting in place thereof the following section:-

1830 Section 23. Except in the case of emergency imperiling life or property or an unavoidable  
1831 accident or except in accordance with the terms of a permit issued pursuant to state or federal  
1832 water pollution control laws, no person shall, from any source: (i) put, throw, discharge or suffer  
1833 or permit to be discharged or permit the escape of any oil, poisonous or other injurious substance  
1834 into any coastal waters; provided, however, that such substances shall include, but not limited to,  
1835 sawdust, shavings, garbage, ashes, acids, sewage and dye-stuffs, whether simple, mixed or  
1836 compound, or heated effluent, which directly or indirectly materially injures fish, fish spawn or  
1837 seed therein; (ii) take any such fish by any such means; (iii) kill or destroy fish in any such  
1838 waters by the use of dynamite or other explosives; (iv) take any such fish in such waters by such  
1839 means; or (v) explode dynamite or other explosive in such waters.

1840 SECTION 35. Section 29 of said chapter 130, as so appearing, is hereby amended by  
1841 striking out the second paragraph and inserting in place thereof the following paragraph:-

1842 No person shall construct or maintain a weir, pound net or fish trap in the tidewater  
1843 unless in accordance with this section.

1844 SECTION 36. Section 30 of said chapter 130, as so appearing, is hereby amended by  
1845 striking out the second sentence.

1846 SECTION 37. Said chapter 130 is hereby further amended by striking out section 31, as  
1847 so appearing, and inserting in place thereof the following section:-

1848 Section 31. No person shall, without the consent of the owner, take, use, destroy, injure  
1849 or molest a weir, pound net, fish trap, seine, set net or lobster or crab pot or other fishing gear or  
1850 a fish car or other contrivance used for the purpose of storing fish, including any such fishing  
1851 gear which is swept ashore by storm or tide or other natural causes and deposited upon the shore,  
1852 beaches or flats, whether public or private, or take fish therefrom.

1853 SECTION 38. Section 33 of said chapter 130, as so appearing, is hereby amended by  
1854 striking out the last sentence.

1855 SECTION 39. Section 34 of said chapter 130, as so appearing, is hereby amended by  
1856 striking out the first sentence and inserting in place thereof the following sentence:- Between  
1857 March 15 and June 15, inclusive, no person shall catch or take any smelt from the waters of the  
1858 commonwealth or buy, receive, sell or offer or expose for sale, transport or possess a smelt so  
1859 taken.

1860 SECTION 40. Section 35 of said chapter 130, as so appearing, is hereby amended by  
1861 striking out the first paragraph and inserting in place thereof the following paragraph:-

1862 No person shall take or attempt to take a smelt in any other manner than by angling. This  
1863 section shall not apply to smelt inadvertently taken in a seine or net during the time and in the  
1864 manner in which fishing is allowed for perch, herring or alewives; provided, however, that such  
1865 smelt so taken shall be immediately liberated alive in the waters from which it was taken.

1866 SECTION 41. Section 36 of said chapter 130, as so appearing, is hereby amended by  
1867 striking out the second sentence and inserting in place thereof the following sentence:- No person  
1868 shall molest or disturb smelt or their spawn within such closed areas.

1869 SECTION 42. The fourth paragraph of section 37 of said chapter 130, as so appearing, is  
1870 hereby amended by striking out the first sentence.

1871 SECTION 43. Section 38 of said chapter 130, as so appearing, is hereby amended by  
1872 striking out, in lines 82 to 84, inclusive, the words “, and upon failure to do so shall be punished  
1873 by a fine of not less than twenty-five nor more than one hundred dollars or imprisonment for one  
1874 month or both”.

1875 SECTION 44. Section 38A of said chapter 130, as so appearing, is hereby amended by  
1876 striking out the last paragraph.

1877 SECTION 45. Section 39 of said chapter 130, as so appearing, is hereby amended by  
1878 striking out the last sentence.

1879 SECTION 46. Section 40 of said chapter 130, as so appearing, is hereby amended by  
1880 striking out the last sentence.

1881 SECTION 47. Section 44 of said chapter 130, as so appearing, is hereby amended by  
1882 striking out the third paragraph and inserting in place thereof the following paragraph:-

1883 If the measurement of any such lobster taken from 1 or the other eye sockets is of the  
1884 required length, such lobster shall be deemed to be a legal lobster. In all prosecutions under this  
1885 section, any mutilation of a lobster which affects its measurement as aforesaid shall be prima  
1886 facie evidence that the lobster was or is shorter than the required length; provided, however, that  
1887 the director shall, by regulation approved by the marine fisheries advisory commission, allow the  
1888 on-shore processing of live lobsters of legal length into frozen shell-on lobster parts or tails and  
1889 the importation of unfrozen shell-on lobster parts or tails for the purpose of further processing by  
1890 wholesale dealers that are licensed by the department of public health under section 77G of  
1891 chapter 94. Processed frozen shell-on lobster parts or tails may be possessed, sold or offered for  
1892 sale by a wholesale dealer, retail dealer or food establishments and such food product may be  
1893 possessed by a consumer. The processing, possession or sale of frozen or unfrozen lobster tails  
1894 pursuant to this section shall be limited to lobster tails weighing at least 3 ounces. The packaging  
1895 of processed frozen or unfrozen shell-on lobster parts or tails pursuant to this section as a food  
1896 product shall be labeled in accordance with applicable federal and state laws and regulations.  
1897 This section shall not apply to common carriers having lobster in their possession for the purpose  
1898 of transportation.

1899 SECTION 48. Section 47 of said chapter 130, as so appearing, is hereby amended by  
1900 striking out the last sentence.

1901 SECTION 49. Said chapter 130 is hereby further amended by striking out section 49, as  
1902 so appearing, and inserting in place thereof the following section:-

1903           Section 49. No carrier shall knowingly receive or carry from place to place any lobster or  
1904 lobster meat in barrels, boxes or other containers not marked as provided in section 47.

1905           SECTION 50. Section 51 of said chapter 130, as so appearing, is hereby amended by  
1906 striking out the last sentence.

1907           SECTION 51. Section 51A of said chapter 130, as so appearing, is hereby amended by  
1908 striking out the last sentence.

1909           SECTION 52. Section 52 of said chapter 130, as so appearing, is hereby amended by  
1910 inserting after the word “therefor”, in line 61, the following words:- ; provided, however, that  
1911 such city or town shall not charge a veteran as defined in clause Forty-third of section 7 of  
1912 chapter 4, who is a resident of the commonwealth, a fee greater than the fee charged to a resident  
1913 of such city or town.

1914           SECTION 53. Said chapter 130 is hereby further amended by striking out sections 66 and  
1915 67, as so appearing, and inserting in place thereof the following 2 sections:-

1916           Section 66. No person shall willfully injure, deface, destroy or remove any mark or  
1917 bound used to define the extent of any shellfish license or grant or place any unauthorized mark  
1918 thereon or tie or fasten any boat or vessel thereto. Any person who violates this section shall be  
1919 liable in tort for double damages and costs to the licensee or transferee injured by the violation.

1920           Section 67. No person shall, without the consent of the licensee or transferee, as the case  
1921 may be: (i) work a dredge, oyster tongs, rake or other implement for the taking of shellfish of any  
1922 description upon any shellfish grounds or beds covered by a license granted under section 57 or  
1923 any corresponding provision of earlier law; (ii) in any way, disturb the growth of the shellfish

1924 thereon; (iii) discharge any substance which may directly or indirectly injure the shellfish upon  
1925 any such grounds or beds; or (iv) while upon or sailing over any such grounds or beds, cast, haul,  
1926 or have overboard any such dredge, tongs, rake or other implement for the taking of shellfish of  
1927 any description, under any pretense or for any purpose.

1928 SECTION 54. Section 68 of said chapter 130, as so appearing, is hereby amended by  
1929 striking out the second paragraph and inserting in place thereof the following paragraph:-

1930 No person shall, without the consent of the licensee or transferee, dig or take any  
1931 shellfish or shells from any waters, flats or creeks described in a license granted under section 57  
1932 or any corresponding provision of earlier law, during the continuance of the license or of a  
1933 renewal thereof.

1934 SECTION 55. Section 70 of said chapter 130, as so appearing, is hereby amended by  
1935 striking out the last sentence.

1936 SECTION 56. Section 71 of said chapter 130, as so appearing, is hereby amended by  
1937 striking out the last sentence.

1938 SECTION 57. Section 72 of said chapter 130, as so appearing, is hereby amended by  
1939 striking out the last sentence.

1940 SECTION 58. The second paragraph of section 75 of said chapter 130, as so appearing, is  
1941 hereby amended by striking out the first and second sentences and inserting in place thereof the  
1942 following sentence:- Whoever, without a permit as provided in this section or contrary to such  
1943 permit, digs or takes shellfish for any purpose from any area determined under section 74 or  
1944 section 74A or under any corresponding provision of earlier law to be contaminated, while such



1945 determination is in force, and whoever knowingly transports or causes to be transported or has in  
1946 their possession or offers for sale shellfish so dug or taken shall be punished by imprisonment in  
1947 a jail or house of correction for not more than 2 ½ years or by imprisonment in the state prison  
1948 for not more than 3 years, by a fine of not less than \$500 and not more than \$10,000 or by both  
1949 such fine and imprisonment.

1950 SECTION 59. Section 80 of said chapter 130, as so appearing, is hereby amended by  
1951 striking out, in lines 73 and 74, the words “ten dollars nor more than ten thousand dollars” and  
1952 inserting in place thereof the following words:- \$400 and not more than \$10,000.

