

HOUSE No. 4558

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, June 4, 2018.

The committee on Bonding, Capital Expenditures and State Assets to whom was referred the Bill promoting climate change adaptation, environmental and natural resource protection, and investment in recreational assets and opportunity (House, No. 4438), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 4558) [Bond Issue: General Obligation Bonds: \$1,811,879,000.00].

For the committee,

ANTONIO F.D. CABRAL.

HOUSE No. 4558

The Commonwealth of Massachusetts

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

An Act promoting climate change adaptation, environmental and natural resource protection, and investment in recreational assets and opportunity.

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

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

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

8 SECTION 2.

9 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

Office of the Secretary.

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

Office of the Secretary

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2000-7071. For improvements and replacements to the infrastructure and holdings of the executive office of energy and environmental affairs and its departments and divisions; provided, that these improvements and replacements may include, but shall not be limited to, buildings, equipment, vehicles and communication and technology equipment; provided further, that the secretary of energy and environmental affairs may provide guidance for planning, prioritization, selection and implementation of projects in furtherance of the goals of climate change mitigation and adaptation and consistent with the integrated state hazard mitigation and climate change adaptation plan; and provided further, that any expenditures for communication and technology equipment under this item shall be considered in consultation with the secretary of technology services and security; provided further, that \$500,000 shall be expended to the town of Saugus for the purposes of purchasing a Vactor for the purposes of cleaning drains and culverts in the town of Saugus.....\$10,500,000

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

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

79 at Tanglewood in the town of Lenox; provided further, that \$300,000 shall be expended for bog
80 bridging and trail construction, rehabilitation, and accessibility in Kennedy Park in the town of
81 Lenox; provided further, that \$400,000 shall be expended to the Great Barrington Land
82 Conservancy for improvements, and upkeep of the W.E.B. DuBois River Garden Park and for
83 improvements, upkeep, and extension of the Housatonic River Walk; provided further, that
84 \$8,000,000 shall be expended for a dredging project and to improve, manage and protect the
85 water quality, in Lake Wickaboag in the town of West Brookfield; provided further, that \$10,000
86 shall be expended for improvements to Powder Mill Park in the town of Spencer; provided
87 further, that \$5,000 shall be expended for improvements to Luther Hill Park in the town of
88 Spencer; provided further, that \$25,000 shall be expended for improvements to Turkey Hill Pond
89 in the town of Rutland; provided further, that \$25,000 shall be expended for improvements to
90 Demond Hill Pond in the town of Rutland; provided further, that \$600,000 shall be expended for
91 improvements to O'Gara Park in the town of Spencer, including but not limited to the
92 construction of a fieldhouse and improvements to the grandstand; provided further, that not less
93 than \$2,000,000 shall be expended for the maintenance and improvements, including the design
94 and construction of recreational fields, pedestrian and bike paths, and landscape and aesthetic
95 improvements to the M. Joseph Manning Community Park in the town of Milton; provided
96 further \$200,000 shall be expended for improvements around the Cook Pond in the city of Fall
97 River; provided further, that \$4,000,000 shall be expended for the purposes of evaluating the
98 efficacy of adaptive management measures to reduce nitrogen pollution of coastal waterways
99 undertaken pursuant to an approved area-wide water quality plan adopted pursuant to the federal
100 Clean Water Act, to fund the Center for Coastal Studies to monitor and report on the water
101 quality of areas subject to said study, and to support further assessment and water quality

102 modeling to further refine said study; provided further, that \$1,400,000 shall be expended to the
103 Sporting, Safety, Conservation, and Education Fund of Falmouth, Incorporated for the design,
104 permitting, and restoration of the Child’s River and Farley Bog in the towns of Falmouth and
105 Mashpee; provided further, that \$131,000 shall be expended for a feasibility study of a salt marsh
106 restoration project at 0,69, 73, and 77 Mashnee Road and 88 88 Rocky Point Road in the town of
107 Bourne;and provided further, that not less than \$500,000 shall be expended for the design,
108 engineering, and construction of Phase II of the Municipal Riverwalk at Ludlow Mills in the
109 town of Ludlow, the design and engineering plans of which shall be subject to the approval of
110 Westmass Area Development Corporation and the town of Ludlow; provided, however, that
111 Phase II shall be incorporated into the right of way of the proposed Riverside Drive, a public
112 subdivision road, consistent with agreements between Westmass Area Development Corporation
113 and the town of Ludlow, the existing public use easement and the approved Ludlow Mills Master
114 Plan.....\$ 160,071,000

115 2000-7073. For the design, construction, reconstruction, rehabilitation, retrofitting,
116 repair or removal of coastal infrastructure and resiliency measures, including, but not limited to,
117 seawalls, jetties, revetments, and retaining walls, with equal considerations given to beach
118 nourishment, living shorelines, and other nature-based solutions, as defined in section 1 of
119 chapter 21N of the General Laws; provided, that costs payable from this item may include, but
120 shall not be limited to, the costs of engineering and other technical assistance and planning
121 services essential to these projects rendered by the office of coastal zone management in the
122 executive office of energy and environmental affairs, the office of waterways in the department
123 of conservation and recreation and other commonwealth employees or consultants; provided
124 further, that grants and loans may be made to local government units to carry out this item; and

125 provided further, that the secretary of energy and environmental affairs may provide guidance for
126 planning, prioritization, selection and implementation of projects in furtherance of the goals of
127 climate change mitigation and adaptation and consistent with the integrated state hazard
128 mitigation and climate change adaptation plan; provided further, that \$525,000 shall be expended
129 for the town of Falmouth Division of Marine and Environmental Services to design and construct
130 a replacement fresh water culvert under Surf Drive; provided further, that not less than
131 \$2,000,000 shall be expended to the town of Duxbury for costs associated with coastal
132 infrastructure improvements; provided further, that no less than \$15,100,000 shall be expended
133 to the city of Quincy to repair and restore damaged seawalls; provided further, that \$4,000,000
134 shall be expended to repair and replace the failing seawall along Winthrop Parkway in the city of
135 Revere; provided further, that \$350,000 shall be expended for the repair of tide gates in the town
136 of Saugus; provided further, that \$1,000,000 shall be allocated to the Marine Biological
137 Laboratory to be used for the restoration of the seawall located at Waterfront Park in the town of
138 Falmouth; provided further, that \$2,500,000 shall be expended for shoreline and park restoration
139 at Blessing of the Bay park in the city of Somerville; provided further, that not less than
140 \$660,000 shall be expended per year for the Massachusetts Bays National Estuary Program, as
141 match for federal cooperative grants received under section 320 of the federal Clean Water Act,
142 for the purposes of implementing a comprehensive plan for coastal habitat protection and
143 restoration related to coastal resilience; and provided further, that not less than \$3,000,000 shall
144 be expended for seawall and revetment work at Plymouth Long Beach; and provided further, that
145 not less than \$1,000,000 shall be expended for cobble nourishment at Plymouth Long Beach
146\$57,775,000

147 2000-7074. For the design, construction, reconstruction, rehabilitation, retrofitting,
148 repair or removal of municipally-owned dams, publicly-owned dams and other dams for which
149 emergency action or statewide hazard mitigation is required and for inland flood control projects
150 and projects for any related facilities and equipment, including, but not limited to, seawalls,
151 jetties, revetments, and retaining walls, with equal consideration given to beach nourishment and
152 other nature-based solutions, as defined in section 1 of chapter 21N of the General Laws, on
153 publicly-owned land or related to state or municipal climate change adaptation and preparedness
154 or for which emergency action or statewide hazard mitigation is required; provided, that the
155 secretary of energy and environmental affairs shall give priority to dams and flood control
156 projects that pose the greatest risk to public health or safety, or to the environment; provided
157 further, that funds shall be available for a program of planning, permitting and construction of
158 fish ways and other aquatic habitat improvements, including the removal or breaching of selected
159 dams and impoundments on state-owned land and waterways; and provided further, that the
160 secretary may provide guidance for planning, prioritization, selection and implementation of
161 projects in furtherance of the goals of climate change mitigation and adaptation and consistent
162 with the integrated state hazard mitigation and climate change adaptation plan; provided, further
163 that projects shall be considered in consultation with the municipality hosting asset to be repaired
164 and those municipalities impacted by the project; provided further, that \$600,000 shall be
165 expended for engineering, improvements and repairs to the Hamilton Reservoir dam in the town
166 of Holland; provided further, that \$4,400,000 shall be expended for engineering and construction
167 costs for the rehabilitation and improvements to the Whitney Pond dam in the town of
168 Winchendon; provided further, that \$350,000 shall be expended for improvements to the Queen

169 Lake Dam in the town of Phillipston; and provided further, that not less than \$500,000 shall be
170 expended for repairs to Jenny Grist Mill Dam in the town of Plymouth.....\$70,850,000

171 2000-7075. For the acquisition of land and interests in land by the executive office of
172 energy and environmental affairs and its departments and divisions and for associated costs,
173 including planning, study, due diligence, title and appraisal services, site restoration, monitoring
174 and stewardship, including, but not limited to, agricultural preservation restrictions under
175 sections 23 to 26, inclusive, of chapter 20 of the General Laws, and acquisitions for open space,
176 recreation, conservation, wildlife and endangered species protection, and forest land protection,
177 including coastal land acquisition and securing of access to protected coastal lands, and lands to
178 provide for the inland movement of coastal habitats; for related costs and activities in support of
179 conservation goals, including, but not limited to, capitalization of the Transfer of Development
180 Rights Revolving Fund established under section 35GGG of chapter 10; provided, that funds
181 under this item may be used to develop and implement a stewardship program on lands under the
182 care and control of the executive office or its departments and divisions or subject to
183 conservation restrictions or other related interests in land purchased through this item, including,
184 but not limited to, resource and land use monitoring, signage, boundary delineation and
185 monitoring, preparation of baseline documentation, stewardship planning, ecological monitoring
186 and enforcement of conservation or other related restrictions or detection and resolution of
187 encroachments on land and rights in land, and repair of damage to property related to illegal
188 uses, including off-road vehicle trespass; provided further, that funds may be used for inventory,
189 restoration and reclamation of acquired land, including demolition of structures, removal of
190 debris, eradication of non-native species and other services essential to these reclamation efforts;
191 and provided further, that the secretary of energy and environmental affairs may provide

192 guidance for preservation, maintenance, and acquisition of land and interests in land in
193 furtherance of the goals of climate change mitigation and adaptation and consistent with the
194 integrated state hazard mitigation and climate change adaptation plan and may expend funds
195 under this item for such purposes; provided further, that projects shall be considered in
196 consultation with the municipality hosting asset to be repaired and those municipalities impacted
197 by the project; and provided further, that \$2,000,000 be expended for the acquisition of an old
198 rail bed for the extension of the Bruce Freeman Trail into Framingham.....12,000,000

199 2000-7079. For natural resource restoration and protection and in compliance with
200 laws and regulations, and for purposes of improvements and costs associated with site
201 assessment, containment, cleanup, control, disposal, removal or exchange of or response actions
202 concerning hazardous materials or substances; provided further, that \$15,500,000 shall be
203 expended on environmental justice projects in South Framingham.....\$75,500,000

204 2511-2000. For grants administered through the agricultural innovation fund established
205 under section 3 of this act; provided further, that not more than \$5,000,000 per fiscal year shall
206 be made available for grants under this item.....\$5,000,000

207 *Department of Environmental Protection*

208 2200-7022. For investment in water and air quality protection, including but not
209 limited to investments necessary to meet the legislative and regulatory requirements of the
210 Rivers Protection Act, the federal and state Clean Water Acts and the Massachusetts Wetlands
211 Protection Act; to provide for integrated energy and environmental projects to optimize and
212 preserve environmental quality and public health and provide for appropriate protection,
213 restoration, management and best use of air, energy, water and land resources, assets and

214 infrastructure, including upgrades to laboratory equipment; to provide for research, studies and
215 the collection of data to support investment in environmental assets, including sampling and
216 analysis of water and air quality, monitoring cumulative environmental impacts in environmental
217 justice communities, the development of Geographic Information System maps for wetlands
218 conservancy and tidelands, stormwater infrastructure and public water supplies, the development
219 of water quality analyses known as Total Maximum Daily Loads, the assessment of water quality
220 health and impaired use of waterways, and projects related to nonpoint and point sources of
221 water pollution and the wetlands circuit rider program; to provide for local grants and research
222 for implementation of the commonwealth's sustainable water management initiative, including
223 grants and research to provide the data necessary for municipalities to invest in efficient and
224 effective mitigation practice to restore and preserve the commonwealth's water resources, assets
225 and infrastructure; to provide for sustainable water management initiative related research and
226 implementation projects conducted by the department of fish and game and its divisions; to
227 provide for the department's statewide air monitoring network, upgrades of air monitoring
228 equipment to comply with federal requirements, implementation of a water quality monitoring
229 network and eelgrass mapping to track water quality improvements; to provide for investments
230 in water quality restoration of degraded estuarine habitat for projects deemed consistent with a
231 current area-wide water resources management plan adopted under section 208 of the federal
232 Clean Water Act; to fund pilot projects that test innovative and green wastewater management
233 technologies and approaches; for sustainable technologies at wastewater treatment facilities; for
234 long-term monitoring and stewardship of restoration projects developed under the oversight of
235 natural resources damages trustees; to provide grants and technical assistance to public water
236 suppliers for energy efficiency improvements for drinking water systems; to provide for

237 municipal grants for water and air quality protection, including to support training and workforce
238 development for drinking water and wastewater treatment facilities; to support the preparation
239 and implementation of geographic response plans for the commonwealth's inland waterways;
240 and to provide grants to municipalities to support compliance with the federal Municipal
241 Separate Storm Sewer System permit; provided, that the secretary of energy and environmental
242 affairs may provide guidance for planning, prioritization, selection and implementation of
243 projects in furtherance of the goals of climate change mitigation and adaptation and consistent
244 with the integrated state hazard mitigation and climate change adaptation plan; provided further,
245 that no less than \$250,000 shall be expended for the Nash Road Water Quality Improvement
246 project in the city of New Bedford for the weed eradication, mitigation of storm water impacts,
247 and refurbishment of Nash Road Pond Frontage; provided further, that no less than \$550,000
248 shall be expended for the Lake Street Ponds Water Quality Improvement project located in the
249 town of Acushnet, part of the New Bedford Reservoir System, for area specific evaluation,
250 nitrogen mitigation, evaluation of storm water impacts, and weed eradication; provided further,
251 that no less than \$1,000,000 shall be expended for the Long Pond Water Quality and Invasive
252 Weed Management project, located in the towns of Freetown and Lakeville, for support of an
253 integrated, early detection and rapid response system for invasive species and completion of a
254 strategic management plan for invasive species to prevent, control, eradicate and restore natural
255 management areas; provided further, that \$10,000,000 shall be expended for the purpose of
256 municipal grants for all non-federally covered costs to remove the combined sewer outflows
257 which discharge effluent and storm water into the Connecticut River from the cities of
258 Springfield, Chicopee and Holyoke and the town of Ludlow, to comply with administrative
259 mandates from the United States Environmental Protection Agency and to remediate river

260 pollution from such outflows, and to make any necessary modifications and improvements to
 261 sewer system infrastructure in those municipalities directly resulting from such removal and
 262 subject to the requirement that the expenditure of funds shall comply with the federal mandates
 263 and shall be expended to the Connecticut River Clean-up Committee of the Pioneer Valley
 264 planning commission for those municipalities; provided further, that no less than \$3,500,000
 265 shall be expended to the Springfield water and sewer commission for the design and construction
 266 of improvements to potable water storage tanks to protect potable water quality, improve water
 267 system resiliency, and support regulatory compliance for the regional water supply; provided
 268 further, that \$5,000,000 shall be expended for repairs and other related improvements to culverts
 269 along Route 57 in the towns of Sandisfield, Monterey, and New Marlborough; provided further,
 270 that \$2,000,000 shall be expended for improvements to the Wheelwright Wastewater Treatment
 271 Plant in the town of Hardwick; provided further, that \$12,000,000 shall be expended for
 272 construction of a sewer line in the town of Hardwick; provided further, that \$4,460,000 shall be
 273 expended for water and sewer improvements in the town of Palmer including but not limited to
 274 the replacement of a sewer siphon, a generator, and expansion of the Palmer sewer system,
 275 installation of a centrifuge at the Palmer Wastewater Treatment Plant, replacement of a scum
 276 concentrator, and the replacement of grinder pumps on Lake Thompson; provided further, that
 277 \$10,000,000 shall be expended for shall be expended for extensions to the public water line in
 278 the town of Sturbridge; provided further, that \$15,000 shall be expended for the construction of a
 279 new well to provide drinking water for the Phillipston Town Hall
 280\$93,775,000

281 2200-7024. For discovery, assessment, containment, monitoring, cleanup and closure
 282 of existing or closed solid waste facilities causing or threatening to cause pollution as authorized

283 by section 4 of chapter 21H of the General Laws; and for capital expenditure associated with
284 composting and recycling programs consistent with the comprehensive statewide solid waste
285 master plan authorized by section 21 of chapter 16 of the General Laws.....\$7,500,000

286 2200-7016. For the assessment, containment, monitoring, cleanup, control, removal of
287 or response actions concerning oil or hazardous materials or for any other actions necessary to
288 implement chapter 21E of the General Laws and the Massachusetts Contingency Plan; provided
289 further, that \$1,500,000 shall be expended for the demolition of the former Microfab building in
290 the city of Amesbury; provided further, that not less than \$1,500,000 shall be expended for the
291 removal of hazardous materials and drainage improvements to the old Dalton High School site in
292 the town of Dalton; provided further, that no less than \$1,000,000 shall be expended for the
293 remediation, restoration and removal of hazardous materials at the old New England Log Homes
294 site in the town of Great Barrington.....40,000,000

295 *Department of Fish and Game*

296 2300-0100. For grants administered through the fishing innovation fund established
297 under section 2 of this act; provided further, that not more than \$10,000,000 per fiscal year shall
298 be made available for grants under this item.....\$10,000,000

299 2300-7019. For planning, design, engineering, construction, reconstruction,
300 renovation, repair, demolition, acquisition, enhancements, improvements, removal and
301 replacement of the infrastructure, facilities and equipment under the care and control of the
302 department of fish and game and its divisions, including, but not limited to buildings and other
303 structures, education centers, district headquarters, hatchery facilities, offices, storage buildings,
304 shooting ranges, archery facilities, dams, laboratories, equipment, vehicles, vessels, and site

305 clearance; provided, that any such facilities supported by this item may incorporate energy
306 efficiency and renewable technologies to decrease energy use and greenhouse gas emissions,
307 such as solar, wind and geothermal power; provided further, that funds shall also be available for
308 investments for protection, remediation and restoration of aquatic and marine fisheries, wildlife
309 species, land and marine plants, and the habitats that support them; and provided further, that the
310 secretary of energy and environmental affairs may provide guidance for planning, prioritization,
311 selection and implementation of projects in furtherance of the goals of climate change mitigation
312 and adaptation and consistent with the integrated state hazard mitigation and climate change
313 adaptation plan; provided further, that \$1,500,000 shall be expended, in consultation with the
314 department of agricultural resources and division of marine fisheries, for the Southeastern
315 Massachusetts Aquaculture Center at Barnstable County Cooperative Extension, the
316 Northeastern Massachusetts Aquaculture Center at Salem State College, and the Western
317 Massachusetts Center for Sustainable Aquaculture at the University of Massachusetts at
318 Amherst, dairy digesters and agricultural composters; provided further, that \$100,000 shall be
319 expended for handicap access improvements at the Dick and Paula Woodward Fisherman's
320 Access Area and public dock, at South Pond in the town of Brookfield; provided further, that
321 \$25,000 shall be expended to conduct a feasibility study on the eradication of zebra mussels at
322 Laurel Lake in the town of Lee; provided further, \$800,000 shall be expended for the
323 reconstruction, improvements, and accessibility to the boat ramp, parking lot, and shorefishing
324 facility at Laurel Lake in the town of Lee.\$47,425,000

325 2300-7022. For river and wetland restoration programs in the division of ecological
326 restoration, riverways program and the commissioner's office within the department of fish and
327 game; provided, that funds authorized in this item may be utilized for river, wetland and river

328 corridor revitalization, ecological restoration and protection of aquatic ecosystems and functions
329 throughout the commonwealth including, but not limited to, dam and barrier removal, instream
330 improvements, flow, water quality, riverine habitat, protection of high quality riparian and
331 wetland habitat, assessment and mitigation of threats from climate change, flooding and
332 improving recreational opportunities; provided further, that these costs may include, but shall not
333 be limited to, equipment to implement these programs; provided further, that the commissioner
334 or a designee may enter into cooperative agreements with state and federal government agencies
335 and municipalities, may contract for services related to this item including, but not limited to,
336 engineering and monitoring, and may award grants to public and nonpublic entities to foster and
337 carry out this item; provided further that no less than \$9,100,000 shall be expended for the design
338 and construction of Phase 1 of the Hoosac River Restoration Project in the city of North
339 Adams.....\$54,000,000

340 *Department of Agricultural Resources*

341 2500-7021. For the purpose of developing and implementing programs designed to
342 address agricultural economic and environmental sustainability, including the development and
343 implementation of farm viability plans and other technical and engineering assistance, urban
344 agriculture, research, industry promotion, technology transfer and education and to facilitate
345 improvements to agricultural infrastructure, energy conservation and efficiency, and climate
346 change adaptation and resiliency; provided, that \$4,000,000 shall be expended on programs for
347 the purpose to promote urban agriculture, including, grants to municipalities and nonprofit
348 organizations to acquire land for urban agriculture and for related infrastructure, equipment and
349 technical assistance, subject to the requirement that such expenditures benefit recipient
350 communities by promoting community, access to locally grown food, job creation, small

351 business development, agricultural training and youth development; provided further, that funds
352 shall be available to provide for shorter-term land covenants; provided, that a grant program shall
353 be established to provide grants to public and nonpublic entities for the development and
354 implementation of new procedures for energy conservation and efficiency and for renewable and
355 alternative energy sources to assist the agricultural community to grow and develop; provided
356 further, that there shall be established a program to assist in the preservation and rehabilitation of
357 facilities and land resources of agricultural fairs through short-term preservation covenants,
358 grants, demonstration projects and other means; provided further, that funds in this item may be
359 expended for infrastructure and equipment upgrades to prevent or reduce food safety risk,
360 programs to control invasive species and provide pesticide disposal; provided further, that funds
361 in this item may be expended for the agricultural environmental enhancement program on the
362 abatement of all forms of pollution generated from agricultural activities; provided further, that
363 funds in this item may be allocated by the commissioner through competitive grants pursuant to
364 rules or regulations adopted by the commissioner to implement this item; provided further, that
365 no less than \$20,000,000 shall be expended for the agricultural preservation restriction program;
366 provided further, that \$5,000,000 be expended for the purposes of the University of
367 Massachusetts Cranberry Station at East Wareham section of the town of Wareham for the
368 design, construction, retrofitting and outfitting of enhanced laboratory space, including
369 associated equipment and support to improve research performed by the station dealing with
370 concerns including, but not limited to (i) water quality and quantity; (ii) integrated pest
371 management; and (iii) pollinator health and minimization of nutrient and pesticide use with the
372 goal to reduce environmental impacts and at the same time enhance the sustainability of
373 cranberry production in the commonwealth; provided further, that such funds may be carried

374 over from year to year with subsequent appropriations; and provided further, that use of such
375 funds shall be done with the advice and consent of the Cranberry Health Research Center
376 advisory board.....\$49,000,000

377 *Department of Conservation and Recreation*

378 2800-7020. For natural resource restoration and protection, including protection and
379 rehabilitation of lakes, ponds, rivers and streams and associated watersheds, and for
380 improvements and costs associated with site assessment, containment, cleanup, control, removal
381 of or response actions concerning hazardous materials or substances at forests, parks,
382 reservations, waterbodies and other properties of the department of conservation and recreation;
383 provided, that the secretary of energy and environmental affairs may provide guidance for
384 planning, prioritization, selection and implementation of projects in furtherance of the goals of
385 climate change mitigation and adaptation and consistent with the integrated state hazard
386 mitigation and climate change adaptation plan.....\$20,000,000

387 2800-7014. For the design, construction, reconstruction, improvement or rehabilitation
388 of department or navigable coastal and inland waterways projects including, but not limited to,
389 design, permitting, operation, maintenance of waterways, operation and maintenance of state
390 piers, coastal protection, dredging, river and stream cleaning, coastal structure maintenance,
391 piers, dune stabilization, culvert repair, renourishment, erosion control, implementing nature-
392 based solutions, as defined in section 1 of chapter 21N of the General Laws, waterfront access
393 and transportation improvements and improvements to related facilities and equipment;
394 provided, that funds from this item may be expended to support state coordination with a
395 cooperative federal-state program with the United States Geological Survey, Department of

396 Interior, for continuous data collection and analysis regarding water resources; and provided
397 further, that the secretary of energy and environmental affairs may provide guidance for
398 planning, prioritization, selection and implementation of projects in furtherance of the goals of
399 climate change mitigation and adaptation and consistent with the integrated state hazard
400 mitigation and climate change adaptation plan; provided further that no less than \$2,000,000
401 shall be expended for the dredging of Squantum and Wollaston Yacht Club emergency boat
402 access in Wollaston Beach in the city of Quincy; provided further that \$2,500,000 shall be
403 expended for repairs to the Sales Creek culvert and related improvements in the city of Revere;
404 provided further that \$1,500,000 shall be expended for the repair and replacement of the Howard
405 and Spring Streets culverts in the town of Saugus.....\$21,000,000

406 2800-7025. For the design, construction, reconstruction, rehabilitation, retrofitting,
407 repair or removal of state-owned dams for which emergency action or statewide hazard
408 mitigation is required and for inland flood control projects and projects for any related facilities
409 and equipment, including, but not limited to, seawalls, jetties, revetments, and retaining walls,
410 with equal consideration given to beach nourishment and nature-based solutions, as defined in
411 section 1 of chapter 21N of the General Laws, on state-owned land or related to state climate
412 change adaptation and preparedness or for which emergency action or statewide hazard
413 mitigation is required; provided, that the department of conservation and recreation shall give
414 priority to dams and flood control projects that pose the greatest risk to public health or safety, or
415 to the environment; provided further, that funds shall be available for a program of planning,
416 permitting and construction of fish ways and other aquatic habitat improvements, including the
417 removal or breaching of selected dams and impoundments on state-owned land and waterways;
418 provided, that such projects shall include those which maintain or improve coastal access; and

419 provided further, that the secretary of energy and environmental affairs may provide guidance for
420 planning, prioritization, selection and implementation of projects in furtherance of the goals of
421 climate change mitigation and adaptation and consistent with the integrated state hazard
422 mitigation and climate change adaptation plan; provided further, that \$600,000 shall be expended
423 for repairs at Spring Pond Dam and Griswold Dam in the town of Saugus; and provided further,
424 that \$20,000,000 shall be expended to purchase and install a fourth pump at the Amelia Earhart
425 Dam in the city of Somerville.....\$100,600,000

426 2840-7025. For the planning, design, construction, reconstruction, repair, removal,
427 demolition, improvement, furnishing, equipping or rehabilitation of department reservations,
428 forests, parks, campgrounds, comfort stations, harbor islands, skating rinks, skate parks,
429 swimming and wading pools, spray parks, golf courses, tennis courts, basketball courts, ball
430 fields, playgrounds, exercise and fitness paths, tracks, other recreational facilities, historic sites,
431 beaches and related facilities, storage buildings, office buildings, visitor centers, fire towers,
432 maintenance facilities and other park buildings and structures, and equipment, including
433 upgrades to information technology equipment to be considered in consultation with the
434 secretary of technology services and security, and for the planning, design, acquisition,
435 construction, reconstruction, repair, removal, improvement or rehabilitation of department bike
436 paths, greenways, recreational trails and related facilities and equipment; provided, that the
437 secretary of energy and environmental affairs may provide guidance for planning, prioritization,
438 selection and implementation of projects in furtherance of the goals of climate change mitigation
439 and adaptation and consistent with the integrated state hazard mitigation and climate change
440 adaptation plan; provided further, that the department of conservation and recreation may expend
441 funds in this item for technical assistance and grants to cities and towns in accordance with rules