1953 SECTION 60. Section 81 of said chapter 130, as so appearing, is hereby amended by  
1954 striking out, in lines 21 and 22, the words “one hundred nor more than ten thousand dollars” and  
1955 inserting in place thereof the following words:- \$400 and not more than \$10,000.

1956 SECTION 61. Section 82 of said chapter 130, as so appearing, is hereby amended by  
1957 striking out, in lines 18 and 19, the words “one hundred nor more than ten thousand dollars” and  
1958 inserting in place thereof the following words:- \$400 and not more than \$10,000.

1959 SECTION 62. Section 92 of said chapter 130, as so appearing, is hereby amended by  
1960 striking out the first and second paragraphs and inserting in place thereof the following  
1961 paragraph:-

1962 No person shall sell, exchange, transport or deliver and no person shall offer or expose  
1963 for sale, exchange or delivery or have in their custody or possession with intent to sell, exchange,  
1964 transport or deliver any scallops or sea scallops which have been soaked and shall tag such  
1965 scallops in accordance with regulations promulgated by the director.

1966 SECTION 63. Said chapter 130 is hereby further amended by striking out section 95, as  
1967 so appearing, and inserting in place thereof the following section:-

1968 Section 95. No person shall take, kill, haul onshore, disturb, injure, hinder or obstruct the  
1969 passage of any herring, alewives or other swimming marine food fish in a fishery created by a  
1970 city or town, without the permission thereof or that of its lessees, in a fishery legally established  
1971 by a corporation, without the permission of such corporation or in a public fishery regulated and  
1972 controlled by a city or town, contrary to its regulations.

1973 Proceedings under this section shall be commenced within 30 days after the commission  
1974 of the offense.

1975 SECTION 64. Section 99 of said chapter 130 is hereby repealed.

1976 SECTION 65. Section 100A of said chapter 130, as appearing in the 2016 Official  
1977 Edition, is hereby amended by striking out the last sentence.

1978 SECTION 66. Section 100B of said chapter 130, as so appearing, is hereby amended by  
1979 striking out the last sentence.

1980 SECTION 67. Section 100C of said chapter 130, as so appearing, is hereby amended by  
1981 striking out the last sentence.

1982 SECTION 68. Section 100D of said chapter 130, as so appearing, is hereby amended by  
1983 striking out the last paragraph.

1984 SECTION 69. Said chapter 130 is hereby further amended by striking out section 102, as  
1985 so appearing, and inserting in place thereof the following section:-

1986 Section 102. No person shall harvest for sale or engage in the aquaculture of marine  
1987 plants except in accordance with any regulations adopted by the director and subject to a permit  
1988 or written approval issued by the director.

1989 SECTION 70. Section 103 of said chapter 130 is hereby repealed.

1990 SECTION 71. The General Laws are hereby amended by inserting after chapter 131A the  
1991 following chapter:-

1992 CHAPTER 131B.

1993 PUBLIC LANDS PRESERVATION ACT

1994 Section 1. As used in this chapter, the following words shall have the following meanings  
1995 unless the context clearly requires otherwise:

1996 “Acquired”, land or an interest in land obtained by a public owner whether by purchase,  
1997 exchange, devise, grant, lease, eminent domain or otherwise.

1998 “Article XCVII”, Article XCVII of the amendments to the constitution of the  
1999 commonwealth.

2000 “Article XCVII land”, land or an interest in land that is subject to protection under Article  
2001 XCVII.

2002 “Article XCVII natural resource purposes”, the conservation, development and utilization  
2003 of the agricultural, mineral, forest, water, air and other natural resources.

2004           “Change in use”, a conversion of Article XCVII land of a public owner from a dedicated  
2005 use to a different inconsistent use, excepting any allowed nonconforming reserved use of the  
2006 Article XCVII land; provided, however, that a valid nonconforming reserved use shall include,  
2007 but not be limited to, a building or structure and shall be an allowed use of Article XCVII land if:  
2008 (i) such use has been declared in a written instrument when land or an interest in land is taken by  
2009 eminent domain, acquired or otherwise dedicated as Article XCVII land; (ii) the use, when not  
2010 declared by written instrument, is preexisting and continuing when the Article XCVII land is  
2011 dedicated if the use is legally permissible; or (iii) allowed by a special law approved by a 2/3  
2012 vote of both branches of the general court; and provided further, that a conversion of Article  
2013 XCVII land caused by natural causes or occurrences shall not be considered a change in use.

2014           “Disposition”, a transfer, conveyance or release of a public owner’s real property interest  
2015 whether by deed, covenant or other instrument or by lawful means or process; provided,  
2016 however, that a “disposition” shall also include a transfer or release of the public owner’s right of  
2017 legal control in land; provided further, that “disposition” shall not include the termination of a  
2018 lease for the use of land; and provided further, that “disposition” shall not include a revocable  
2019 permit or license that authorizes another to use Article XCVII land of a public owner if: (i) the  
2020 use is consistent with dedicated or allowed uses of the Article XCVII land including, but not  
2021 limited to a forest or harvesting conducted pursuant to an approved cutting plan; and (ii) the  
2022 permit or license does not transfer or release a real property interest in the Article XCVII land.

2023           “Executive office”, the executive office of energy and environmental affairs.

2024           “Land”, land that is without or with water including, but not limited to, estuaries, creeks,  
2025 streams, rivers, ponds, lakes, marshes, floodplains, wetlands and coastal tidelands; provided,

2026 however, that “land” shall not include ocean land lying seaward of the mean low water mark of  
2027 coastal areas that are within the marine boundaries of the commonwealth.

2028 “Public owner”, the commonwealth, its agencies, executive offices, departments, boards,  
2029 bureaus, divisions, authorities and political subdivisions including, but not limited to,  
2030 municipalities, counties, districts and other governmental bodies and instrumentalities of the  
2031 commonwealth that hold Article XCVII land.

2032 “Real property interest” or “interest in land”, an ownership or other legal interest or right  
2033 in land including, but not limited to, fee simple interest, easement, partial interest, remainder,  
2034 future interest, right of legal control, lease, conservation restriction, agricultural preservation  
2035 restriction, watershed preservation restriction and historical preservation restriction as defined in  
2036 section 31 of chapter 184 and a development covenant or other covenant or restriction that  
2037 protects natural resources.

2038 “Replacement land” land or an interest in land: (i) required under this chapter to be  
2039 provided by a public owner to replace the loss of Article XCVII land as a result of a disposition  
2040 or change in use; and (ii) to be taken by eminent domain, acquired or otherwise dedicated by the  
2041 public owner as Article XCVII land; provided, however, that “replacement land” shall not  
2042 include existing Article XCVII land unless, when taken by eminent domain, acquired or  
2043 otherwise dedicated by the public owner as Article XCVII land, it was to substitute for other  
2044 Article XCVII land proposed for disposition or change in use.

2045 “Secretary”, the secretary of energy and environmental affairs or an authorized  
2046 representative.

2047 “State agency”, a legal entity of state government established by the general court as an  
2048 agency, board, bureau, commission, department, office or division of the commonwealth with a  
2049 specific mission which may either report to executive offices or secretariats or be independent  
2050 divisions or departments; provided, however, that “state agency” shall not include counties as  
2051 defined in section 1 of chapter 7C.

2052 Section 2. (a) To protect the natural resources of the commonwealth and to prevent a net  
2053 loss of Article XCVII land, a public owner making a disposition or change in use of Article  
2054 XCVII land shall acquire or otherwise provide replacement land. Replacement land for a  
2055 disposition or change in use of Article XCVII land shall be: (i) equal or greater in area; (ii)  
2056 comparable or better in natural resource value; (iii) located within the same municipal  
2057 boundaries, if feasible; and (iv) not less than the equivalent kind of the real property interest  
2058 being replaced.

2059 (b) A public owner, when acquiring or providing replacement land, shall execute a  
2060 written declaratory instrument to confirm that such land or interest in land is subject to protection  
2061 under Article XCVII and shall record the instrument in the appropriate registry of deeds or land  
2062 court department of the trial court for the county or district wherein the land is situated. When  
2063 executed, the instrument shall include the dedication date of the Article XCVII land and a  
2064 specific description of the Article XCVII land with the restricted and allowed uses of the land.  
2065 Such instrument shall not preempt or limit a public owner’s use of any other lawful method to  
2066 dedicate Article XCVII land. The failure of the public owner to execute or record a declaratory  
2067 instrument shall not invalidate any existing Article XCVII protection of the replacement land.

2068           Section 3. (a) A public owner of Article XCVII land shall notify the secretary when the  
2069 public owner proposes making a disposition or change in use of the Article XCVII land. Such  
2070 notification shall be in writing and made in such manner as the secretary by regulation shall  
2071 prescribe which shall include the information and documentation as required under subsections  
2072 (c) and (d).

2073           The secretary shall adopt regulations requiring that notification by a public owner shall  
2074 be made as early as practicable and prior to the filing of a petition with the general court to  
2075 authorize the proposed Article XCVII land disposition or change in use, to allow the secretary  
2076 adequate time to review the proposal. The review shall include a plan of the public owner to  
2077 provide replacement land. Unless otherwise provided in this section, the notification to the  
2078 secretary shall be submitted at least 20 days before the public owner makes a decision to adopt a  
2079 proposal for a disposition or change in use of its Article XCVII land.

2080           For Article XCVII land held by a municipality, notification to the secretary shall be  
2081 required at least 30 days before a vote of town meeting or city council, as appropriate, on the  
2082 municipality's proposed disposition or change in use of the Article XCVII land. If the Article  
2083 XCVII land is located outside the municipality's boundaries, then the municipality shall make  
2084 like notification to the local conservation commission in the municipality wherein the land is  
2085 situated.

2086           For Article XCVII land held by a state agency, notification to the secretary shall be  
2087 required in the time and manner provided in subsection (a) of section 8.

2088           The secretary shall post notification information received on Article XCVII land  
2089 proposals and replacement plans on the public website of the executive office.

2090 (b) In the event Article XCVII land is to be taken by eminent domain, the authorized  
2091 board acting for the public owner or other entity shall, within 10 days after adopting a lawful  
2092 order of intention to take the land, notify the secretary of the proposed taking. Such notification  
2093 shall be in writing and made in the manner and with any necessary information relevant to the  
2094 taking of the land as the secretary by regulation shall prescribe.

2095 (c) Regulations adopted by the secretary under subsection (a) shall require that  
2096 notification by a public owner of a proposed disposition or change in use of Article XCVII land  
2097 shall provide sufficient information about the proposal and its advantages and disadvantages to  
2098 the public and the environment. Such regulations shall require current information about the  
2099 Article XCVII land proposed for disposition or change in use including, but not limited to: (i) a  
2100 description of the land including its location, natural resource uses and benefits, approximate size  
2101 and boundaries, devoted and allowed uses and buildings and structures thereon; (ii) the  
2102 property's fair market value based on the municipal assessment; (iii) whether the land or any part  
2103 thereof is designated as a wetland, flood zone, public water supply, public water supply  
2104 protection area or priority habitat for state-listed species that are endangered, threatened or of  
2105 special concern or subject to chapter 258 of the acts of 1996 or a nondevelopment covenant; (iv)  
2106 a general description of abutting parcels; (v) any owners that hold a real property interest and a  
2107 description of each respective interest; (vi) copies of any deeds, easements, covenants,  
2108 restrictions, declarations and other instruments that are public records and show: (1) each  
2109 owner's real property interest; and (2) the land's intended use for a specific natural resource  
2110 purpose; (vii) a description of the proposed disposition or change in use and the reasons for the  
2111 proposal, including anticipated changes to the land, and the intended grantees of any proposed  
2112 transfer of a real property interest; and (viii) whether the public owner's acquisition of the land



2113 was obtained with funds, grants or loans from any federal, state or local source or from a  
2114 donation or bequest with a condition that the gift be used for natural resource purposes.

2115 The regulations shall require that as part of the notification process that the public owner  
2116 certify in writing to the secretary that the public owner has considered alternatives to the  
2117 proposed disposition or change in use of the Article XCVII land and has determined no other  
2118 feasible or practicable alternative exists. The public owner shall provide information about any  
2119 alternative considered and the reason such alternative was not selected.

2120 (d) The regulations adopted by the secretary under subsection (a), shall require current  
2121 information about any plan of the public owner to acquire or provide replacement land including,  
2122 without limitation: (i) the same kind of information listed in clauses (i) to (iv), inclusive, of  
2123 subsection (c) specific to the replacement land; (ii) the condition of the land and the relevant  
2124 current and prior uses of the land; (iii) owners that will hold a real property interest in the  
2125 replacement land and a description of each respective interest; and (iv) a description of the  
2126 intended source of the replacement land to be acquired or provided and information about any  
2127 funds, grants, loans or other consideration to purchase or obtain such replacement land.

2128 (e) A public owner shall supplement the information in subsections (c) and (d) relative to  
2129 an Article XCVII land proposal and replacement land plan as the secretary shall prescribe by  
2130 regulation.

2131 (f) After receipt of a public owner's notification that contains sufficient information, the  
2132 secretary shall, if requested by the public owner, provide to the public owner a provisional or  
2133 final opinion on whether the proposed replacement land plan meets the no-net-loss requirements  
2134 of subsection (a) of section 2.

2135           Section 4. (a) Notwithstanding the requirements of subsection (a) of section 2, a public  
2136 owner may request from the secretary a waiver to provide replacement land for a disposition or  
2137 change in use of the public owner’s Article XCVII land. Upon a public owner’s written request,  
2138 the secretary may grant a full or partial waiver releasing the public owner from any requirement  
2139 to provide replacement land, subject to this subsection. Waiver requests shall be made in the  
2140 manner and shall include any related information as the secretary shall prescribe. In granting a  
2141 waiver, the secretary may impose conditions, if necessary, to accomplish the intended purpose of  
2142 the disposition or change in use of the Article XCVII land. A decision by the secretary to deny a  
2143 waiver or to grant waiver with conditions shall be in writing and shall state the reasons for that  
2144 decision. Waivers shall be limited to those circumstances as described below.

2145           A full or partial waiver may be granted when the disposition or change in use of Article  
2146 XCVII land will: (i) transfer only a right of legal control of the land between state agencies to be  
2147 held for the same Article XCVII natural resource purposes and, if applicable, with the same  
2148 reserved uses; (ii) transfer only a right of legal control in the land between any department,  
2149 division, board or agency of the same municipality to be held for Article XCVII natural resource  
2150 purposes and, if applicable, with the same reserved uses; (iii) transfer a lease interest for a natural  
2151 resource purpose or use for a term not exceeding 5 years; (iv) serve to largely protect, preserve or  
2152 promote the existing natural resource purposes and uses of the Article XCVII land; (v) grant an  
2153 easement to grade and alter land elevations to prevent erosion or provide lateral support to  
2154 adjacent land; (vi) grant an easement to allow for the temporary use of the Article XCVII land  
2155 for a different purpose for a period not exceeding 5 years with the condition that the land be  
2156 reasonably restored before the easement period ends; (vii) grant an easement or lease for  
2157 subterranean use of the land for green energy projects that will not affect adversely the dedicated

2158 natural resource purposes of the Article XCVII land; (viii) affect a land area not exceeding 2,500  
2159 square feet that is insignificant for the dedicated natural resource purposes of the Article XCVII  
2160 land; provided, however, that if the land is part of a larger parcel, no other disposition or change  
2161 in use of that parcel has occurred within 5 years before making a waiver request to the secretary;  
2162 or (ix) transfer a real property interest of a public owner to another public owner; provided,  
2163 however, that upon transfer, such interest shall be protected under Article XCVII and shall be  
2164 used for the same natural resource purposes and allowed uses.

2165           If after a complete review of a public owner's waiver request and replacement land  
2166 information the secretary determines that there are other extraordinary circumstances in  
2167 providing suitable replacement land within a particular municipality's boundaries or nearby, the  
2168 secretary may issue a partial waiver to allow for modified replacement land; provided, however,  
2169 the overall intent of no net loss of Article XCVII land shall be attained to the maximum extent  
2170 practicable and the replacement land allowed shall be comparable or better in natural resource  
2171 value to the Article XCVII land being replaced.

2172           (b) As a condition for granting to the public owner a full or partial waiver to provide  
2173 replacement land under clause (vi) of subsection (a) for the temporary use of land, the secretary  
2174 may require that a performance bond of satisfactory amount for any uncompleted restoration of  
2175 the land shall be provided.

2176           (c) When determining whether the square footage of required replacement land is  
2177 sufficient, the secretary shall not include any aboveground area for an allowed use that is  
2178 exclusively for other than natural resources purposes related to the replacement land or to the  
2179 Article XCVII protected land.

2180 (d) When determining whether the proposed replacement land is comparable or better in  
2181 natural resources value under clause (ii) of subsection (a) of section 2, the secretary shall, in  
2182 addition to other factors, consider the land's location and condition, intended and allowed uses  
2183 and overall natural resource benefits.

2184 (e) This chapter and regulations adopted pursuant to this chapter shall not be subject to  
2185 section 27C of chapter 29.

2186 Section 5. The secretary shall provide to public owners information and education on the  
2187 policies, requirements and best practices to protect Article XCVII land. To assist a public owner,  
2188 the secretary as the secretary determines, shall offer advice, guidance and technical assistance  
2189 with the development of preliminary and proposed plans for the disposition or change in use of  
2190 Article XCVII land and replacement land alternatives. Such assistance shall include an  
2191 assessment of the anticipated effect of regional climate change in the development of a proposed  
2192 plan and any alternative options. Upon request of a public owner, the secretary shall review and  
2193 make written a evaluation of whether the public owner's preliminary or proposed plan, or any  
2194 revision of the plan, complies with the Article XCVII no-net-loss requirements under subsection  
2195 (a) of section 2. A copy of the written evaluation shall be provided to the public owner.

2196 Section 6. (a) The secretary shall provide to the general court a written recommendation  
2197 to approve or disapprove each legislative petition that proposes a disposition or change in use of  
2198 Article XCVII land. If possible, the secretary shall make the recommendation before the first  
2199 public hearing on the petition by a joint legislative committee. The recommendation shall  
2200 identify the petition and include the secretary's opinion as to whether: (i) the disposition or  
2201 change in use, including any required replacement land, complies with the Article XCVII no-net-

2202 loss requirements under subsection (a) of section 2; (ii) the disposition or change in use will  
2203 benefit the public; and (iii) the required replacement land will provide equal or greater public  
2204 environmental benefits.

2205           The secretary shall also include with such recommendation whether the legislation  
2206 adequately identifies the Article XCVII land and required replacement land and contains the  
2207 necessary terms and conditions. In the secretary’s statement, the secretary shall detail the reasons  
2208 for the recommendation on the legislative petition and shall identify all alternatives to the  
2209 proposed disposition or change in use of the Article XCVII land that were considered and  
2210 reported by the public owner, including information reported about any alternative that the public  
2211 owner did not select. If insufficient information about a proposed disposition or change in use of  
2212 Article XCVII land or replacement land precludes the secretary from giving a full opinion, the  
2213 secretary shall make known this circumstance and reason in the recommendation.