442 or regulations adopted by the department to implement this item; and provided further, that in the
443 expenditure of funds under this item, the commissioner will prioritize public health and safety
444 and capital maintenance needs of commonwealth facilities; provided further, the land in the
445 northern section of Riverbend Park in the town of Medford, bounded by the Mystic River,
446 Riverside Yacht Club and the northern-most paved path in Riverbend Park be transferred to the
447 department of conservation and recreation; provided further, that no less than \$500,000 shall be
448 expended for the design and construction of a visitors and education center for the Freetown
449 State Forest, located in the town of Freetown; provided further, that \$7,500,000 shall be
450 expended for repairs and improvements to the Revere Beach Reservation, including, but not
451 limited to re-nourishment of Revere Beach, repairs to any failing seawalls, and restorations to
452 pavilions and period lighting structures; provided further, that \$6,000,000 shall be expended for
453 improvements to Ocean Avenue and Eliot Circle in the Revere Beach Reservation; provided
454 further, that \$6,000,000 shall be expended to reimburse the city of Revere for costs associated
455 with construction of a new Department of Conservation and Recreation maintenance facility in
456 the Revere Beach Reservation; provided further, that \$15,000,000 shall be expended for the
457 design and construction of a combined public safety facility within the Revere Beach
458 Reservation for the purpose of housing the state police contingent at Revere Beach; provided
459 further, that \$300,000 shall be expended for a study to determine solutions to flooding issues in
460 the Riverside, Point of Pines, and Beachmont neighborhoods in the city of Revere, and \$500,000
461 shall be expended for the implementation of such findings; provided further, that \$2,750,000
462 shall be expended for maintenance and improvements to the Condon Shell and surrounding park
463 on the Mystic Valley parkway in the city of Medford and for pedestrian improvements on the
464 Mystic Valley parkway; provided further, that \$2,000,000 shall be expended for repairs and

465 improvements to Foss Park in the city of Somerville; provided further, that no more than
466 \$1,500,000 shall be expended for the design and construction of the Southeastern Massachusetts
467 Bioreserve Discovery Center in the 15,000 acre Bioreserve; provided further, that \$6,700,000
468 shall be expended for the construction of new recreational fields in the town of Sturbridge;
469 provided further, that \$100,000 shall be expended for improvements to Howe State Park in the
470 town of Spencer; provided, further, that \$100,000 shall be expended for improvements to Moore
471 State Park in the town of Paxton; provided further, that not less than \$1,000,000 shall be
472 expended for improvements, including dredging, landscaping, waterway access, public docks
473 and ramps, parking areas, and restrooms, to the Milton Landing Waterfront in the town of
474 Milton; provided further, that not less than \$1,000,000 shall be expended for improvements,
475 repairs, and energy efficiency upgrades at the Blue Hills Trailside Museum and the Norman
476 Smith Nature Center building and grounds in the town of Milton; provided further, that
477 \$1,300,000 shall be expended for the feasibility, design, and permitting of the Bourne Rail Trail
478 Shared-Use Path along the Massachusetts Department of Transportation Rail Line Right-of-Way
479 from the existing Shining Sea Bike Path in North Falmouth to the Cape Cod Canal in the town of
480 Bourne; and provided further, that not less than \$15,000,000 shall be expended for the
481 construction of the outdoor center, campgrounds, recreational trail system and event parking area
482 at the Greylock Glen in the town of Adams, of which not less than \$2,300,000 shall be expended
483 for necessary infrastructure improvements in the town of Adams to support the Glen project
484\$417,250,000

485 2890-7034. For the planning, design, construction, reconstruction, repair,
486 improvement or rehabilitation of department of conservation and recreation parkways,
487 boulevards, multi-use trails, internal state park roads and recreational trails, pedestrian bridges

488 and related appurtenances and equipment including, but not limited to, the costs of planning,
489 design and engineering and other services for those projects rendered by commonwealth
490 employees or by consultants; provided, that funds may be expended for pedestrian and bicycle
491 safety, traffic calming, landscape improvements, street lighting, safety equipment, and
492 accessibility; provided further, that all work funded by this item shall be carried out according to
493 standards developed by the department pursuant to historic parkways preservation treatment
494 guidelines to protect the scenic and historic integrity of the bridges and parkways under its
495 control; and provided further, that the secretary of energy and environmental affairs may provide
496 guidance for planning, prioritization, selection and implementation of projects in furtherance of
497 the goals of climate change mitigation and adaptation and consistent with the integrated state
498 hazard mitigation and climate change adaptation plan; provided further, that not less than
499 \$1,000,000 shall be expended for flood and drainage improvements surrounding the Skyline
500 Trail in the town of Hinsdale; provided further, that no more than \$2,000,000 shall be expended
501 for phase 4 of the Quequechan River Rail Trail to connect the urban river trail to Father
502 Travassos Park in the city of Fall River; provided further, that \$4,000,000 shall be expended on
503 the Upper Charles bike trail in the town of Ashland; and provided further, that not less than
504 \$600,000 shall be expended for improvements to pedestrian and vehicle access, including safety
505 improvements, to the Burma Trail in the town of Milton.....\$157,600,000

506 SECTION 2A.

507 EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

508 *Office of the Secretary*

509 2000-7080. For implementation of the integrated state hazard mitigation and climate
510 change adaptation plan; provided, that the secretary of energy and environmental affairs shall
511 give priority to critical actions and strategies identified in the plan.....\$60,000,000

512 2000-7081. For the municipal vulnerability preparedness grant program to support and
513 provide technical assistance for cities and towns to complete climate-related vulnerability
514 assessments, develop action-oriented resiliency plans, and complete integrated climate change
515 adaptation plans and local hazard mitigation plans; and to implement local and regional
516 adaptation solutions identified through such plans, including changes to policies, bylaws, and
517 plans, municipal infrastructure improvements, nature-based climate adaptation strategies, as
518 defined in section 1 of chapter 21N of the General Laws, and repairs to address vulnerability and
519 improve resiliency; provided, that not less than 33 per cent of the grants awarded shall be issued
520 to cities and towns with a median household income below the average of the commonwealth
521\$50,000,000

522 2000-7084. To capitalize the Global Warming Solutions Trust Fund established in
523 section 35EEE of chapter 10 of the General Laws....\$3,000,000

524 2000-7085. For the climate change science and data program to support the
525 development and maintenance of data including statewide, basin scale, and other relevant climate
526 change projections and data, the establishment of datasets to track and monitor ongoing impacts
527 from climate change, and the maintenance and expansion of the climate change clearinghouse
528 data and tools available to cities and towns and the regional planning agencies that support them;
529 provided, that any expenditures for communication and technology equipment under this item

530 shall be considered in consultation with the secretary of technology services and
531 security.....\$5,000,000

532 *Department of Environmental Protection*

533 2200-7019. For the Massachusetts Electric Vehicle Incentive Program to provide
534 grants to public entities to acquire passenger plug-in vehicles for fleets, install charging stations
535 for public electric vehicles, and promote the establishment of vehicle charging stations; provided
536 further, that \$5,000,000 shall be expended for the Massachusetts Electric Vehicle Incentive
537 Program to provide matching grants to employers to install electric vehicle charging stations at
538 workplaces.....\$9,000,000

539 EXECUTIVE OFFICE OF EDUCATION

540 *Office of the Secretary*

541 7009-2007. To close workforce skills gaps across a range of occupations where
542 climate change impacts such as extreme weather are likely to require adaptation to reduce risks
543 and vulnerability from the impacts of climate change, including, but not limited to, developing,
544 implementing and maintaining nature-based solution, as defined in section 1 of chapter 21N of
545 the General Laws, by providing skills capital and workforce training grants to support education
546 and training providers, in consultation with the workforce skills cabinet and the secretary of
547 energy and environmental affairs; provided further, that \$20,000,000 shall be expended for the
548 design, rehabilitation or construction of a research and extension building of approximately
549 20,000 square feet at the University of Massachusetts Center for Urban Sustainability in the city
550 of Waltham to conduct research and advance urban sustainable agriculture through public-
551 private partnerships, to include, without limitation urban agricultural issues related to food

552 security, safety and access, environmental stewardship and workforce development; provided
553 further that best efforts shall be made to construct a zero-net energy building; provided further,
554 that no less than \$6,000,000 shall be expended for the construction, equipment and maintenance
555 of the Commonwealth Energy Storage Testing Facility.....\$28,000,000

556 EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

557 *Office of the Secretary*

558 8000-2007. For the development and support of climate oriented emergency response
559 and natural hazard preparedness programs and climate change coordination with the executive
560 office of energy and environmental affairs; provided further, that \$500,000 shall be allocated to
561 fund a regional hazard mitigation initiative for the towns of Cohasset, Hingham, Hull, and
562 Scituate, which shall include, but not be limited to, coordinating a prioritized regional hazard
563 mitigation plan to improve collective hazard planning, increasing public safety, and streamlining
564 emergency response.....\$6,500,000

565 SECTION 2B.

566 OFFICE OF THE TREASURER AND RECEIVER GENERAL

567 0620-1002. For the Clean Water Trust established in section 2 of chapter 29C of the
568 General Laws for deposit in the Water Pollution Abatement Revolving Fund established in
569 section 2L of chapter 29 of the General Laws for application by the trust to the purposes
570 specified in section 5 of said chapter 29C, any portion of which may be used as a matching grant
571 by the commonwealth to federal capitalization grants received under Title VI of the federal
572 Clean Water Act or for deposit in the Drinking Water Revolving Fund established in section

573 2QQ of said chapter 29 for application by the trust to the purposes specified in section 18 of said
574 chapter 29C, any portion of which may be used as a matching grant by the commonwealth to
575 federal capitalization grants received under the federal Safe Drinking Water
576 Act.....\$60,333,000

577 SECTION 2C.

578 EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

579 *Office of the Secretary*

580 2000-7064. For a program to be administered by the secretary of energy and
581 environmental affairs to acquire land for the purposes of open space, recreation and
582 conservation, to be protected pursuant to Article 97 of the Amendments to the Constitution,
583 which lands are located near or adjacent to the mean high water mark of coastal areas, on coastal
584 barrier beaches, or in coastal high risk flooding zones and which lands or structures thereon have
585 suffered or are projected to be subject to repeated damage from flooding, storm surges, wave
586 action, or erosion caused by ocean waves or waters, or are otherwise impacted or projected to be
587 impacted catastrophically by extreme weather events, astronomical high tides or elevated sea
588 levels related to climate change, and cause a substantial risk to public health, public safety or the
589 environment; provided that funds may be used to purchase adjoining coastal parcels next to such
590 acquired land or any other Article 97 coastal land to achieve the purposes of this item; provided
591 further, that grants may be made to cities and towns to acquire such coastal lands for the
592 purposes of this item, and may as a condition of any grant require the municipality to hold title to
593 the acquired land jointly with the commonwealth under the terms of the grant; and provided

594 further, that funds from this item shall not be used to compensate land owners for lands taken by
595 eminent domain..... \$20,000,000

596 2000-7077. For the acquisition, development, construction and improvement of parks
597 in urban and suburban neighborhoods currently underserved with parks that are accessible and
598 within a 10-minute walk, and which are consistent with attainment of environmental equity,
599 including community engagement and planning related to these parks; provided, that funds shall
600 be available for the completion of urban forestry and tree planting projects, assessment and
601 remediation of brownfield and grayfield sites intended for reuse as parks, drafting of
602 architectural renderings, construction documents and other technical documents necessary for
603 parks construction, acquisition of land or interests in land, including rail-banked corridors, for
604 the creation of parks pursuant to Article 97 of the Amendments to the Constitution of the
605 Commonwealth and for the construction, rehabilitation and improvement of parks including, but
606 not limited to, all related facilities, landscaping, monuments and features, parking areas and
607 roadways; provided, that the secretary of energy and environmental affairs may issue grants to
608 public and nonpublic entities to implement these projects; and provided further, that the secretary
609 may provide guidance for planning, prioritization, selection of parks to promote environmental
610 equity and in furtherance of the goals of climate change mitigation and adaptation and consistent
611 with the integrated state hazard mitigation and climate change adaptation plan; provided, that
612 \$3,750,000 shall be expended for improvements to pedestrian and vehicle access, including
613 safety improvements, to Forest Park and Blunt Park, and repairs to Forest Park due to erosion in
614 the city of Springfield; provided further, that \$2,500,000 shall be expended for improvements to
615 pedestrian and vehicle access, including safety improvements, to the access road in Blunt Park
616 between Roosevelt Avenue and Tapley Street in the city of Springfield; and provided further that

617 \$4,500,000 shall be expended for improvements to Camp STAR Angelina Administration
618 Lodge, Forest Park Comfort Shelter, and the Horticultural Training Center in Forest Park in the
619 city of Springfield.....\$57,750,000

620 2000-7078. For investment in trails to include planning, engineering, design,
621 permitting, construction, repair, technical assistance and improvement of trails and the
622 acquisition of property interests for trail purposes; provided, that funds may be granted at the
623 discretion of the secretary of energy and environmental affairs to public and non-public entities
624 including municipalities, regional planning agencies, and non-profit organizations, or expended
625 directly by the executive office of energy and environmental affairs and its departments and
626 division; provided further, that trails are to be broadly defined to include water, recreational,
627 multi-use, and motorized for use by recreational and snow vehicles, and may be paved,
628 improved, natural surface, or on-road for limited distances when necessary to make key
629 connections; provided further that any project funded under this item is to be open to the public;
630 provided further that wherever practicable property interests acquired are to be permanently
631 conserved such that the trail thereon is permanently accessible to the public, but may be long-
632 term leases where necessary to advance trail projects; provided further, that a match from the
633 funding recipient, which may include in-kind match, may be required at the discretion of the
634 secretary of energy and environmental affairs; provided further, that these funds shall
635 supplement, and not replace, the funds available through the federal Recreational Trails Program;
636 and provided further, that funds expended from this item for the cost of employees shall not
637 exceed 5 per cent of funds expended from this item in any fiscal year.....\$25,000,000

638 *Department of Conservation and Recreation*

639 2800-7023. For a forestry and tree planting program for projects throughout the
640 commonwealth, including, but not limited to, the evaluation and planning of forestry and tree
641 planting projects, tree stock and planting and the care and protection of trees and forests;
642 provided, that the secretary of energy and environmental affairs shall give priority to the planting
643 of trees in areas experiencing heat island effects, underserved with tree cover, affected by severe
644 weather events or insect infestation, in areas where aquifers, recharge areas, wells, reservoirs and
645 other water bodies are located that will improve and protect water quality as part of a natural
646 ecosystem, and in furtherance of environmental equity, climate change mitigation, adaptation
647 and resiliency strategies; provided, that the secretary may provide guidance for coordination
648 between municipal and utility stakeholders on incorporating utility gas leaks data into planning
649 for street tree planting projects and for testing street tree pits for methane before planting;
650 provided further, that funds from this item may be expended to provide technical assistance and
651 support to landowners to engage in sustainable forest management and long-term conservation
652 practices and to undertake projects and activities to protect the ecological integrity of the
653 commonwealth’s forestlands under the forest vision plan.....\$25,000,000

654 SECTION 2D.

655 MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

656 6121-1315. For the complete streets program established pursuant to chapter 90I of the
657 General Laws, as amended, for complete streets grants to municipalities; provided, that not less
658 than 33 per cent of the grants awarded shall be issued to cities and towns with a median
659 household income below the average of the commonwealth; provided further, that \$100,000 shall
660 be expended for drainage pipe improvements on Stoddard Place in the town of North Brookfield;

661 provided further, that no more than \$200,000 shall be expended for the repair and construction to
662 eliminate the excessive drainage where the Route 24 Northbound Exit 8a abuts the Fall River
663 Industrial Park in the city of Fall River; provided further, that not less than \$50,000 shall be
664 expended to improve pedestrian safety and access to local businesses along State Route
665 38/Mystic Avenue in the city of Medford; and provided further, that not less than \$100,000 shall
666 be expended to improve pedestrian safety and access to public transportation along State Route
667 38/Mystic Avenue in the city of Somerville.....\$50,450,000

668 SECTION 3. To meet the expenditures necessary in carrying out section 2, the state
669 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an
670 amount to be specified by the governor from time to time but not exceeding, in the aggregate,
671 \$1,411,846,000. All such bonds issued by the commonwealth shall be designated on their face,
672 Environmental Loan Act of 2018, and shall be issued for a maximum term of years, not
673 exceeding 20 years, as the governor may recommend to the general court under section 3 of
674 Article LXII of the Amendments to the Constitution. The bonds shall be payable not later than
675 June 30, 2043. All interest and payments on account of principal on these obligations shall be
676 payable from the General Fund. Bonds and interest thereon issued under this section shall,
677 notwithstanding any other provision of this act, be general obligations of the commonwealth.

678 SECTION 4. To meet the expenditures necessary in carrying out section 2A, the state
679 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an
680 amount to be specified by the governor from time to time but not exceeding, in the aggregate,
681 \$161,500,000. All such bonds issued by the commonwealth shall be designated on their face,
682 Climate Change Preparedness Loan Act of 2018, and shall be issued for a maximum term of
683 years, not exceeding 20 years, as the governor may recommend to the general court under

684 section 3 of Article LXII of the Amendments to the Constitution. The bonds shall be payable not
685 later than June 30, 2043. All interest and payments on account of principal on these obligations
686 shall be payable from the General Fund. Bonds and interest thereon issued under this section
687 shall, notwithstanding any other provision of this act, be general obligations of the
688 commonwealth.

689 SECTION 5. To meet the expenditures necessary in carrying out section 2B, the state
690 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an
691 amount to be specified by the governor from time to time but not exceeding, in the aggregate,
692 \$60,333,000. All such bonds issued by the commonwealth shall be designated on their face,
693 Clean Water Loan Act of 2018, and shall be issued for a maximum term of years, not exceeding
694 20 years, as the governor may recommend to the general court under section 3 of Article LXII of
695 the Amendments to the Constitution. The bonds shall be payable not later than June 30, 2043.
696 All interest and payments on account of principal on these obligations shall be payable from the
697 General Fund. Bonds and interest thereon issued under this section shall, notwithstanding any
698 other provision of this act, be general obligations of the commonwealth.

699 SECTION 6. To meet the expenditures necessary in carrying out section 2C, the state
700 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an
701 amount to be specified by the governor from time to time but not exceeding, in the aggregate,
702 \$127,750,000. All such bonds issued by the commonwealth shall be designated on their face,
703 Commonwealth 21st Century Parks and Trails Act of 2018, and shall be issued for a maximum
704 term of years, not exceeding 20 years, as the governor may recommend to the general court
705 under section 3 of Article LXII of the Amendments to the Constitution. The bonds shall be
706 payable not later than June 30, 2043. All interest and payments on account of principal on these

707 obligations shall be payable from the General Fund. Bonds and interest thereon issued under this
708 section shall, notwithstanding any other provision of this act, be general obligations of the
709 commonwealth.

710 SECTION 7. To meet the expenditures necessary in carrying out section 2D, the state
711 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an
712 amount to be specified by the governor from time to time but not exceeding, in the aggregate,
713 \$50,450,000. All such bonds issued by the commonwealth shall be designated on their face,
714 Complete Streets Grants Act of 2018, and shall be issued for a maximum term of years, not
715 exceeding 10 years, as the governor may recommend to the general court under section 3 of
716 Article LXII of the Amendments to the Constitution. The bonds shall be payable not later than
717 June 30, 2033. All interest and payments on account of principal on these obligations shall be
718 payable from the General Fund. Bonds and interest thereon issued under this section shall,
719 notwithstanding any other provision of this act, be general obligations of the commonwealth.

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

722 “Section 35EEE. (a) There shall be established upon the books of the commonwealth a
723 separate fund to be known as the Global Warming Solutions Trust Fund into which shall be
724 deposited any revenues or other financing sources directed to the fund by appropriation; bond
725 revenues or other monies authorized by the general court and specifically designated to be
726 credited to the fund; any income derived from the investment of amounts credited to the fund or
727 repayment of loans from the fund; funds from public or private sources, including, but not
728 limited to, gifts, federal or private grants, donations, rebates and settlements received by the

729 commonwealth that are specifically designated to be credited to the fund; and all other amounts
730 credited or transferred into the fund from any other source. The fund shall be administered by the
731 secretary of energy and environmental affairs.

732 (b) Amounts credited to the fund may be used, without further appropriation, to provide
733 grants or loans to governmental, quasi-governmental or non-profit entities for costs incurred in
734 relation to implementation of the Global Warming Solutions Act, chapter 298 of the acts of
735 2008, as subsequently amended; the Clean Energy and Climate Plan published by the executive
736 office of energy and environmental affairs, as subsequently amended; and other state and local
737 strategies for climate change mitigation and adaptation. Such expenditures may include, but are
738 not limited to, payment of costs associated with planning, monitoring, and managing carbon
739 reduction measures; development and deployment of mitigation strategies and best practices to
740 reduce carbon emissions; planning, monitoring and managing strategies to adapt to and prepare
741 for the impacts of climate change; priority adaptation projects with potential co-benefits for
742 climate change mitigation, environmental protection, public health, or other factors, as
743 determined by the secretary of energy and environmental affairs; and pilot projects for new
744 technologies or strategies to support carbon emission reductions. The amounts expended from
745 the fund during any fiscal year for the costs of employees shall not exceed 5 per cent of total
746 funds expended from the fund in that fiscal year. Monies deposited into the fund that are
747 unexpended at the end of the fiscal year shall not revert to the General Fund and shall be
748 available for expenditure in the subsequent fiscal year.

749 Section 35FFF. (a) There shall be established upon the books of the commonwealth a
750 separate fund to be known as the Boston Harbor Mitigation Trust Fund into which shall be
751 deposited mitigation funds received pursuant to licenses issued under chapter 91 which require

752 payment of such funds to enhance public access to the Boston Harbor waterfront or expand water
753 transportation to, from, or within Boston Harbor in order to mitigate for unavoidable interference
754 with certain water-related public rights caused by the licensed activities. The fund may also
755 accept private contributions, publicly or privately-funded grants or other funds appropriated by
756 the state or federal government, and funds paid to the commonwealth from any other source to
757 enhance public access to the Boston Harbor waterfront. The fund shall be administered by the
758 commissioner of environmental protection.

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

766 Section 35GGG. (a) There shall be established and set up on the books of the
767 commonwealth a separate fund to be known as the Transfer of Development Rights Revolving
768 Fund into which shall be deposited any revenues or other financing sources directed to the fund
769 by appropriation; bond revenues or other monies authorized by the general court and specifically
770 designated to be credited to the fund; any income derived from the investment of amounts
771 credited to the fund or repayment of loans from the fund; funds from public or private sources,
772 including, but not limited to, gifts, federal or private grants, donations, rebates and settlements
773 received by the commonwealth that are specifically designated to be credited to the fund; and all

774 other amounts credited or transferred into the fund from any other source. The fund shall be
775 administered by the secretary of energy and environmental affairs.

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

781 Section 35HHH. (a) There shall be established and set up on the books of the
782 commonwealth a separate fund to be known as the Fishing Innovation Fund, whose purpose shall
783 be to finance grants for permit banks, the design, construction and modification of commercial
784 fishing vessels; including but not limited to research, development and construction of
785 innovative fishing vessels with attributes including but not limited to increased fuel efficiency,
786 reduced carbon emissions, improved stability, and the capability of supporting sustainable
787 fishing practices through harvesting and on-board storage and processing methods, research,
788 development, acquisition and deployment of advanced or innovative technologies including but
789 not limited to sonar, radar, radio communications, satellite and global position and other locating
790 and tracking devices; the research and development, acquisition and deployment of safety
791 equipment and technologies provided, that any such grants may be conditioned on a vessel or
792 guarantor or other reasonable condition remaining active in commercial fishing in the
793 commonwealth, landing or processing fish in the commonwealth, or maintaining permits or
794 licenses to do so without regard or preference to any particular geographic location or region of
795 the commonwealth; provided that grants shall be distributed in a manner developed by the
796 advisory committee established under clause (b) of this section.

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

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

812 (b) There shall be an advisory committee to be appointed by the governor consisting of
813 13 members including the director of the division of marine fisheries who shall serve as chair; 2
814 of whom with academic or research experience in fishing and the marine economy and 10
815 members from geographically diverse regions of the commonwealth, with at least 1 from each of
816 these gear types: mobile gear such as trawls, hooks, gillnets, or traps.

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

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

822 Section 35III. There shall be established and set up on the books of the commonwealth a
823 separate fund to be known as the Agricultural Innovation Fund, whose purpose shall be to
824 finance grants for the commonwealth's agricultural and cranberry producers through the
825 Agricultural Innovation Center that may add value to the producers products and services;
826 provided further that the Agricultural Innovation Center shall develop an outreach program to
827 identify and foster new, innovative ideas and approaches to adding value to the commonwealth's
828 agricultural and cranberry economy; and provided further that the Agricultural Innovation Center
829 may solicit requests from the commonwealth's agricultural and cranberry industry for funding
830 and technical assistance in reclamation and revitalization of cranberry bogs; training, marketing,
831 distribution, applied research, agri-tourism, aquaculture, forestry, processing, fiber and
832 agricultural resource management research, development, poultry and red meat processing and
833 construction of energy efficient agricultural buildings and structures; research, development and
834 construction of energy efficient agricultural equipment; provided further that grants shall be
835 administered in a manner developed by the advisory committee established under clause (b) of
836 this section.

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

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

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

853 (b) There shall be an advisory committee to be appointed by the governor consisting of
854 13 members including the commissioner of the department of agricultural resources who shall
855 serve as chair; 2 of whom with academic or research experience in the agriculture and cranberry
856 economy and 10 members of geographically diverse regions of the commonwealth, with at least
857 1 from the following sectors: horticulture, cranberry growing, dairy farming, raising livestock, or
858 raising crops. The Agricultural Innovation Center shall consult with the advisory committee in
859 matters related to the fund and in the implementation of this section.

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

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

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

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

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

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

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

881 “A person notified to appear before the clerk of a district court, as provided in said
882 section 10G, for any violation of sections 17A, 18, 19, 30, 31, 33, 34, 35, 36, 51, 51A, 66, 69, 70,
883 71, 72, 100C or 102 of chapter 130 may so appear within the time specified and pay a fine of
884 \$100.

885 A person notified to appear before the clerk of a district court, as provided in said section
886 10G, for any violation of sections 13, 17, 21, 29, 37, 38, 38A, 39, 40, 41, 41A, 44, 44A, 44B, 47,
887 49, 80, 81, 82, 92, 100A, 100B or 106 of chapter 130 may so appear within the time specified
888 and pay a fine of \$200.

889 A person notified to appear before the clerk of a district court, as provided in said section
890 10G, for any violation of sections 23, 25, 67, 68, 75, 95 or 100D of chapter 130 may so appear
891 within the time specified and pay a fine of \$400.

892 A person notified to appear before the clerk of a district court, as provided in said section
893 10G, for any violation of sections 17, 17A, 34, 35, 37, 40, 41, 41A, 44, 44A, 44B, 95, 100A,
894 100B or 100C of chapter 130 may so appear within the time specified and pay, in addition to the
895 applicable base fine specified in this section for a violation of any of the sections listed above, a
896 supplemental fine of \$10 per fish for a violation of each said section. For the purpose of this
897 paragraph, the term “fish” shall be defined as provided in section 1 of chapter 130, except that it
898 shall not include bi-valve shellfish.”.

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

901 “Section 27. (a) There shall be established within the executive office of energy and
902 environmental affairs a program to facilitate the transfer of development rights, as defined in

903 section 1A of chapter 40A, through municipal ordinances or bylaws as a way to protect
904 conservation values and encourage development through market incentives. The secretary, in
905 consultation with the secretary of housing and economic development and other agencies or
906 offices as appropriate, shall manage and oversee the program, including the administration of the
907 Transfer of Development Rights Revolving Fund established in section 35GGG of chapter 10.
908 The secretary may promulgate regulations to carry out the provisions of this section.