2214           The secretary shall adopt regulations establishing standards for providing  
2215 recommendations to the general court on Article XCVII land legislation. The regulations shall  
2216 allow a recommendation of approval of such legislation if the secretary’s opinion agrees with the  
2217 statements contained in clauses (i) to (iii), inclusive of the first paragraph and, if otherwise, the  
2218 secretary shall recommend such legislation not be approved. Notwithstanding the foregoing, the  
2219 regulations shall allow the secretary to recommend approval of the legislation if the secretary  
2220 determines there are extraordinary circumstances for a proposed disposition or change in use of  
2221 Article XCVII land or plan for replacement land if: (i) no practicable or feasible alternative  
2222 exists for the proposed legislation; (ii) the proposed disposition or change in use of Article  
2223 XCVII land is for a necessary public purpose; (iii) the overall intent of no net loss of Article

2224 XCVII land will be attained to the maximum extent practicable; and (iv) the recommendation  
2225 provides the reasons for the secretary's determination.

2226           When Article XCVII land is to be taken by eminent domain from a public owner and no  
2227 replacement land has been proposed, the regulations shall allow the secretary to make a qualified  
2228 recommendation about the proposed legislation. As part of the recommendation, the secretary  
2229 shall provide information about the proposed legislation, its advantages and disadvantages to the  
2230 public and the environment and whether there are any known feasible alternatives to the  
2231 proposed disposition. The secretary shall also provide an opinion as to whether the nature of the  
2232 disposition proposed by the proposed legislation would qualify for a full or partial replacement  
2233 land waiver. The regulations shall require the secretary to detail his reasons for his qualified  
2234 recommendation.

2235           (b) If a petition related to Article XCVII land is referred to a legislative committee, the  
2236 legislative committee may solicit the written recommendation of the secretary on the legislation.  
2237 The secretary shall respond to the request expeditiously in the manner and using the standards  
2238 and criteria set forth in subsection (a).

2239           (c) The secretary shall supplement the secretary's recommendation when Article XCVII  
2240 legislation is pending, if the secretary determines that there is a subsequent change or event that  
2241 materially affects a prior response.

2242           (d) The secretary shall post its recommendations on proposed legislation on the public  
2243 website of the executive office.

2244 Section 7. (a) In making a determination for a disposition or change in use of Article  
2245 XCVII land that includes a detailed plan to provide any required replacement land, a  
2246 municipality shall first obtain the approval of its conservation commission. Approval by a  
2247 conservation commission shall require a 2/3 vote at an open public meeting of the commission.  
2248 No vote shall be held unless the conservation commission has conducted a public hearing on the  
2249 proposed disposition or change in use. The conservation commission shall give notice of such  
2250 hearing not less than 30 days before the scheduled hearing date and shall provide written notice  
2251 to the local regional planning agency.

2252 Notwithstanding the first paragraph, if a disposition or change in use of Article XCVII  
2253 land relates to parkland under the legal control of a municipal park commission or agricultural  
2254 land under the legal control of a municipal agricultural commission, approval shall be by vote of  
2255 the respective commission under the same procedures and requirements in the first paragraph for  
2256 conservation commissions.

2257 (b) In making a determination for a disposition or change in use of Article XCVII land  
2258 and after any approval required in subsection (a), a municipality shall obtain the approval of the  
2259 city council or town meeting. If replacement land is required, a detailed plan to provide such land  
2260 or land interest shall be included as part of the approval determination by the city council or  
2261 town meeting. Such approval shall require a 2/3 vote of the city council or a 2/3 vote at an annual  
2262 or special town meeting in support of the disposition or change in use and any replacement land  
2263 plan. The vote shall be held at an open public meeting.

2264 (c) When a municipality holds Article XCVII land sited within the boundaries of another  
2265 municipality, the conservation commission of the other municipality may make a

2266 recommendation to the secretary on any proposed disposition or change in use of the Article  
2267 XCVII land. Before making a recommendation, the commission shall, upon reasonable notice,  
2268 hold a public hearing on the proposal in the municipality. A commission's recommendation to  
2269 approve or disapprove the proposed disposition or change in use shall be in writing and shall  
2270 include a statement on the proposal's local environmental impacts with the reasons for its  
2271 determination. Approval of a recommendation shall require a majority vote of the commissioners  
2272 at an open meeting of the commission. Any such recommendation to the secretary shall be made  
2273 not later than 45 days after receiving notification from the municipal owner of the Article XCVII  
2274 land.

2275           Section 8. (a) When the public owner is a state agency that holds or controls Article  
2276 XCVII land, the executive head of such agency or the secretary of the executive office in which  
2277 such agency is located, shall make the initial proposal for any disposition or change in use of the  
2278 agency's Article XCVII land. The proposal shall include a plan for replacement land or  
2279 information that the proposed disposition or change in use is eligible for a replacement land  
2280 waiver under subsection (a) of section 4. Such proposal shall be made in writing to the  
2281 commissioner of capital asset management and maintenance and, if not making the proposal, to  
2282 the secretary of energy and environmental affairs.

2283           Prior to making a determination on the proposal and not less than 60 days after receipt of  
2284 the proposal, the commissioner and the secretary shall conduct a public hearing to consider the  
2285 proposed Article XCVII land disposition or change in use and any replacement land to be  
2286 provided by the commonwealth. The public hearing shall be in the municipality wherein the  
2287 Article XCVII land is located. The commissioner, with approval of the secretary, may waive the  
2288 public hearing when the proposed disposition or change in use of the Article XCVII land: (i)



2289 affects a land area not exceeding 11,000 square feet and the area is not located in a public park;  
2290 (ii) affects a land area of a public park not exceeding 11,000 square feet and the area does not  
2291 exceed 20 per cent of the total square footage of the park parcel; (iii) transfers the land with any  
2292 existing reserved uses to another state agency to be held for the same or similar Article XCVII  
2293 natural resource purposes; (iv) establishes a temporary easement related to construction or  
2294 natural resource project; (v) establishes an easement to alter land grades affecting small portions  
2295 of the parcel; or (vi) allows reserved uses pertaining to small buildings or structures with a  
2296 combined total area not exceeding 2,500 square feet.

2297           The commissioner shall provide public notice of such hearing at least 30 days prior to the  
2298 scheduled hearing date. Such notice shall be posted in the central register and on the public  
2299 website of the executive office and shall be placed at least once each week for 4 consecutive  
2300 weeks prior to the hearing in newspapers of general circulation in the locality wherein the Article  
2301 XCVII land is situated.

2302           In the event the hearing is waived or not required, the commissioner and secretary shall  
2303 accept written comments for 30 days. Public notice of the comment period shall be posted in the  
2304 central register and on the executive office's public website.

2305           Within 30 days after any required hearing or comment period, the secretary shall make a  
2306 determination whether the proposed disposition or change in use of the Article XCVII land and  
2307 any replacement land plan complies with the Article XCVII no-net-loss requirements under  
2308 subsection (a) of section 2 or a substitute method under subsection (e) of section 4. Alternatively,  
2309 the secretary shall determine whether such proposed disposition or change in use qualifies for a  
2310 replacement land waiver. Such determination shall be in writing and shall provide the reasons for

2311 that decision and any recommendations and comments about the proposal. The secretary shall  
2312 provide a copy of the determination to the commissioner, the secretary of administration and  
2313 finance and the state agencies affected by the proposal and shall post the determination on the  
2314 executive office's public website. The secretary's determination shall be submitted with any  
2315 request of the commissioner to the general court to authorize the disposition or change in use of  
2316 such proposed Article XCVII land.

2317 (b) Nothing in section 4 of chapter 7B sections 33 and 34 of chapter 7C shall limit or  
2318 modify the requirements of this chapter applicable to the disposition or change in use of Article  
2319 XCVII land held or controlled by a state agency.

2320 (c) In the event of an emergency affecting public health and safety that necessitates a  
2321 temporary and significant change in use of Article XCVII land of the commonwealth, the  
2322 commissioner of capital asset management and maintenance upon written certification of such  
2323 emergency and with the approval of the secretary may waive or reduce the time period for any  
2324 public notice, hearing or comment period required under subsection (a) regarding such land use.  
2325 The certification shall identify the current and proposed change in use of the land and the  
2326 commissioner's reasons for the proposed action.

2327 Section 9. (a) When the public owner is a regional conservation district that holds Article  
2328 XCVII land that it has proposed for disposition or change in use, the supervisors of the  
2329 conservation district shall approve such disposition or change in use and any plan to provide  
2330 replacement land. Such approval shall require a 2/3 vote of the supervisors at an open meeting.  
2331 No vote shall be held unless the supervisors first conduct a public hearing on the proposed  
2332 disposition or change in use and replacement land plan. Such public hearing shall be conducted

2333 in the municipality where the land protected under Article XCVII is located. The chairperson of  
2334 the district supervisors shall provide public notice of the hearing not less than 30 days before the  
2335 scheduled hearing date.

2336 (b) When the public owner is a county government not abolished by chapter 34 or other  
2337 law which holds Article XCVII land that it proposes for disposition or change in use, the county  
2338 commissioners shall approve such disposition or change in use and any plan to provide  
2339 replacement land. Such approval shall require a 2/3 vote of the county commissioners at an open  
2340 meeting. No vote shall be held unless the county commissioners conduct a public hearing on the  
2341 proposed disposition or change in use and replacement land plan. The county commissioners  
2342 shall provide public notice of the hearing not less than 30 days before the scheduled hearing date.