909 (b) To be eligible for a loan from the Transfer of Development Rights Revolving Fund, a
910 municipality shall—

911 (1) establish a municipal transfer of development rights revolving fund under section
912 53E½ of chapter 44 to be used in connection with the purchase and sale of transferable
913 development rights, as defined in section 1A of chapter 40A; and

914 (2) enact a transfer of development rights zoning bylaw or ordinance approved by the
915 secretary, in consultation with the secretary of housing and economic development and other
916 agencies or offices as appropriate, that, at a minimum—

917 (i) enables the acquisition, retention, and disposition of transferable development rights;

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

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

934 (iv) provides reasonable assurance that areas designated for receipt of transferred
935 development rights are properly sized based on the potential increase in growth that may result
936 from the transfers to them, and that they are appropriate for additional growth based on their
937 location, availability of infrastructure or planned infrastructure development, and access to
938 municipal services; and

939 (v) establishes a procedure for the planning board to issue development rights certificates,
940 in a form specified by the secretary, indicating ownership of transferable development rights, and
941 to provide for and document the creation, acquisition, disposition, exercise and redemption of
942 transferable development rights, including procedures for the filing of development rights
943 certificates with the municipal clerk and recording with the registry of deeds or registration in the
944 registry district, as applicable, for both the land from which development rights are extinguished
945 and the land to which such rights are transferred; procedures for documenting the recording or

946 registration of the original restriction or restrictive covenant as required in clause (iii); and
947 procedures, including limitations if any, for the exercise of transferable development rights in the
948 event of subsequent amendments to zoning ordinances and bylaws affecting the development
949 authorized by the transferable development right.

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

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

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

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

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

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

967 remedies specified under any loan agreement, if any municipality shall fail to pay to the
968 Transferable Development Rights Revolving Fund when due and after demand any principal,
969 interest or other charges payable under a loan or loan agreement, the secretary may certify to the
970 state treasurer the amount owing to the Transferable Development Rights Revolving Fund by
971 said municipality, and may request that the state treasurer reduce annual local aid to the recipient
972 by the amount necessary to repay the principal, interest or other charges in arrears over 10 years.
973 The state treasurer shall promptly pay over to the secretary for deposit in the Transferable
974 Development Rights Fund without further appropriation any local aid distributions in the
975 amounts requested by the secretary and otherwise certified to the state treasurer as payable to the
976 municipality. The loan terms set forth in this subsection may be modified by regulations
977 promulgated by the secretary; provided, however, that no such modification shall be made before
978 January 1, 2022.

979 Section 28. The Environmental Justice Act.

980 (a) As used in this section, the following words shall, unless the context clearly indicates
981 otherwise, have the following meanings:-

982 ‘Department’, the department of environmental protection.

983 ‘Environmental justice’, the right to be protected from environmental pollution and to
984 live in and enjoy a clean and healthful environment regardless of race, income, national origin, or
985 English language proficiency. Environmental justice shall include the equal protection and
986 meaningful involvement of all people with respect to the development, implementation, and
987 enforcement of environmental laws, regulations, and policies and the equitable distribution of
988 environmental benefits.

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

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

999 'Equal protection', that no group of people, because of race, ethnicity, class, gender, or
1000 handicap bears an unfair share of environmental pollution from industrial, commercial, state and
1001 municipal operations or have limited access to natural resources, including waterfronts, parks
1002 and open space, and water resources.

1003 'Lacking English language proficiency', refers to households that, according to federal
1004 census forms, do not have an adult proficient in English.

1005 'MEPA', the Massachusetts Environmental Policy Act, sections 61 through 62H of
1006 chapter 30 of the General Laws.

1007 'Neighborhood', a census block group as defined by the United States Census Bureau but
1008 not including people who live in college dormitories or people under formally authorized,
1009 supervised care or custody such as federal or state prisons.

1010 ‘Secretariats’, the executive offices of the commonwealth and their secretaries, including
1011 the executive offices and secretaries of energy and environmental affairs, health and human
1012 services, and department of transportation.

1013 ‘Supplemental environmental project’ or ‘SEP’, environmentally beneficial projects, the
1014 implementation of which primarily benefits public health, safety and welfare, and the
1015 environment.

1016 ‘Toxics Release Inventory’ or ‘TRI’, the Toxics Release Inventory and Toxics Release
1017 Inventory Program of the United States Environmental Protection Agency.

1018 ‘TRI Facility’, any industrial or commercial facility subject to the regulations, policies, or
1019 reporting requirements of the Toxics Release Inventory Program of the United States
1020 Environmental Protection Agency or comparable laws or regulations of the commonwealth for
1021 the management and control of pollutants or toxins that pose a significant risk to public health or
1022 the environment.

1023 (b) There shall be an environmental justice advisory council (in this section referred to as
1024 the ‘advisory council’). The advisory council shall provide independent advice and
1025 recommendations to the governor, the secretary, and other secretariats about issues related to
1026 environmental justice and on policies and practices and specific actions that the commonwealth
1027 should implement to ensure that the objectives of this act are accomplished.

1028 The advisory council shall consist of at least 9, but not more than 15 members, including
1029 a chair designated by the council members and approved by the governor. No less than 2
1030 members shall be appointed by the senate president and no less than 2 members by the speaker
1031 of the house of representatives. The governor shall appoint the remaining members.

1032 The advisory council members shall be environmental justice stakeholders, including
1033 scientific, or other, experts in environmental or public health matters holding academic position
1034 in colleges, universities or other research institutions and who work regularly in, or conduct
1035 substantial research regarding environmental justice concerns; representatives of the
1036 environmental nonprofit sector; representatives of conservation commissions or boards of health;
1037 and residents or elected officials of environmental justice population neighborhoods. No fewer
1038 than 4 of the members appointed to the advisory council shall be residents of environmental
1039 justice population neighborhoods within the commonwealth.

1040 A majority of the serving members of the advisory council shall be deemed a quorum.
1041 The advisory council shall establish such rules for conducting its activities and may amend such
1042 rules as it deems reasonable, subject to the governor's approval and consistent with the
1043 provisions and purposes of this act.

1044 The advisory council shall meet at such times and places as determined by the advisory
1045 council and its chair and shall submit an initial report to the governor within 6 months following
1046 the appointment of the advisory council's members. Thereafter the advisory council shall meet at
1047 least semi-annually and submit to the governor no less than 1 supplemental report that provides
1048 advice and recommendations per year.

1049 The advisory council may hold public meetings, at its discretion or at the request of the
1050 governor or the secretary, for the purpose of fact-finding, receiving public comments, or
1051 conducting inquiries concerning environmental justice. The advisory council shall prepare for
1052 public review and include in its reports a summary of the comments and recommendations made
1053 at the public meetings.

1054 The governor shall provide the advisory council with staffing and administrative support
1055 sufficient to accomplish the goals set out in this section.

1056 (c) The department shall develop and implement a strategy prioritizing enforcement in
1057 neighborhoods with environmental justice populations. At the end of each calendar year, the
1058 department shall compile a report detailing the number and types of enforcement actions in
1059 neighborhoods with environmental justice populations.

1060 The strategy shall also address ensuring equal compliance and enforcement for facilities
1061 subject to environmental regulatory programs or permitting requirements and located in or near
1062 environmental justice population neighborhoods; establishing a process for reviewing which
1063 MEPA thresholds apply for enhanced public participation and substantive review; ensuring
1064 brownfield remediation in or near environmental justice population neighborhoods; and creating
1065 an online environmental justice repository of information about the commonwealth's
1066 environmental justice initiatives, available to the general public upon request.

1067 (d) The department shall establish and maintain a Supplemental Environmental Project
1068 bank. Such bank shall maintain an inventory of environmentally beneficial projects in
1069 communities with environmental justice populations that may be funded by violators in lieu of
1070 paying penalties associated with the settlement of enforcement actions. SEPs shall conform to
1071 the department's policy on Supplemental Environmental Projects, ENF-07.001, as amended. The
1072 department shall establish and maintain a website portal where the public and potential SEP
1073 recipients may submit potential SEP projects to be considered for future settlements.

1074 (e) The secretary shall, in consultation with the other secretariats and no less often than
1075 every 5 years, publish a progress report on environmental justice, incorporating the

1076 recommendations of the advisory council as appropriate, incorporating enforcement and SEP
1077 activities undertaken, reporting metrics on reduction of pollution in neighborhoods with
1078 environmental justice populations, and outlining further policy actions. The report shall be filed
1079 with the clerk of the house or representatives, the clerk of the senate, the chairs of the joint
1080 committee on environment, natural resources and agriculture, the chairs of the joint committee
1081 on public health, and the chairs of the joint committee of telecommunications, utilities, and
1082 energy.

1083 (f) The department shall work with the department of public health, and using the best
1084 available science, establish health risk assessment guidelines and develop a mapping tool,
1085 accessible by the public that helps identify communities most affected by sources of pollution.
1086 The tool should employ environmental, health, and socioeconomic information to produce scores
1087 for every census tract in the commonwealth. The department of public health shall prioritize the
1088 census tracts with the highest scores for health studies and developing strategies for reducing
1089 public health threats.

1090 (g) The secretary shall direct each department, board, or other agency or program with
1091 jurisdiction over the permitting of any TRI facility to issue recommendations for ways to
1092 substantially decrease the further siting or expansion of TRI facilities within environmental
1093 justice population neighborhoods.

1094 By no later than 180 days after the effective date of this act, the secretary shall initiate a
1095 rule-making process that shall establish a cap on the total number of TRI facilities that may be
1096 sited or expanded within any environmental justice population neighborhood. That rule-making
1097 process shall prioritize and give substantial weight to achieving a substantial reduction of the risk

1098 of the exposure of residents of the neighborhood to toxins listed in the TRI Inventory and shall
1099 prioritize and give substantial weight to providing and preserving the access of the residents of
1100 the neighborhood to a clean and healthful environment regardless of race, income, national
1101 origin or English language proficiency.

1102 (h) The secretary shall appoint a director of environmental justice for the secretariats. The
1103 director of environmental justice shall have such duties and authority as the secretary deems
1104 reasonable to ensure that the purposes of this act are carried out. The director shall liaise with the
1105 advisory council and other secretariats and may have any other duties that the secretary deems
1106 necessary to secure environmental justice. The secretary shall not permit the position of director
1107 of environmental justice to be vacant for more than 60 days.

1108 All secretariats shall designate an environmental justice coordinator. The environmental
1109 justice coordinator shall be the main point of contact regarding environmental justice matters
1110 within that secretariat, shall liaise with the director of environmental justice, and shall be
1111 responsible for developing and implementing the environmental justice policy or strategy of that
1112 Secretariat, as created pursuant to this Act or any other law, regulation, or order.

1113 (i) Except as otherwise provided for in this section, each secretariat shall develop a policy
1114 or strategy to promote environmental justice that are tailored to the specific authority, mission,
1115 and programs under their jurisdiction. Secretariat strategies shall include— (1) the identification
1116 of permitting or other regulatory authority governing development projects, brownfield
1117 remediation, industrial operations, and commercial facilities, which may impact environmental
1118 justice populations; and the description of protections for environmental justice populations in
1119 the review process; (2) the identification of economic development opportunities, environmental

1120 benefits, and other discretionary funding programs that do, or appropriately should, consider the
1121 needs of an environmental justice population in the award process; and (3) an enhanced public
1122 participation plan for environmental justice populations potentially affected by development
1123 projects, brownfield remediation, industrial operations, and commercial facilities that focuses
1124 secretariat resources on outreach activities that enhance public participation opportunities in
1125 environmental justice populations, including a plan for communicating in multiple languages and
1126 scheduling public meetings at locations and times convenient for neighborhood stakeholders. In
1127 determining whether a program protects or considers the needs of an environmental justice
1128 population, the policy or strategy may use an existing definition of ‘protected population’ or
1129 ‘priority population’ that varies from the definition under this section; provided that the intent of
1130 this section is substantially met by such definition. Secretariat policies or strategies shall be
1131 reviewed every 5 years, and updated as needed.

1132 (j) There shall be an interagency environmental justice working group that shall
1133 maximize state resources, research, and technical assistance to further the purposes of this
1134 section and of environmental justice in the commonwealth. Said working group shall consist of
1135 environmental justice coordinators, which serve as representatives of their respective secretariats
1136 to the interagency environmental justice working group.

1137 The director of environmental justice of the executive office of energy and environmental
1138 affairs shall convene meetings of the interagency environmental justice working group and serve
1139 as chair. Said working group shall hold at least 1 meeting per year.”.

1140 SECTION 15. Section 1 of chapter 21N of the General Laws, as appearing in the 2016
1141 Official Edition, is hereby amended by inserting after the first paragraph the following
1142 definition:-

1143 “‘Adaptation’, adjustments in natural or human systems in response to actual or expected
1144 climatic stimuli and associated impacts, including but not limited to changes in processes,
1145 practices, and built and natural structures to increase resiliency, moderate potential damages, or
1146 benefit from opportunities associated with climate change.’”.

1147 SECTION 16. Said section 1 of said chapter 21N, as so appearing, is hereby further
1148 amended by inserting after the definition of “Greenhouse gas emissions source” the following
1149 definition:-

1150 “‘Hazard mitigation’, actions that reduce or eliminate long-term risks caused by natural
1151 or man-made disasters.’”.

1152 SECTION 17. Said section 1 of said chapter 21N, as so appearing, is hereby further
1153 amended by inserting after the definition of “Market-based compliance mechanism” the
1154 following definition:-

1155 “‘Nature-Based Solutions’, strategies that conserve, create, restore and employ natural
1156 resources to enhance climate adaptation, resilience, and mitigation. Nature-based solutions
1157 mimic natural processes or work in tandem with man-made engineering approaches to address
1158 natural hazards like flooding, erosion, drought, and heat islands. Nature-based solutions can also
1159 maintain healthy natural cycles to sequester and maintain carbon and other greenhouse gases.’”.

1160 SECTION 18. Said section 1 of said chapter 21N, as so appearing, is hereby further
1161 amended by inserting after the definition of “Secretary” the following definition:-

1162 “‘State plan’, the integrated state climate adaptation and hazard mitigation plan which
1163 shall include the state hazard mitigation plan, required by the Robert T. Stafford Disaster Relief
1164 and Emergency Assistance Act, Public Law 93-288; 42 U.S.C. § 5121 et seq., and any
1165 subsequent revisions of the plan developed pursuant to this chapter.”.

1166 SECTION 19. Said section 1 of said chapter 21N, as so appearing, is hereby further
1167 amended by adding the following definition:-

1168 “‘Vulnerability assessment’, an evaluation of degree of susceptibility to, or ability to cope
1169 with, adverse effects of climate change, such as climate variability and extremes, including an
1170 evaluation of adaptive capacity and subsequent adaptation strategies and options for the asset,
1171 system, institution or other subject being assessed.”.

1172 SECTION 20. Said chapter 21N is hereby amended by adding the following 2 sections:-

1173 “Section 10. (a) The secretary and the secretary of the executive office of public safety
1174 and security shall coordinate efforts across the commonwealth to strengthen the resilience of our
1175 communities, prepare for the impacts of climate change, and prepare for and mitigate damage
1176 from extreme weather events. In order to facilitate this coordination, the secretaries shall publish,
1177 every 5 years, a state plan that includes a statewide adaptation strategy incorporating (1) a
1178 vulnerability assessment of populations subject to environmental justice protections, as described
1179 in section 28 of chapter 21A of the General Laws. Such assessment shall evaluate the risk to
1180 those populations of the impacts of climate change including excessive heat, stronger storms and
1181 associated flooding, and accelerated sea-level rise; (2) observed and projected climate trends

1182 based on the best available data, including but not limited to, extreme weather events, drought,
1183 coastal and inland flooding, sea level rise and increased storm surge, wildfire, and extreme
1184 temperatures; (3) risk analysis and vulnerability assessment of key physical assets and functions
1185 of state government, natural resources, local economies, municipalities, and the built
1186 environment, to identify impacts and opportunities from climate change; provided, however this
1187 analysis and assessment shall include key findings from vulnerability assessments conducted
1188 pursuant to subsection (b); (4) an evaluation of the commonwealth's adaptive capacity to
1189 respond and make adjustments to adapt to climate change impacts and opportunities; (5)
1190 guidance and strategies for state agencies and authorities, municipalities and regional planning
1191 agencies to proactively address these impacts through adaptation and resiliency measures,
1192 including guidance regarding changes to plans, by-laws, regulations, and policies; (6) clear goals,
1193 expected outcomes, and a path to achieving results; (7) approaches for the commonwealth to lead
1194 by example to increase the resiliency of state government operations; (8) policies and strategies
1195 for ensuring that adaptation and resiliency efforts complement and do not conflict with efforts to
1196 reduce greenhouse gas emissions and contribute to meeting statewide emission limits,
1197 established pursuant to this chapter; and (9) strategies that conserve and sustainably employ the
1198 natural resources of the commonwealth to enhance climate adaptation, build resilience and
1199 mitigate climate change.

1200 (b) The secretary and the secretary of the executive office of public safety and security
1201 shall further (1) establish and maintain a framework for each executive office, established under
1202 section 2 of chapter 6A, to complete a vulnerability assessment for such office and each agency
1203 under the jurisdiction of such office to be incorporated continuously into the state plan; (2)
1204 establish and maintain a framework enabling each municipality in the commonwealth that so

1205 chooses to complete a vulnerability assessment that can be incorporated continuously into the
1206 state plan; (3) continuously implement the state plan; and (4) incorporate information learned
1207 from implementing the state plan in plan updates, including the experiences of executive offices,
1208 agencies, and municipalities in assessing and responding to climate change vulnerability.

1209 (c) The secretary of each executive office established under section 2 of chapter 6A shall
1210 designate an employee to serve as the climate change coordinator of such office. Each climate
1211 change coordinator shall (1) serve as such office's principal liaison regarding climate change
1212 mitigation, adaptation, and resiliency efforts; (2) assist in the development and implementation
1213 of the state plan under the leadership of personnel from the executive office of energy and
1214 environmental affairs and the executive office of public safety and security; (3) work with
1215 agencies under the jurisdiction of such office to complete vulnerability assessments for each
1216 agency and assist in incorporating these assessments into the state plan, on a schedule
1217 determined by the executive office of energy and environmental affairs and the executive office
1218 of public safety and security; (4) complete vulnerability assessments for such office, informed by
1219 the vulnerability assessments of each agency under the jurisdiction of such office and assist in
1220 incorporating these assessments into the state plan, on a schedule determined by the executive
1221 office of energy and environmental affairs and the executive office of public safety and security;
1222 and (5) continuously implement priority strategies and recommendations from the vulnerability
1223 assessment, to moderate risk from climate change.

1224 Section 11. (a) The secretary shall develop and support a municipal vulnerability
1225 preparedness grant program. The program shall consist of (1) financial assistance to
1226 municipalities to complete a community-led resilience building process and vulnerability
1227 assessment that enables climate change information and adaptation actions to be directly

1228 incorporated into existing municipal plans, policies, and spending programs; (2) technical
1229 planning guidance to increase resilience in municipalities through climate vulnerability
1230 assessments; (3) a statewide catalogue of municipal climate vulnerabilities and impacts identified
1231 through the assessment process that may be incorporated into the state plan; and (4) support for
1232 implementation projects to address vulnerabilities identified through the planning process; and
1233 (5) provide technical assistance to help communities identify, prioritize, and optimize solutions,
1234 including, but not limited to, nature-based solutions.

1235 (b) A grant of financial assistance issued under this section shall be used to advance
1236 efforts to adapt land use, zoning, infrastructure, financial decision-making, policies and programs
1237 to reduce the vulnerability of the built and natural environment to changing environmental
1238 conditions that are a result of climate change.

1239 (c) The secretary shall develop and implement an outreach and education program about
1240 climate change and its effects for low-income, environmental justice and urban communities to
1241 increase participation in the grant program established in this section.”.

1242 SECTION 21. Section 21 of chapter 25 of the General Laws, as so appearing, is hereby
1243 amended by striking out in lines 4, 14, 19, 24, and 101, the word “reduction,” and inserting in
1244 place thereof, in each instance, the following word:- “management”.

1245 SECTION 22. Subsection (b)(1) of said section 21 of said chapter 25, as so appearing, is
1246 hereby further amended by—

1247 (a) striking out, in line 11, the word “electric” and inserting in place thereof the following
1248 word:- “energy”; and

1249 (b) adding the following sentence:- “Notwithstanding any other provision in this section,
1250 an electric distribution company or municipal aggregator may not provide natural gas efficiency
1251 services.”.

1252 SECTION 23. Said section 21 of said chapter 25, as so appearing, is hereby further
1253 amended by inserting after the words “management programs,” in line 34, the following words:-
1254 “including energy storage and other active demand management technologies, and strategic
1255 electrification, such as measures that are designed to result in cost-effective reductions in
1256 greenhouse gas emissions through the use of expanded electricity consumption while minimizing
1257 ratepayer costs;”.

1258 SECTION 24. Said section 21 of said chapter 25, as so appearing, is hereby further
1259 amended by striking out, in line 51, the word “and”.

1260 SECTION 25. Said section 21 of said chapter 25, as so appearing, is hereby further
1261 amended by inserting after the word “management,” in line 52, the following words:- “; and (J)
1262 programs that result in customers switching to renewable energy sources.”.

1263 SECTION 26. Chapter 29 of the General Laws, as appearing in the 2014 Official Edition,
1264 is hereby amended by striking out section 2III and inserting in place thereof the following
1265 section:-

1266 “Section 2III. There shall be established and set upon the books of the commonwealth a
1267 separate fund to be known as the Agricultural Resolve and Security Fund, the funds of which
1268 shall be expended to foster agriculture, as defined in section 1A of chapter 128, in the
1269 commonwealth including, but not limited to, agricultural education, support for sustainable
1270 agriculture and pollution prevention, agricultural integrated pest management programs,

1271 agricultural land preservation, control of animal diseases, emergency preparedness, agricultural
1272 innovation, the agricultural food safety improvement program, the farm viability enhancement
1273 program and the urban agriculture program.

1274 The Agricultural Reserve and Security Fund may receive monies from (1) gifts, grants
1275 and donations from public or private sources; (2) federal reimbursements and grants-in-aid; (3)
1276 revenues retained equal to 10 per cent, but not exceeding \$400,000, of annual pesticide product
1277 registration fees collected pursuant to section 7 of chapter 132B; and (4) any interest earned from
1278 the fund. The state treasurer shall receive, deposit and invest funds held in such a manner as to
1279 ensure the highest interest rate available consistent with the safety of the fund. The books and
1280 records of the fund shall be subject to an annual audit by the state auditor. The department may
1281 expend such funds and no expenditure from the fund shall cause it to be in deficiency at the close
1282 of a fiscal year. The commissioner of the department of agricultural resources shall report
1283 annually to the house and senate committees on ways and means and the joint committee on
1284 environment, natural resources and agriculture on income received into the fund and sources of
1285 that income, any expenditure from the fund and their purposes and fund balances. Monies
1286 deposited in the fund that are unexpended at the end of the fiscal year shall not revert to the
1287 General Fund and shall be available for expenditure in the subsequent year and shall not be
1288 subject to section 5C of chapter 29.”.

1289 SECTION 27. Chapter 29 of the General Laws, as so appearing, is hereby amended by
1290 inserting after section 2VVVV the following section:-

1291 “Section 2WWWW. (a) There shall be a fund to be known as the Massachusetts Healthy
1292 Soils Program Fund. The fund shall be administered by the department of agricultural resources.

1293 Notwithstanding any general or special law to the contrary, there shall be credited to the fund
1294 any revenue from appropriations or other money authorized by the general court and specifically
1295 designated to be credited to the fund and any gifts, grants, private contributions or investment
1296 income earned by the fund's assets and all other sources. No expenditure from the fund shall
1297 cause the fund to be in deficiency at the close of the fiscal year. Money in the fund at the end of
1298 the fiscal year shall not revert to the General Fund and shall be available for expenditure in the
1299 subsequent year and shall not be subject to section 5C of chapter 29.

1300 (b) Funds shall be expended to enhance the education, training, employment, income,
1301 productivity and retention of those working or aspiring to work in the field of regenerative
1302 agriculture, and in providing incentives for regenerative agriculture in the commonwealth. The
1303 department of agricultural resources, in consultation with the department of environmental
1304 protection and the commission for conservation of soil, water and related resources, shall
1305 establish, develop and implement the Massachusetts Healthy Soils Program in furtherance of this
1306 purpose. Amounts credited to the fund shall be used, without further appropriation, for the costs
1307 associated with administering and implementing the program and may also be used to provide
1308 grants or loans on a competitive basis to public, private and charitable entities to finance projects
1309 in furtherance of the Massachusetts Healthy Soils Program. Expenditures from the fund for this
1310 purpose shall complement and not replace existing local, state, private or federal funding for
1311 related training and educational programs.”.

1312 SECTION 28. Section 62B of chapter 30 of the General Laws is hereby amended by
1313 striking the first sentence of the third paragraph and inserting, in place thereof, the following
1314 sentence:-

1315 “An environmental impact report shall contain statements describing the nature and
1316 extent of the proposed project; potential environmental impacts and public health impacts
1317 resulting from the construction and operation of the proposed project; proposed studies or
1318 program of studies designed to evaluate potential environmental impacts and public health
1319 consequences that cannot be avoided should the project be undertaken; and reasonable
1320 alternatives to the proposed project and their environmental consequences and public health
1321 consequences that cannot be avoided should the project be undertaken; and reasonable
1322 alternatives to the proposed project and their environmental consequences and public health
1323 consequences.”.

1324 SECTION 29. Section 62C of chapter 30 of the General Laws is hereby amended by
1325 inserting, after the second paragraph, the following paragraph:-

1326 “To enable the public to participate in decisions that affect their health and safety and the
1327 environment, the executive office shall maximize opportunities for public involvement. Such
1328 opportunities shall encourage consultation with the public early in the application processes to
1329 foster a robust analysis and the active involvement of the interested or affected persons. In cases
1330 where the proposed project has the potential to impact a neighborhood with an environmental
1331 justice population lacking English language proficiency, said environmental impact report shall
1332 be in English and in any other language spoken by the environmental justice population,
1333 describing the proposed facility and its location, the range of potential environmental and health
1334 impacts of each pollutant, the application and review process, and a contact person, with phone
1335 number and address, from whom information will be available as the application proceeds.”.

1336 SECTION 30. Section 62E of chapter 30 of the General Laws is hereby amended by
1337 inserting, after the first paragraph, the following paragraph:-

1338 “However, no agency shall exempt any project located in an environmental justice
1339 population neighborhood and reasonably likely to cause damage to the environment as described
1340 in section 61, from the provisions of sections 62 to 62H inclusive. This paragraph shall not apply
1341 to emergency actions essential to avoid or eliminate a threat to public health or safety, or a threat
1342 to any natural resources, undertaken in compliance with section 62F.”.

1343 SECTION 31. Section 1A of chapter 40A of the General Laws, as so appearing, is hereby
1344 amended by inserting after the definition of “Special permit granting authority” the following 2
1345 definitions:-

1346 “‘TDR zoning’, zoning that authorizes transfer of development rights by permitting
1347 landowners in specific preservation areas identified as sending areas to sell their development
1348 rights to landowners in specific development districts identified as receiving areas.

1349 ‘Transfer of development rights’, the regulatory procedure whereby the owner of a parcel
1350 may convey development rights, extinguishing those rights on the first parcel, and where the
1351 owner of another parcel may obtain and exercise those rights in addition to the development
1352 rights already existing on that second parcel.”.

1353 SECTION 32. Section 9 of said chapter 40A, as so appearing, is hereby amended by
1354 inserting after the word “interests,” in line 34, the following words:- “; provided however, that
1355 nothing herein shall prohibit a zoning ordinance or by-law from allowing transfer of
1356 development rights to be permitted as of right, without the need for a special permit or other
1357 discretionary zoning approval.”.

1358 SECTION 33. Section 6F of chapter 62 of the General Laws, as appearing in the 2016
1359 Official Edition, is hereby amended by inserting after the word “under,” in line 52, the following
1360 words:- “subsections (a) or (c) of”.