2343 (c) When a public owner, other than a municipality, state agency, conservation district or  
2344 unabolished county government holds Article XCVII land it proposes for disposition or change  
2345 in use, the public owner shall conduct a public hearing not less than 30 days prior to its final  
2346 determination on the proposal and any plan to provide replacement land. A final determination to  
2347 authorize the proposed disposition or change in use of Article XCVII land shall be by a vote of  
2348 an authorized board, commission or other body of the public owner but if no such board,  
2349 commission or body exists, then by a written decision of the public owner's executive officer.  
2350 The hearing shall be conducted in the municipality where the Article XCVII land is situated. The  
2351 public owner shall give public notice of the hearing not less than 30 days before the scheduled  
2352 hearing date.

2353 Section 10. The public notice required under sections 8 and 9 for each city or town in  
2354 which the Article XCVII land is located shall be by separate written notice to the city manager in

2355 the case of a city under a Plan E form of government, the mayor and city council in the case of  
2356 all other cities, the chair of the board of selectmen in the case of a town, the regional planning  
2357 agency and the representative members of the general court.

2358           Section 11. A public owner that has made a disposition or change in use of Article XCVII  
2359 land shall notify the secretary regarding that disposition or change of use when: (i) the public  
2360 owner acquires or provides any required replacement land; (ii) a temporary easement in the  
2361 Article XCVII land terminates; (iii) an event or act completes the Article XCVII land disposition  
2362 or change in use; or (iv) upon any other event or act as the secretary shall establish by regulation.  
2363 Such notification shall be made in such manner and shall include such information as the  
2364 secretary shall prescribe.

2365           Section 12. Annually, the secretary shall prepare a comprehensive report describing the  
2366 work of the executive office relative to the protection of Article XCVII land for the preceding  
2367 calendar year. The report shall provide information about each disposition and change in use of  
2368 Article XCVII land and replacement land including, but not limited to: (i) the total number of  
2369 notifications received, reviews conducted and opinions provided; (ii) the total acreage and  
2370 description of replacement land required to prevent a no net loss of Article XCVII land; and (iii)  
2371 the total acreage of Article XCVII land that lost protection. The annual report shall be filed with  
2372 the clerks of the senate and house of representatives and the chairs of the joint committee on  
2373 environment, natural resources and agriculture and shall be posted on the public website of the  
2374 executive office not later than the first Monday of April in the following year.

2375           Section 13. (a) When a public owner's Article XCVII land is taken by eminent domain,  
2376 the public owner shall, upon receiving the entire damage award for the taking, acquire or provide

2377 suitable replacement land. The replacement land shall meet the no-net-loss requirements of  
2378 clauses (i) to (4), inclusive, of subsection (a) of section (2); provided, however, that the  
2379 replacement land required shall be limited by the total value of the award for damages sustained  
2380 by the public owner resulting from the land taking. The value of any land and additional funds  
2381 conveyed or transferred to the public owner to replace the loss of Article XCVII land which may  
2382 be partially or entirely in lieu of damages shall be considered an award for damages for the  
2383 purpose of determining the total value limitation under this subsection.

2384           Before acquiring or providing replacement land, the public owner shall consult with the  
2385 secretary to review the proposed replacement land. The secretary shall determine whether the  
2386 replacement land complies with the no-net-loss requirements subject to after taking into  
2387 consideration the total value limitations on replacement land. The secretary shall provide the  
2388 public owner with an opinion as to whether the proposed replacement land is suitable.

2389           The secretary may grant a full or partial waiver to a public owner to acquire or provide  
2390 replacement land under subsection (a) of section 4 when the public owner's Article XCVII land  
2391 is taken by eminent domain from the public owner. Notwithstanding the foregoing, if the  
2392 monetary portion of a damage award and any other compensation received by the public owner  
2393 are not sufficient to acquire or provide suitable replacement land, upon the public owner's  
2394 request, the secretary may approve using the money for other public natural resource purposes.

2395           A public owner shall provide such relevant information to the secretary relative to the  
2396 proposed replacement land under this section as the secretary shall prescribe by regulation.

2397           (b) Notwithstanding any other general law to the contrary, the secretary shall first  
2398 approve any interest in land conveyed or transferred to a public owner under section 7M of

2399 chapter 81 if the conveyance or transfer is to replace Article XCVII land taken by eminent  
2400 domain from a public owner.

2401 Section 14. (a) The secretary shall establish a self-subscribing email notification delivery  
2402 system to send informational emails to the public and government organizations about proposed  
2403 dispositions of Article XCVII land and recommendations of the secretary on related legislation.

2404 (b) Information required under this chapter to be posted on the executive office's public  
2405 website shall also be posted in the environmental monitor.

2406 (c) The secretary shall not charge a fee for informational emails under subsection (a) or to  
2407 access information posted on the executive office's public website as required under this chapter.

2408 SECTION 72. Subdivision (2) of section 2D of chapter 132A of the General Laws, as  
2409 appearing in the 2016 Official Edition, is hereby amended by adding the following sentence:-  
2410 The commissioner may also offer discounts or waive charges or fees for parking passes for  
2411 veterans as defined in section 6A of chapter 115.

2412 SECTION 73. Section 14A of chapter 132B of the General Laws, as appearing in the  
2413 2016 Official Edition, is hereby amended by striking out subsections (a) and (b) and inserting in  
2414 place thereof the following 2 subsections:-

2415 (a) Notwithstanding this chapter, the department may assess a civil administrative  
2416 penalty, not to exceed \$1,000 per violation, on any person who violates this chapter or any  
2417 regulations promulgated under this chapter, provided, however, that such penalty shall not occur  
2418 within a 1-year period until after that person has received 1 warning for the same violation from  
2419 the department. Each day a violation continues shall constitute a separate violation.

2420 (b) The remedies provided in this section shall be available in addition to any other  
2421 penalties or remedies provided by law or equity. The department may adopt and promulgate  
2422 regulations to effectuate the purposes of this section.

2423 SECTION 74. Subsection (c) of said section 14A of said chapter 132B, as so appearing,  
2424 is hereby amended by striking out the first paragraph and inserting in place thereof the following  
2425 paragraph:-

2426 This penalty shall be assessed in addition to any other civil penalty otherwise provided  
2427 for by law. Notice of assessment of a penalty pursuant to this section shall be made by service in  
2428 hand, or by certified mail, return receipt requested, and shall state the amount of the  
2429 administrative penalty, the date the penalty shall be due, a statement of the violator's right to an  
2430 adjudicatory hearing pursuant to chapter 30A regarding the assessment, a statement of the  
2431 actions the person may take in order to avoid assessment of additional penalties or to avoid  
2432 waiving the right to a hearing relative to the penalty and the manner of acceptable payment if an  
2433 election to waive a hearing is made.

2434 SECTION 75. The fourth paragraph of section 44 of chapter 85 of the acts of 1994 is  
2435 hereby amended by inserting after the word "Canton", as appearing in section 127 of chapter 46  
2436 of the acts of 2015, the following words:- , Randolph Avenue Stables at 1333 Randolph Avenue  
2437 in the Blue Hills State Reservation in the town of Milton, 7 Brainard Street in the Stonybrook  
2438 State Reservation in the Hyde Park section of the city of Boston.

2439 SECTION 76. To meet the expenditures necessary in carrying out section 2, the state  
2440 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an  
2441 amount to be specified by the governor from time to time but not exceeding, in the aggregate,

2442 \$1,568,500,000. All such bonds issued by the commonwealth shall be designated on their face,  
2443 Environmental Loan Act of 2018, and shall be issued for a maximum term of years, not  
2444 exceeding 20 years, as the governor may recommend to the general court under section 3 of  
2445 Article LXII of the Amendments to the Constitution. The bonds shall be payable not later than  
2446 June 30, 2043. All interest and payments on account of principal on these obligations shall be  
2447 payable from the General Fund. Bonds and interest thereon issued under this section shall,  
2448 notwithstanding any other provision of this act, be general obligations of the commonwealth.

2449 SECTION 77. To meet the expenditures necessary in carrying out section 2A, the state  
2450 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an  
2451 amount to be specified by the governor from time to time but not exceeding, in the aggregate,  
2452 \$205,000,000. All such bonds issued by the commonwealth shall be designated on their face,  
2453 Climate Change Preparedness Loan Act of 2018, and shall be issued for a maximum term of  
2454 years, not exceeding 20 years, as the governor may recommend to the general court under  
2455 section 3 of Article LXII of the Amendments to the Constitution. The bonds shall be payable not  
2456 later than June 30, 2043. All interest and payments on account of principal on these obligations  
2457 shall be payable from the General Fund. Bonds and interest thereon issued under this section  
2458 shall, notwithstanding any other provision of this act, be general obligations of the  
2459 commonwealth.

2460 SECTION 78. To meet the expenditures necessary in carrying out section 2B, the state  
2461 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an  
2462 amount to be specified by the governor from time to time but not exceeding, in the aggregate,  
2463 \$60,333,000. All such bonds issued by the commonwealth shall be designated on their face,  
2464 Clean Water Loan Act of 2018, and shall be issued for a maximum term of years, not exceeding



2465 20 years, as the governor may recommend to the general court under section 3 of Article LXII of  
2466 the Amendments to the Constitution. The bonds shall be payable not later than June 30, 2043.  
2467 All interest and payments on account of principal on these obligations shall be payable from the  
2468 General Fund. Bonds and interest thereon issued under this section shall, notwithstanding any  
2469 other provision of this act, be general obligations of the commonwealth.