1361 SECTION 34. Section 5 of chapter 65C, as so appearing, is hereby amended by striking
1362 out subsection (c) and inserting in place thereof the following subsections:-

1363 “(c) If the gross estate of a decedent, dying on or before December 31, 2018, includes
1364 real property devoted to use as a farm for farming purposes, the estate may elect to value such
1365 property in accordance with section 2032A of the Code, in effect on January 1, 1985. If a federal
1366 return is required to be filed, such election shall be consistent with the election made for federal
1367 estate tax purposes. All the substantive and procedural provisions of said section 2032A shall,
1368 insofar as pertinent and consistent, apply to such election. The commissioner shall promulgate
1369 regulations to carry out the provisions of this subsection.

1370 (d)(1) As used in this subsection, the following words shall have the following
1371 meanings:-

1372 ‘Applicable date’, the date upon which the 10 year period that the estate shall be liable
1373 for assessment under paragraph (4) of this subsection begins. For qualifying agricultural land and
1374 associated land, the applicable date shall be the date of death of the decedent. For qualifying non-
1375 committed land, the applicable date shall be 2 years from the date of death of the decedent.

1376 ‘Associated land’, land under the same ownership as and contiguous to qualifying
1377 agricultural land and which, as of the date of death of the decedent, is not committed to
1378 residential, industrial or commercial use. Land shall be deemed contiguous if it is separated from
1379 other land under the same ownership only by a public or private way or waterway. Land under

1380 the same ownership shall be deemed contiguous if it is connected to other land under the same
1381 ownership by an easement for water supply. Any such land in excess of 100 per cent of the
1382 acreage of qualifying agricultural land shall be deemed qualifying non-committed land.

1383 'Closely held agricultural land', qualifying agricultural land, associated land and
1384 qualifying non-committed land for which an election is made under this subsection.

1385 'Qualifying agricultural land', land which meets the definition of forest land under
1386 chapter 61, land actively devoted to agricultural, horticultural or agricultural and horticultural
1387 uses under chapter 61A or recreational land under chapter 61B that is also used for farming or
1388 agriculture, as defined in section 1A of chapter 128, and has been devoted to such use or uses for
1389 at least 2 of the tax years immediately preceding the death of the decedent; provided, however,
1390 that the land need not be classified by municipal assessors as forest land under chapter 61, land
1391 actively devoted to agricultural, horticultural or agricultural and horticultural uses under chapter
1392 61A or recreational land under chapter 61B to qualify for valuation as closely held agricultural
1393 land under this subsection.

1394 'Qualifying non-committed land', land which is not qualifying agricultural land and is
1395 not committed to residential, industrial or commercial use, including associated land in excess of
1396 100 per cent of the acreage of qualifying agricultural land.

1397 'Savings', the difference between the estate taxes paid as a result of an election made
1398 under this subsection and the estate taxes that would have otherwise been paid had the election
1399 not been made.

1400 (2) If the gross estate of a decedent, dying on or after January 1, 2019, includes real
1401 property that is qualifying agricultural land, associated land or qualifying non-committed land,

1402 the estate may elect to value such property, or any portion thereof, as closely held agricultural
1403 land pursuant to the valuation set by the farmland valuation advisory commission established
1404 pursuant to section 11 of chapter 61A for the fiscal year of the most recent growing season. The
1405 value of closely held agricultural land as determined pursuant to such election shall only be for
1406 the purposes of computing the tax due under this chapter. Such election shall be subject to the
1407 provisions of paragraphs (3) through (6), inclusive, of this subsection.

1408 (3) Unless the property is restricted by a non-development covenant that (i) is approved
1409 by the commissioner of agriculture, (ii) is for the purposes of maintaining the land in agricultural
1410 use, (iii) precludes non-agricultural development of the land, (iv) is recorded at the registry of
1411 deeds in the counties or districts in which the property is located and (v) does not expire within
1412 10 years of the applicable date, the commissioner shall forthwith cause to be recorded in the
1413 registry of deeds of the counties or districts in which the property is situated a statement which
1414 shall constitute a lien upon the land covered by election under this subsection. The statement
1415 shall include the owner or owners of record, the savings as a result of such election, the fair
1416 market value of the property and a description of the land adequate for identification. Unless
1417 such a statement is recorded the lien shall not be effective with respect to a bona fide purchaser
1418 or other transferee without actual knowledge of such lien. Upon application by any record owner,
1419 such liens shall be released by the commissioner with respect to any property upon the facts
1420 being established by their records or by affidavits or otherwise that all assessments have been
1421 paid, or it being more than 10 years past the applicable date, no assessment being due. All
1422 recording fees paid under this subsection whether for statements of liens, certificates, releases, or
1423 otherwise shall be borne by the owner of record of the land.

1424 Property restricted by an agricultural preservation restriction as defined by section 31 of
1425 chapter 184 and signed by the commissioner of agriculture shall be deemed to be restricted by a
1426 non-development covenant that (i) is approved by the commissioner of agriculture, (ii) is for the
1427 purposes of maintaining the land in agricultural use, (iii) precludes non-agricultural development
1428 of the land, (iv) is recorded at the registry of deeds in the counties or districts in which the
1429 property is located and (v) does not expire within 10 years of the applicable date.

1430 (4)(i) When land valued as closely held agricultural land under this subsection, within a
1431 period of 10 years from the applicable date, is sold for other use or no longer qualifies as closely
1432 held agricultural land, the owner or owners shall immediately notify the commissioner of such
1433 sale or change of use and an assessment shall be due the commonwealth. Such assessment shall
1434 be calculated with interest based on the date of sale for other use or based on the last date of use
1435 as closely held agricultural land as follows:

1436 The assessment shall be equal to 100 per cent of the savings if such date is within 1 year
1437 of the applicable date; 90 per cent of the savings if such date is within 2 years, but more than 1
1438 year, of the applicable date; 80 per cent of the savings if such date is within 3 years, but more
1439 than 2 years, of the applicable date; 70 per cent of the savings if such date is within 4 years, but
1440 more than 3 years, of the applicable date; 60 per cent of the savings if such date is within 5 years,
1441 but more than 4 years, of the applicable date; 50 per cent of the savings if such date is within 6
1442 years, but more than 5 years, of the applicable date; 40 per cent of the savings if such date is
1443 within 7 years, but more than 6 years, of the applicable date; 30 per cent of the savings if such
1444 date is within 8 years, but more than 7 years, of the applicable date; 20 per cent of the savings if
1445 such date is within 9 years, but more than 8 years, of the applicable date; 10 per cent of the

1446 savings if such date is within 10 years, but more than 9 years, of the applicable date; and no
1447 assessment shall be due if such date is more than 10 years from the applicable date.

1448 Such assessment shall also include interest calculated at a simple interest rate of 5 per
1449 cent per annum on the savings from the applicable date.

1450 There shall be an additional assessment equal to 30 per cent of the savings if the date of
1451 sale for other use or the last date of use while qualified as closely held agricultural land occurs
1452 within 1 year of the applicable date; and 15 per cent of the savings if such date occurs within 2
1453 years, but more than 1 year, of the applicable date.

1454 (ii) If an election has been made with respect to qualifying non-committed land which, on
1455 the applicable date, fails to meet the definition of forest land under chapter 61, land actively
1456 devoted to agricultural, horticultural or agricultural and horticultural uses under chapter 61A or
1457 recreational land under chapter 61B that is also used for farming or agriculture, as defined in
1458 section 1A of chapter 128, an assessment shall be due the commonwealth and payable by the
1459 owner or owners within 30 days of the applicable date; provided, however, that the land need not
1460 be classified by municipal assessors as forest land under chapter 61, land actively devoted to
1461 agricultural, horticultural or agricultural and horticultural uses under chapter 61A or recreational
1462 land under chapter 61B. Such assessment shall be equal to the sum of (A) 100 per cent of the
1463 savings; (B) interest calculated at a simple interest rate of 5 per cent per annum on the savings
1464 from the date of death of the decedent; and (C) an additional assessment equal to 30 per cent of
1465 the savings.

1466 (iii) Notwithstanding this paragraph, there shall be no assessment if the land involved, or
1467 a lesser interest in the land, is acquired for a natural resource by the commonwealth or by a

1468 nonprofit conservation organization; provided, however, that if any portion of the land is sold or
1469 converted to commercial, residential or industrial use within 10 years after the applicable date by
1470 a nonprofit conservation organization, an assessment shall be imposed against the nonprofit
1471 conservation organization in the amount that would have been imposed at the time of acquisition
1472 of the subject parcel by the nonprofit conservation organization had the transaction been subject
1473 to an assessment or, in the case of qualifying non-committed land acquired by a nonprofit
1474 conservation organization before the applicable date, the amount that would have been imposed
1475 on the applicable date under clause (ii) of this paragraph.

1476 (iv) In the case of sale for other use of closely held agricultural land, other than
1477 qualifying non-committed land sold for other use before the applicable date, assessments
1478 imposed by this subsection shall be due and payable by the grantor at the time of transfer of the
1479 property by deed or other instrument of conveyance. In the case of qualifying non-committed
1480 land sold for other use before the applicable date, assessments imposed by this subsection shall
1481 be due and payable by the grantor on the applicable date. In the case of change to a non-
1482 qualifying use, assessments imposed by this subsection shall be due and payable by the owner or
1483 owners within 30 days of the of the last date of use as closely held agricultural land, regardless of
1484 the date on which the commissioner was notified by said owner or owners of such change of use.

1485 (v) An assessment shall be imposed on only that portion of land on which the use has
1486 changed. If, by conveyance or other action of the owner thereof, a portion of land which is
1487 valued as closely held agricultural land under this subsection is separated for other use, the land
1488 so separated shall be subject to liability for assessment, interest and additional assessment under
1489 this paragraph based on the proportion which the acreage of the land so separated bears to the
1490 total acreage of land valued as closely held agricultural land under this subsection.

1491 (5) All buildings located on land which is valued as closely held agricultural land under
1492 this subsection and all land occupied by a dwelling or regularly used for family living shall not
1493 be valued as provided under this subsection.

1494 (6) The commissioner shall promulgate regulations as necessary to carry out the
1495 provisions of this subsection.”.

1496 SECTION 35. Chapter 75 of the General Laws, as so appearing, is hereby amended by
1497 inserting after section 47 the following new section:-

1498 “Section 48. (a) An ‘Energy Storage System’ (1) shall be defined as a technology that is
1499 capable of absorbing energy, storing it for a period of time and thereafter dispatching the energy;
1500 provided, however, that an energy storage system shall (i) reduce the emission of greenhouse
1501 gases; (ii) reduce demand for peak electrical generation; (iii) defer or substitute for an investment
1502 in generation, transmission or distribution assets; or (iv) improve the reliable operation of the
1503 electrical transmission or distribution grid; and (2) provided further, shall (i) use mechanical,
1504 chemical or thermal processes to store energy that was generated for use at a later time; (ii) store
1505 thermal energy for direct heating or cooling use at a later time in a manner that avoids the need
1506 to use electricity at that later time; (iii) use mechanical, chemical or thermal processes to store
1507 energy generated from renewable resources for use at a later time; or (iv) use mechanical,
1508 chemical or thermal processes to capture or harness waste electricity and to store the waste
1509 electricity generated from mechanical processes for delivery at a later time.

1510 (b) There shall be established a Commonwealth Energy Storage Testing Facility that shall
1511 serve as a resource for companies developing energy storage systems.

1512 (c) The Commonwealth Energy Storage Testing Facility shall be located upon a campus
1513 within the University of Massachusetts, as defined by section 1 of chapter 75 of the General
1514 Laws, that meets the following criteria—(1) is located within a gateway city; (2) is located near
1515 the Emerging Technologies and Innovation Center; and (3) has access to academic resources
1516 necessary for civil, environmental, and nuclear engineering.

1517 (d) The purposes and responsibilities of the Commonwealth Energy Storage Testing
1518 Facility shall be to:

1519 (1) Provide research and development, testing and product certification equipment, for
1520 the creation of energy storage systems.

1521 (2) Conduct research, development, and certification for new or modified technologies
1522 for energy storage systems that can be utilized by business, industry, and government.

1523 (3) Provide a clearinghouse for the dissemination of information and data on existing and
1524 new energy storage technologies for the commonwealth and other companies and governmental
1525 entities.

1526 (4) Provide expertise and assistance to public officials responsible for establishing
1527 government policy and regulations overseeing energy storage systems in an effort to meet
1528 statewide energy storage deployment goals.

1529 (e) The Commonwealth Energy Storage Testing Facility shall be allowed to charge a fee
1530 for its services.”.

1531 SECTION 36. Section 25 of chapter 90B of the General Laws, as so appearing, is hereby
1532 amended by inserting after the word “way,” in line 44, the following words:- “, or upon but to
1533 the extreme right of such travelled portion.”.

1534 SECTION 37. The fourth paragraph of said section 25 of said chapter 90B, as so
1535 appearing, is hereby amended by adding the following sentence:- “This paragraph shall also
1536 apply to any portion of a public way designated by the governmental entity with jurisdiction over
1537 such public way, with approval of the chief of police of the municipality in which such portion
1538 lies, to permit travel by a recreational vehicle from 1 authorized operating area to another, or
1539 permit access by a recreational vehicle to essential services such as fuel, food, and lodging from
1540 an authorized operating area. The designated portion shall be the minimum distance necessary to
1541 permit such travel or access, but in no event shall exceed 4 miles.”.

1542 SECTION 38. Chapter 94 of the General Laws is hereby amended by inserting after
1543 section 13 the following section:-

1544 “Section 13 A½. (a) The department of agricultural resources and the department of
1545 public health, acting jointly, shall adopt and promulgate reasonable rules and regulations
1546 governing the handling, packaging, storage, testing, and transportation of raw milk; and the
1547 licensing of raw milk farmers; provided that non-mechanical refrigeration shall be permitted.

1548 (b) A licensed raw milk farmer may deliver raw milk directly to a consumer, off-site from
1549 a farm, provided that a licensed raw milk farmer has a direct, contractual relationship with the
1550 consumer. A licensed raw milk farmer may contract with a third-party for delivery, provided that
1551 a licensed raw milk farmer shall maintain the contractual relationship with the consumer.