2470 SECTION 79. To meet the expenditures necessary in carrying out section 2C, the state  
2471 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an  
2472 amount to be specified by the governor from time to time but not exceeding, in the aggregate,  
2473 \$150,000,000. All such bonds issued by the commonwealth shall be designated on their face,  
2474 Commonwealth 21st Century Parks and Trails Act of 2018, and shall be issued for a maximum  
2475 term of years, not exceeding 20 years, as the governor may recommend to the general court  
2476 under section 3 of Article LXII of the Amendments to the Constitution. The bonds shall be  
2477 payable not later than June 30, 2043. All interest and payments on account of principal on these  
2478 obligations shall be payable from the General Fund. Bonds and interest thereon issued under this  
2479 section shall, notwithstanding any other provision of this act, be general obligations of the  
2480 commonwealth.

2481 SECTION 80. To meet the expenditures necessary in carrying out section 2D, the state  
2482 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an  
2483 amount to be specified by the governor from time to time but not exceeding, in the aggregate,  
2484 \$55,000,000. All such bonds issued by the commonwealth shall be designated on their face,  
2485 Highway and Streets Projects Act of 2018, and shall be issued for a maximum term of years, not  
2486 exceeding 10 years, as the governor may recommend to the general court under section 3 of  
2487 Article LXII of the Amendments to the Constitution. The bonds shall be payable not later than

2488 June 30, 2033. All interest and payments on account of principal on these obligations shall be  
2489 payable from the General Fund. Bonds and interest thereon issued under this section shall,  
2490 notwithstanding any other provision of this act, be general obligations of the commonwealth.

2491 SECTION 81. To meet the expenditures necessary in carrying out section 2E, the state  
2492 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an  
2493 amount to be specified by the governor from time to time but not exceeding, in the aggregate,  
2494 \$178,500,000. All bonds issued by the commonwealth as aforesaid shall be designated on their  
2495 face, Highway Act of 2018, and shall be issued for a maximum term of years, not exceeding 30  
2496 years, as the governor recommends in a message to the general court pursuant to section 3 of  
2497 Article LXII of the Amendments to the Constitution. All such bonds shall be payable not later  
2498 than June 30, 2053, pursuant to said section 3 of said Article LXII. All interest and payments on  
2499 account of principal on these obligations shall be payable from the General Fund.  
2500 Notwithstanding any other general or special law to the contrary, bonds issued under this section  
2501 and interest thereon shall be general obligations of the commonwealth.

2502 SECTION 82. Notwithstanding any general or special law to the contrary, the department  
2503 of conservation and recreation shall conduct a study of a certain parcel of land that was conveyed  
2504 pursuant to chapter 851 of the acts of 1977 to ensure that the current use of the land complies  
2505 with the terms of said chapter 851 and the terms of the conveyance executed pursuant to said  
2506 chapter 851 and shall issue a report on its findings to the senate and house committees on ways  
2507 and means not later than July 1, 2019.

2508 SECTION 83. Notwithstanding any general or special law to the contrary, the  
2509 commissioner of conservation and recreation may expend, without further appropriation, sums

2510 collected and held in accordance with chapter 673 of the acts of 1950 on repairs, replacements  
2511 and improvements to the facilities and buildings on the Dilboy Stadium property in the city of  
2512 Somerville.

2513 SECTION 84. Notwithstanding section 30 of chapter 29 of the General Laws or section  
2514 65 of chapter 30 of the General Laws, a portion of the funds authorized in this act may be used  
2515 for the costs associated with the purchase of title insurance and services for title examinations,  
2516 reports and certifications; provided, however, that any executive department or state agency  
2517 expending such funds shall maximize efforts and utilize all available means to minimize use of  
2518 capital funds for such purposes.

2519 SECTION 85. Notwithstanding any general or special law to the contrary, any executive  
2520 department or state agency expending funds authorized in this act shall maximize efforts and  
2521 utilize all available means to minimize use of capital funds to pay for services rendered by  
2522 agency employees or consultants.

2523 SECTION 86. Notwithstanding any general or special law to the contrary, upon  
2524 acquiring any fee interest in land for purposes pursuant to Article XCVII of the Amendments to  
2525 the Constitution, all state agencies, commissions and boards expending or receiving state funds  
2526 under this act shall obtain the approval of the secretary of energy and environmental affairs  
2527 before implementing or endorsing any prohibition of fishing, hunting or trapping on that land  
2528 and shall provide the secretary with written justification of the prohibition.

2529 SECTION 87. The sums made available in sections 2 to 2E, inclusive, shall be available  
2530 for expenditure in the 5 fiscal years following June 30 of the calendar year in which the  
2531 appropriation is made and any portion of such appropriation representing encumbrances

2532 outstanding on the records of the state comptroller's office at the close of the fifth fiscal year  
2533 may be applied to the payment thereof any time thereafter.

2534 SECTION 88. Each agency acquiring land or an interest in land under this act may  
2535 expend an amount not to exceed 5 per cent of the amount appropriated to that agency for the  
2536 purpose of reimbursing nonprofit land conservation organizations or land trusts for reasonable  
2537 expenses directly associated with the acquisition of land or interests in land subsequently  
2538 conveyed to the commonwealth. Reimbursements shall be made at the discretion of the agency.  
2539 The secretary of energy and environmental affairs shall determine by regulation what shall  
2540 constitute reasonable expenses. If the commonwealth does not take title to the property through  
2541 no fault of the nonprofit organization or the commonwealth, the commonwealth may reimburse  
2542 the nonprofit organization for reasonable expenses associated with due diligence. An  
2543 organization receiving a reimbursement under this section shall convey the land or interest in  
2544 land to the agency for an amount not to exceed the actual purchase price paid by the organization  
2545 for the land or interest in land in addition to any reimbursement received under this section.

2546 SECTION 89. To provide for the continued availability of certain bond-funded spending  
2547 authorizations which otherwise would expire, the unexpended balances of the following capital  
2548 accounts are hereby extended through June 30, 2023, for the purposes of and subject to the  
2549 conditions stated for these items in the original authorizations and any amendments to such  
2550 authorizations: 2000-2010, 2000-2011, 2000-2012, 2000-2013, 2000-2014, 2000-2015, 2000-  
2551 2016, 2000-2017, 2000-2018, 2000-2019, 2000-2020, 2000-2021, 2000-2022, 2000-2023, 2000-  
2552 2024, 2000-2025, 2000-2026, 2000-2028, 2000-2029, 2000-2035, 2000-6966, 2000-6967, 2000-  
2553 6969, 2000-7013, 2000-7014, 2000-7015, 2000-7016, 2000-7018, 2000-7022, 2000-7023, 2000-  
2554 7024, 2000-7025, 2000-7026, 2000-7028, 2000-7029, 2000-7031, 2000-7051, 2000-7052, 2000-

2555 7053, 2000-7054, 2000-7055, 2000-7056, 2000-7057, 2000-7058, 2000-7059, 2000-7060, 2000-  
2556 7061, 2000-7062, 2000-7063, 2000-7066, 2000-7070, 2200-2011, 2200-2014, 2200-2015, 2200-  
2557 2017, 2200-2019, 2200-7011, 2200-7012, 2200-7013, 2200-7014, 2200-7015, 2200-7017, 2200-  
2558 7018, 2200-7021, 2200-7023, 2200-7025, 2200-7991, 2240-8820, 2250-8820, 2250-8822, 2300-  
2559 2010, 2300-2011, 2300-2012, 2300-2014, 2300-2017, 2300-7010, 2300-7011, 2300-7013, 2300-  
2560 7014, 2300-7016, 2300-7017, 2300-7018, 2300-7020, 2300-7021, 2300-7023, 2300-7024, 2300-  
2561 7025, 2300-7026, 2300-7027, 2300-7028, 2500-7011, 2500-7012, 2500-7013, 2500-7014, 2500-  
2562 7023, 2500-7024, 2800-0103, 2800-0109, 2800-0611, 2800-2019, 2800-7011, 2800-7012, 2800-  
2563 7013, 2800-7015, 2800-7016, 2800-7017, 2800-7018, 2800-7019, 2800-7022, 2800-7027, 2800-  
2564 7031, 2800-7032, 2800-7035, 2800-7097, 2800-7098, 2800-7107, 2800-7108, 2800-7109, 2810-  
2565 3302, 2810-7872, 2810-8802, 2820-1420, 2820-2011, 2820-2012, 2820-8861, 2840-2013, 2840-  
2566 2014, 2840-2019, 2840-2023, 2840-7017, 2840-7024, 2840-7026, 2840-7027, 2840-7993, 2850-  
2567 6967, 2850-9951, 2890-2023, 2890-2040, 2890-7010, 2890-7011, 2890-7020, 2890-7035, 6720-  
2568 1350, 6720-1335, 7100-3022, 9300-3909, 9300-7010, 9300-7030, 9300-7031, 9300-7909, 9300-  
2569 7918, 9300-7919.

2570 SECTION 90. The first state plan required by section 10 of chapter 21N of the General  
2571 Laws shall be completed not later than September 16, 2018.

2572 SECTION 91. Any person serving as an inspector of animals on the effective date of this  
2573 act shall, within 1 year after such effective date, complete all state-funded training that the  
2574 director of animal health determines is required for newly-appointed inspectors of animals under  
2575 section 18 of chapter 129 of the General Laws, as appearing in section 23.

2576 SECTION 92. (a)(1)Notwithstanding sections 32 to 37 of chapter 7C of the General Laws  
2577 or any other general or special law to the contrary, the commissioner of capital asset  
2578 management and maintenance, in consultation with the department of conservation and  
2579 recreation, may grant nonexclusive permanent easements to the city of Quincy over portions of a  
2580 certain parcel of land held for conservation and recreation purposes, such land being adjacent to  
2581 the Furnace Brook and along the Furnace Brook Parkway approximately from Dayton street in  
2582 the north to Cross street in the south and as depicted on site plans entitled “Exhibit B – Furnace  
2583 Brook Enhancements Permanent Easement Plans”, dated May 30, 2018, prepared by Woodard &  
2584 Curran.

2585 (2) The permanent easements shall be used solely for the operation and maintenance of  
2586 the improvements associated with the flood control plan and grading established for flood  
2587 compensation, subject to the requirements of this section and to such additional terms and  
2588 conditions consistent with this section as the commissioner of capital asset management and  
2589 maintenance may prescribe. Prior to granting any easement, the division of capital asset  
2590 management and maintenance may make minor modifications to the plan and easement areas to  
2591 carry out the purposes of this section.

2592 (b) An independent appraisal of the fair market value and value in use of the easements  
2593 described in subsection (a) shall be prepared in accordance with the usual and customary  
2594 professional appraisal practices by a qualified appraiser commissioned by the commissioner of  
2595 capital asset management and maintenance. Consideration for the grant of the easements  
2596 described in said subsection (a) shall be the full and fair market value or the value in proposed  
2597 use, whichever is greater, as determined by the commissioner of capital asset management and  
2598 calculated with regard to its full development potential as assembled with other lands owned or

2599 otherwise controlled by the city. The commissioner of capital asset management and  
2600 maintenance shall submit the appraisal to the inspector general for review and comment. The  
2601 inspector general shall review and approve the appraisal and the review shall include an  
2602 examination of the methodology utilized for the appraisal. The inspector general shall prepare a  
2603 report of such review and file the report with the commissioner of capital asset management and  
2604 maintenance for submission by the commissioner to the house and senate committees on ways  
2605 and means and the joint committee on state administration and regulatory oversight. The  
2606 commissioner shall submit copies of the appraisal and the inspector general's review and  
2607 approval and comments, if any, to the house and senate committees on ways and means and the  
2608 joint committee on state administration and regulatory oversight at least 15 days prior to the  
2609 execution of any documents effecting the transfers described in said subsection (a).

2610 (c) To ensure a no-net-loss of lands protected for natural resource purposes, the city of  
2611 Quincy shall compensate the commonwealth for the easements described in subsection (a)  
2612 through the transfer to the department of conservation and recreation of land, an interest of land  
2613 or funding for the acquisition of land or an interest therein equal to or greater than the highest  
2614 appraised value as determined under subsection (b). The fair market value of any land or interest  
2615 in land proposed to be conveyed by the city to the department shall be included within the  
2616 appraisal prepared pursuant to said subsection (b). The land, interest in land or funding shall be  
2617 acceptable to the department of conservation and recreation and any land or interest in land,  
2618 whether conveyed by the city or acquired by the department, shall be permanently held and  
2619 managed for conservation and recreation purposes by the department. If the appraised value of  
2620 any land or interests in land proposed for conveyance to the commonwealth are determined to be  
2621 greater than the appraised value of the easements described in said subsection (a), the

2622 commonwealth shall have no obligation to pay the difference to the city. All payments paid to  
2623 the commonwealth as a result of the conveyances or grants authorized in this section shall be  
2624 deposited in the Conservation Trust established in section 1 of chapter 132A of the General  
2625 Laws.

2626 (d) The city of Quincy shall assume all costs associated with engineering, surveys,  
2627 appraisals, deed preparation and other expenses deemed necessary by the commissioner of  
2628 capital asset management and maintenance to execute the easements authorized in this section

2629 SECTION 93. The executive office of energy and environmental affairs shall submit an  
2630 annual report detailing the progress of any projects funded through the authorizations of this act  
2631 to the chairs of the joint committee on environment, natural resources and agriculture; the chairs  
2632 of the senate and house committees on bonding; and the clerks of the house of representatives  
2633 and the senate. The report shall include, but not be limited to, a description of any projects,  
2634 previous year planned spending, previous year spending, current year planned spending, current  
2635 year spending to date, original estimated project cost, total project cost to date, type of spending,  
2636 type of asset and predicted useful life of the project once completed. The initial report shall be  
2637 submitted not later than December 30, 2018 and subsequent reports shall be submitted not later  
2638 than June 30 of each year thereafter for 10 years after the effective date of this act.

2639 SECTION 94. Notwithstanding any general or special law to the contrary, the director of  
2640 marine fisheries, in consultation with the commissioner of fish and game, shall, by October 31,  
2641 2018, conduct and publish a study of the current lobster fishery and provide a recommendation  
2642 as to the advisability of enacting statutory and regulatory changes to allow the processing of  
2643 lobster parts, other than lobster tails weighing 3 ounces or more, for sale in the commonwealth.



2644 The study shall include an economic and market analysis of potential impacts and benefits,  
2645 assessment of potential state and federal law enforcement issues associated with a change in  
2646 legislation or regulations, an assessment on the impacts of such changes on interjurisdictional  
2647 fisheries management and a review and analysis of the potential biological and population  
2648 dynamics of the Homarus Americanus species as a result of such changes.

2649 SECTION 95. There shall be a special commission to study and report on the feasibility  
2650 of transferring ownership of Willett Pond and its appurtenances to the department of  
2651 conservation and recreation to provide new public access for outdoor recreation and to preserve  
2652 the species and ecosystem of the pond. The study shall examine costs related to the transfer,  
2653 including transferring ownership at no cost to the commonwealth.

2654 The commission shall consist of: 3 persons to be appointed by the speaker of the house of  
2655 representatives; 3 persons to be appointed by the president of the senate; the secretary of energy  
2656 and environmental affairs or a designee; the commissioner of conservation and recreation or a  
2657 designee; the commissioner of fish and game or a designee; the chairs of the boards of selectmen  
2658 of the towns of Walpole, Westwood and Norwood or their designees; a representative from the  
2659 Willett Pond Charitable and Protection Association, Inc. or a designee; a representative from the  
2660 North Walpole Fish and Game Club, Inc. or a designee; a representative from the Neponset  
2661 River Watershed Association, Incorporated or a designee. The commission shall submit its  
2662 recommendations, including drafts of any proposed legislation, by filing the same with the clerks  
2663 of the senate and house of representatives not later than March 31, 2019.

2664 SECTION 96. There shall be a special legislative commission to make an investigation  
2665 and study relative to ocean acidification. The commission shall: (i) identify the actual and

2666 potential effects of coastal and ocean acidification on commercially-valuable marine species; (ii)  
2667 identify the scientific data and knowledge gaps that may hinder the commonwealth's ability to  
2668 craft policy and other responses to coastal and ocean acidification; and (iii) prioritize the  
2669 strategies for filling those gaps to provide policies and tools to respond to the adverse effects of  
2670 coastal and ocean acidification on commercially-important fisheries and the commonwealth's  
2671 shellfish aquaculture industry.

2672 (b) The commission shall consist of: the house and senate chairs of the joint committee  
2673 on environment, natural resources and agriculture who shall be co-chairs of the commission; 3  
2674 members of the senate, 1 of whom shall be appointed by the minority leader; 3 members of the  
2675 house of representatives, 1 of whom shall be appointed by the minority leader; the director of  
2676 marine fisheries or a designee; the commissioner of environmental protection or a designee; the  
2677 director of coastal zone management or a designee and 8 persons to be appointed by the  
2678 governor, 2 of whom shall be representatives of an environmental or community group, 3 of  
2679 whom shall be commercial fishermen, including 1 who shall be a holder of a shellfish  
2680 aquaculture license, 1 who shall be a holder of a commercial fisherman lobster permit and 1 who  
2681 shall be a holder of a commercial fisherman shellfish permit and 3 of whom shall be scientists  
2682 who have studied coastal or ocean acidification;

2683 (c) All appointments shall be made not later than 30 days after the effective date of this  
2684 section. The co-chairs shall convene the first meeting of the special commission within 45 days  
2685 after all appointments have been made.

2686 (d) The commission shall meet at least 4 times to review, study and analyze existing  
2687 scientific literature and data on coastal and ocean acidification and how it has affected or

2688 potentially will affect commercially-harvested and grown species along the and shall address: (i)  
2689 the factors contributing to coastal and ocean acidification; (ii) how to mitigate coastal and ocean  
2690 acidification; (iii) critical scientific data and knowledge gaps pertaining to coastal and ocean  
2691 acidification as well as critical scientific data and knowledge gaps pertaining to the effects of  
2692 coastal and ocean acidification on species that are commercially harvested and grown along the  
2693 commonwealth's coast; (iv) steps to strengthen existing scientific monitoring, research and  
2694 analysis regarding the causes of and trends in coastal and ocean acidification; and (v) steps to  
2695 take to provide recommendations to the general court and to increase public awareness of coastal  
2696 and ocean acidification.

2697 (e) The commission shall include in its review of the relevant scientific literature and data  
2698 the results of studies presented at the conferences or workshops held in New England or the  
2699 northeast region that relate to coastal and ocean acidification and shall coordinate with the  
2700 Northeast Coastal Acidification Network and the National Caucus of Environmental Legislators  
2701 to prevent duplication of effort. The commission shall conduct public hearings to gather  
2702 information and the joint committee on environment, natural resources and agriculture shall  
2703 provide staff and other resources as the co-chairs consider appropriate. The commission shall  
2704 submit a report of its findings and recommendations, together with drafts of legislation necessary  
2705 to carry out those recommendations, by filing the same with the clerks of the senate and house of  
2706 representatives and the joint committee on environment, natural resources and agriculture not  
2707 later than December 31, 2018.

2708 SECTION 97. Notwithstanding any general or special law to the contrary, the  
2709 department of environmental protection shall assess its authority to address impacts of a  
2710 municipal withdrawal of water on bordering or nearby municipal surface water source affected

2711 by the withdrawal pursuant to a permit granted under chapter 21G of the General Laws and  
2712 report its finding to the clerks of the senate and house or representatives not later than December  
2713 31, 2018.

2714 SECTION 98. The department of energy resources shall promulgate guidelines for  
2715 illumination by new permanent outdoor fixtures for applications under section 38 of chapter 85  
2716 of the General Laws so that the illuminance levels required for the intended purpose as defined in  
2717 the most recent edition of The Lighting Handbook published by the Illuminating Engineering  
2718 Society shall be used; provided, however, that if a municipal or county ordinance or regulation  
2719 specifies a different illuminance level, the illuminance level required for the intended purpose by  
2720 the ordinance or regulation may be used.

2721 SECTION 99. The Massachusetts Department of Transportation shall review and issue a  
2722 report on roadway lighting and lighting operational costs. The report shall include a review of  
2723 warranting and other criteria for roadway lighting and an analysis of lighting operational costs,  
2724 actions taken by the department to comply with current standards, procedures and accepted best  
2725 practices relative to roadway lighting and a plan to reduce lighting operational costs through the  
2726 replacement of existing lower-wattage, fully shielded fixtures and the replacement of  
2727 unnecessary roadway lighting with the installation of passive safety measures. The department  
2728 shall issue its report to the department of energy resources and the clerks of the senate and the  
2729 house of representatives not later than January 1, 2019.

2730 SECTION 100. The department of public utilities shall, subject to its ratemaking  
2731 authority, develop a rate for part-night service, dimming and controls-operated for unmetered

2732 roadway or parking-lot lighting to apply to each new electric utility rate case submitted after  
2733 January 1, 2019.

2734 SECTION 101. (a) The commissioner of environmental protection shall establish  
2735 performance standards for the reduction of municipal solid waste, as described in subsection (b),  
2736 to achieve the purposes of the solid waste master plan and greenhouse gas reduction plan and to  
2737 protect the natural environment, preserve resources, achieve progress toward the goals to reduce  
2738 greenhouse gases and create green jobs. The performance standards shall be promulgated by July  
2739 1, 2019.

2740 (b) The department of environmental protection shall establish performance standards for  
2741 municipal solid waste reduction in each municipality on the basis of pounds per capita of solid  
2742 waste disposed. The standards shall reduce solid waste to not more than 600 pounds per capita  
2743 by July 1, 2020 and not more than 450 pounds per capita by July 1, 2024. A municipality that  
2744 does not administer trash and recycling collection shall be exempt from meeting performance  
2745 standards for municipal solid waste reduction established in this section; provided, however, that  
2746 the municipality shall confer with its residents and private waste disposal companies to establish  
2747 solid waste performance standards for the municipality.

2748 (c) Not later than December 1, 2019, the secretary of energy and environmental affairs, in  
2749 consultation with the department of environmental protection and the department of energy  
2750 resources, shall develop a municipal solid waste standards action plan to assist municipalities in  
2751 achieving the standards set forth in subsections (a) and (b) The secretary shall review the  
2752 effectiveness of existing recycling programs and other incentives available to achieve these  
2753 standards and shall make any recommendations available to the public on the website of the

2754 executive office of energy and environmental affairs. Recommendations may include, but shall  
2755 not be limited to, potential regulatory or statutory changes to the solid waste master plan, the  
2756 Clean Energy and Climate Plan for 2020 or the green communities program. The secretary shall  
2757 consult with the solid waste advisory committee in developing the plan.

2758 (d) Annually, not later than September 1, each city and town shall report to the  
2759 department of environmental protection the total weight of solid waste disposed of through the  
2760 solid waste program of the city or town during the prior fiscal year, as well as the number of  
2761 households and residents who participated in the program; provided, however, that if a city or  
2762 town enters into a contract with a solid waste hauler for the transportation of material for  
2763 disposal and recycling, the contract may provide for the solid waste hauler to make the report to  
2764 the department. If the department makes a determination that a city or town has not met the  
2765 municipal solid waste reduction performance standards as prescribed by the department by July  
2766 1, 2020, that city or town shall submit a report to the department setting forth the reasons that the  
2767 town did not meet the standards and detailing a plan to achieve the performance standards by  
2768 July 1, 2024. The department shall issue a report on the municipal solid waste programs not later  
2769 than December 1 of that year that provides per capita solid waste disposal statistics for the  
2770 municipal solid waste programs and shall file the report with the clerks of the senate and house  
2771 of representatives and the senate and house chairs of the joint committee on environment, natural  
2772 resources and agriculture. The report may disaggregate solid waste tonnage information to  
2773 highlight categories of waste, including waste that is beyond the control of a city or town such as  
2774 waste created as a result of a natural disaster.

2775 (e) A city or town that has a high risk of failing to reach the per capita municipal solid  
2776 waste reduction standard under subsection (b) may file hardship documentation with the

2777 department of environmental protection detailing the reasons for not reaching the municipal solid  
2778 waste reduction standard. The department shall prioritize sustainable materials recovery program  
2779 municipal grant applications from cities and towns that submit hardship documentation under  
2780 this section.

2781 (f) Notwithstanding any general or special law to the contrary, in a city or town that does  
2782 not provide solid waste removal, a privately contracted waste disposal and trash hauling contract  
2783 entered into on or after the effective date this act shall include a recycling option for the  
2784 customers served under the contract.

2785 (g) Subsections (a) to (f), inclusive, shall be subject to appropriation.

2786 SECTION 102. Notwithstanding any special or general law, there shall be a special  
2787 commission to scope a state grant or low-interest loan program for structural elevation or  
2788 acquisition of properties prone to flooding in the commonwealth. Components of consideration  
2789 for the structure of the program shall include: (i) funding sources; (ii) eligible expenses; (iii)  
2790 applicant eligibility; (iv) the establishment of a cost-benefit analysis in determining applicant  
2791 eligibility; and (v) program expenditures and pay outs.

2792 The special commission shall consist of: 2 members of the house of representatives, 1 of  
2793 whom shall be appointed by the minority leader; 2 members of the senate, 1 of whom shall be  
2794 appointed by the minority leader; the chair of the state board of building regulation and standards  
2795 or a designee; 2 persons to be appointed by the director of the Massachusetts Emergency  
2796 Management Agency, 1 of whom shall be a contractor with experience in home elevations and 1  
2797 of whom shall be an insurance agent with knowledge in flood insurance and experience in  
2798 guiding and consulting for mitigation activities; the acting state hazard mitigation officer of the

2799 state hazard mitigation team; the acting hazard mitigation grants supervisor of the state hazard  
2800 mitigation team; a licensed lender with knowledge in flood insurance, 203K home loan lending  
2801 and traditional loans used for mitigation activities who shall be appointed by the acting state  
2802 hazard mitigation officer of the state hazard mitigation team; and 2 persons to be appointed by  
2803 the governor, 1 of whom shall be a representative from a statewide environmental group and 1 of  
2804 whom shall be a representative from the executive office of public safety and security with  
2805 knowledge of the federal hazard mitigation grant program and experience with mitigation  
2806 activities. The first meeting of the special commission shall take place not later than December 1,  
2807 2018.

2808         The special commission shall submit its preliminary draft of any recommendations or  
2809 legislation to the clerks of the senate and house of representatives and the joint committee on  
2810 environment, natural resources and agriculture not later than December 1, 2019. The special  
2811 commission shall submit its final draft of the program scope, together with any additional  
2812 recommendations or drafts of legislation necessary to carry those recommendations into effect,  
2813 by filing the same with the clerks of the senate and house of representatives and the joint  
2814 committee on environment, natural resources and agriculture not later than December 1, 2020.

2815         SECTION 103. Notwithstanding any general or special law to the contrary, the secretary  
2816 of energy and environmental affairs shall explore the feasibility of more extensive engagement  
2817 with the United States Army Corp of Engineers to ensure beneficial reuse of dredged sand  
2818 material. The study and any recommendations shall be submitted to the clerks of the senate and  
2819 house of representatives not later than December 31, 2018.



2820 SECTION 104. The secretary of energy and environmental affairs may, by regulation,  
2821 modify the loan terms of subsection (d) of section 27 of chapter 21A of the General Laws;  
2822 provided, however, that no modifications shall be made before January 1, 2022.

2823 SECTION 105. Not later than January 6, 2020, the director of animal health shall file a  
2824 report with the department of agricultural resources outlining the process, timeline and steps for  
2825 designing and implementing the database pursuant to section 25 of chapter 129 of the General  
2826 Laws.

2827 SECTION 106. Not later than 1 year after the effective date of this act, the secretary of  
2828 energy and environmental affairs shall promulgate regulations for the requirements,  
2829 administration and enforcement of chapter 131B of the General Laws.

2830 SECTION 107. Sections 4, 28 to 46, inclusive, 48 to 51, inclusive, 53 to 70, inclusive,  
2831 and 72 shall take effect 90 days after the effective date of this act.

2832 SECTION 108. Section 14 shall take effect on August 1, 2019.

2833 SECTION 109. Section 47 shall take effect on March 15, 2019.