1552 A licensed raw milk farmer may deliver raw milk through a community supported
1553 agriculture delivery system (in this section referred to as ‘CSA delivery’) provided that a
1554 licensed raw milk farmer shall maintain a contractual relationship with the consumer. Delivery
1555 may be made directly to a consumer’s residence or to a pre-established receiving site. Except in
1556 the instance of CSA delivery, wherein raw milk shall be kept separate from retail items and may
1557 not be accessible to the general public, delivery may not be made to a retail setting.

1558 (c) Subject to section 3 of chapter 40A of the General Laws, a licensed raw milk farmer
1559 may sell raw milk from a farm stand even if not contiguous to raw milk dairy.”.

1560 SECTION 39. Section 7A of chapter 128 of the General Laws, as so appearing, is hereby
1561 amended by inserting after the definition of “Garden” the following definition:-

1562 “‘Regenerative agriculture’, agriculture that improves the health of soils, including but
1563 not limited to consideration of depth of topsoil horizons, water infiltration rate, organic carbon
1564 content, bulk density, biological activity, biological diversity, and bare ground, and as achieved
1565 through practices such as conservation tillage or no-till, cover-cropping, planned grazing,
1566 integrated crop-livestock systems, synthetic chemicals reduction, and other methodologies, and
1567 in consultation with the commission for conservation of soil, water, and related resources
1568 established by chapter 21 section 19.”.

1569 SECTION 40. Chapter 129 of the General Laws is hereby amended by striking out
1570 section 18, as appearing in the 2016 Official Edition, and inserting in place thereof the following
1571 section:-

1572 “Section 18. (a) Each inspector shall comply with and enforce all orders and regulations
1573 directed to them by the director.

1574 (b) The director shall establish mandatory training programs for all municipal animal
1575 inspectors. Such training shall be designed to ensure that inspections are conducted on a
1576 consistent basis and that inspectors are educated on matters including, but not limited, to animal
1577 health and welfare. Every municipal animal inspector shall complete such training within 90
1578 days upon appointment, and every 2 years thereafter. The director may require additional
1579 training for animal inspectors as needed.

1580 (c) An inspector who refuses or neglects to comply with this section shall be punished by
1581 a fine of not more than \$500.”.

1582 SECTION 41. Said chapter 129 of the General Laws is hereby amended by striking out
1583 section 25, as appearing in the 2016 Official Edition, and inserting in place thereof the following
1584 section:-

1585 “Section 25. Each inspector shall keep a record of all inspections made of animals
1586 pursuant to this chapter. The director shall provide forms in any such manner, electronic format
1587 or medium necessary to implement this section, including any forms or records to be utilized and
1588 kept by inspectors, which shall be retained for no more than 10 years in an electronic database
1589 implemented and maintained by the director. The director shall file a report with the department
1590 of agricultural resources outlining the process, timeline, and steps for designing and
1591 implementing the database by January 6, 2020.”.

1592 SECTION 42. Section 2 of chapter 130 of the General Laws, as so appearing, is hereby
1593 amended by striking out the fourth and fifth paragraphs and inserting in place thereof the
1594 following paragraph:-

1595 “Whoever violates any provision of this chapter or regulation made under the authority of
1596 this chapter, unless otherwise provided, shall be (a) punished by a fine of not less than \$400 or
1597 more than \$10,000, or by imprisonment in the house of correction for not more than 2 ½ years,
1598 or both; or (b) liable for a civil penalty not to exceed \$10,000 for each such violation. Such civil
1599 penalty may be assessed in an action brought on behalf of the commonwealth in the superior or
1600 district court.”.

1601 SECTION 43. Section 13 of said chapter 130, as so appearing, is hereby amended by
1602 striking out the third paragraph.

1603 SECTION 44. Said chapter 130 is hereby further amended by striking out section 18, as
1604 so appearing, and inserting in place thereof the following section:-

1605 “Section 18. No person shall, without right, enter in or upon any building or other
1606 structure or any area of land, flats or water, set apart and used by or under authority of the
1607 director for conducting scientific experiments or investigations or for propagation or protection
1608 of fish, or contrary to regulations fish in waters so set apart and used after the director has caused
1609 printed notices of such occupation and use and the purposes thereof to be placed in a
1610 conspicuous position upon any such building or other structure or adjacent to any such area of
1611 land, flats or water, or injure or deface any such building or other structure or any notice posted
1612 as aforesaid, or injure or deface any property used in such experiments or investigations or for
1613 such purposes, or otherwise interfere therewith.”.

1614 SECTION 45. Section 19 of said chapter 130, as so appearing, is hereby amended by
1615 striking out the fifth paragraph.

1616 SECTION 46. Said section 19 of said chapter 130, as so appearing, is hereby further
1617 amended by striking out the third sentence of the sixth paragraph.

1618 SECTION 47. Section 21 of said chapter 130, as so appearing, is hereby amended by
1619 striking out the fifth paragraph.

1620 SECTION 48. Said chapter 130 is hereby amended by striking out section 23, as so
1621 appearing, and inserting in place thereof the following section:-

1622 “Section 23. Except in the case of emergency imperiling life or property or an
1623 unavoidable accident or except in accordance with the terms of a permit issued pursuant to state
1624 or federal water pollution control laws, no person shall, from any source, put, throw, discharge or
1625 suffer or permit to be discharged or escape into any coastal waters any oil, poisonous or other
1626 injurious substance, including but not limited to, sawdust, shavings, garbage, ashes, acids,
1627 sewage and dye-stuffs, whether simple, mixed or compound, or heated effluent, which directly or
1628 indirectly materially injure fish, fishspawn or seed therein, or takes any such fish by such means,
1629 or whoever kills or destroys fish in such waters by the use of dynamite or other explosives, or
1630 takes any such fish in such waters by such means, or explodes dynamite or other explosive in
1631 such waters.”.

1632 SECTION 49. Section 29 of said chapter 130, as so appearing, is hereby amended by
1633 striking out the second paragraph and inserting in place thereof the following paragraph:-

1634 “No person shall construct or maintain a weir, pound net or a fish trap in the tide water
1635 except in accordance with the requirements of this section.”.

1636 SECTION 50. Section 30 of said chapter 130, as so appearing, is hereby amended by
1637 striking out the second sentence.

1638 SECTION 51. Said chapter 130 is hereby amended by striking out section 31, as so
1639 appearing, and inserting in place thereof the following section:-

1640 “Section 31. No person shall, without the consent of the owner, take or use or destroy,
1641 injure or molest any weir, pound net, fish trap, seine, set net or lobster or crab pot or other
1642 fishing gear, or any fish car or other contrivance used for the purpose of storing fish, including
1643 any such fishing gear which is swept ashore by storm or tide or other natural causes and
1644 deposited upon the shore, beaches or flats, whether public or private, or take fish therefrom
1645 without the consent of the owner.”.

1646 SECTION 52. Section 33 of said chapter 130, as so appearing, is hereby amended by
1647 striking out the sixth sentence.

1648 SECTION 53. Section 34 of said chapter 130, as so appearing, is hereby amended by
1649 striking out the first sentence and inserting in place thereof the following sentence:- “Between
1650 March 15 and the following June 15 of any year, no person shall catch or take any smelt from the
1651 waters of the commonwealth, or buy, receive, sell or offer or expose for sale, transport or possess
1652 a smelt so taken.”.

1653 SECTION 54. Section 35 of said chapter 130, as so appearing, is hereby amended by
1654 striking out the first paragraph and inserting in place thereof the following paragraph:-

1655 “No person shall take or attempt to take a smelt in any other manner than by angling.
1656 This section shall not apply to smelt inadvertently taken in a seine or net during the time and in

1657 the manner in which fishing is allowed for perch, herring or alewives; provided, that such smelt
1658 so taken shall be immediately liberated alive in the waters from which taken.”.

1659 SECTION 55. Section 36 of said chapter 130, as so appearing, is hereby amended by
1660 striking out the second sentence and inserting in place thereof the following sentence:- “No
1661 person shall violate the provisions of this section or molest or disturb smelt or their spawn within
1662 such closed areas.”.

1663 SECTION 56. Section 37 of said chapter 130, as so appearing, is hereby amended by
1664 striking out the first sentence of the fourth paragraph.

1665 SECTION 57. Section 38 of said chapter 130, as so appearing, is hereby amended by
1666 striking out, in lines 82 to 84, the words “, and upon failure to do so shall be punished by a fine
1667 of not less than twenty-five nor more than one hundred dollars or imprisonment for one month or
1668 both”.

1669 SECTION 58. Section 38A of said chapter 130, as so appearing, is hereby amended by
1670 striking out the third paragraph.

1671 SECTION 59. Section 39 of said chapter 130, as so appearing, is hereby amended by
1672 striking out the second sentence.

1673 SECTION 60. Section 40 of said chapter 130, as so appearing, is hereby amended by
1674 striking out the second sentence.

1675 SECTION 61. Section 47 of said chapter 130, as so appearing, is hereby amended by
1676 striking out the third sentence.

1677 SECTION 62. Said chapter 130 is hereby amended by striking out section 49, as so
1678 appearing, and inserting in place thereof the following section:-

1679 “Section 49. No carrier shall knowingly receive or carry from place to place any lobster
1680 or lobster meat in barrels, boxes or other containers not marked as provided in section 47.”.

1681 SECTION 63. Section 51 of said chapter 130, as so appearing, is hereby amended by
1682 striking out the second sentence.

1683 SECTION 64. Section 51A of said chapter 130, as so appearing, is hereby amended by
1684 striking out the third sentence.

1685 SECTION 65. Section 52 of said chapter 130, as so appearing, is hereby amended by
1686 inserting after the word “therefore”, in line 61, the following words:-

1687 “; provided, however, that such city or town shall not charge a veteran, as defined in
1688 clause Forty-third of section 7 of chapter 4, who is a resident of the commonwealth, a fee greater
1689 than the fee charged to a resident of such city or town.”.

1690 SECTION 66. Said chapter 130 is hereby amended by striking out section 66, as so
1691 appearing, and inserting in place thereof the following section:-

1692 “Section 66. No person shall willfully injure, deface, destroy or remove any mark or
1693 bound used to define the extent of any shellfish license or grant, or place any unauthorized mark
1694 thereon, or tie or fasten any boat or vessel thereto. Any person who violates this section shall be
1695 liable in tort for double damages and costs to the licensee or transferee injured by such act.”.

1696 SECTION 67. Said chapter 130 is hereby amended by striking out section 67, as so
1697 appearing, and inserting in place thereof the following section:-

1698 “Section 67. No person shall work a dredge, oyster tongs or rakes, or any other
1699 implement for the taking of shellfish of any description upon any shellfish grounds or beds
1700 covered by a license granted under section 57 or corresponding provisions of earlier laws, or in
1701 any way disturb the growth of the shellfish thereon, or discharge any substance which may
1702 directly or indirectly injure the shellfish upon any such grounds or beds, without the consent of
1703 the licensee or transferee, as the case may be, or, while upon or sailing over any such grounds or
1704 beds, cast, haul, or have overboard any such dredge, tongs, rake or other implement for the
1705 taking of shellfish of any description, under any pretense or for any purpose whatever, without
1706 the consent of the licensee or transferee, as the case may be.”.

1707 SECTION 68. Section 68 of said chapter 130, as so appearing, is hereby amended by
1708 striking out the second paragraph and inserting in place thereof the following paragraph:-

1709 “No person shall, without the consent of the licensee or transferee, dig or take any
1710 shellfish or shells from any waters, flats or creeks described in any license granted under section
1711 57, or corresponding provisions of earlier laws, during the continuance of such license or of any
1712 renewal thereof.”.

1713 SECTION 69. Section 70 of said chapter 130, as so appearing, is hereby amended by
1714 striking out the seventh sentence.

1715 SECTION 70. Section 71 of said chapter 130, as so appearing, is hereby amended by
1716 striking out the second sentence.

1717 SECTION 71. Section 72 of said chapter 130, as so appearing, is hereby amended by
1718 striking out the second sentence.

1719 SECTION 72. Section 75 of said chapter 130, as so appearing, is hereby amended by
1720 striking out the first and second sentences of the second paragraph and inserting in place thereof
1721 the following sentence:-

1722 “Whoever, without a permit as provided in this section or contrary to the provisions of
1723 such permit, digs or takes shellfish for any purpose from any area determined under section 74 or
1724 section 74A or under corresponding provisions of earlier laws to be contaminated, while such
1725 determination is in force, or knowingly transports or causes to be transported or has in their
1726 possession or offers for sale shellfish so dug or taken, shall be punished by imprisonment in the
1727 house of correction for not more than 2 ½ years, by imprisonment in the state prison for not more
1728 than 3 years, a fine of not less than \$500 and not more than \$10,000, or by both such fine and
1729 imprisonment.”.

1730 SECTION 73. Section 80 of said chapter 130, as so appearing, is hereby amended by
1731 striking out, in line 73, the words “ten dollars” and inserting in place thereof the following
1732 figure:- “\$400”.

1733 SECTION 74. Section 81 of said chapter 130, as so appearing, is hereby amended by
1734 striking out, in lines 21 to 22, the words “one hundred nor more than ten thousand dollars” and
1735 inserting in place thereof the following words:- “\$400 nor more than \$10,000”.

1736 SECTION 75. Section 82 of said chapter 130, as so appearing, is hereby amended by
1737 striking out, in line 18, the words “one hundred” and inserting in place thereof the following
1738 figure:- “\$400”.

1739 SECTION 76. Section 92 of said chapter 130, as so appearing, is hereby amended by
1740 striking out the first two paragraphs and inserting in place thereof the following paragraph:-

1741 “No person shall sell, exchange, transport or deliver, or offer or expose for sale, exchange
1742 or deliver, or have in their custody or possession with intent to sell, exchange, transport or
1743 deliver, any scallops or sea scallops which have been soaked and shall tag such scallops in
1744 accordance with regulations promulgated by the director.”.

1745 SECTION 77. Said chapter 130 is hereby amended by striking out section 95, as so
1746 appearing, and inserting in place thereof the following section:-

1747 “Section 95. No person shall take, kill, haul onshore, disturb, injure, hinder, or obstruct
1748 the passage of any herring, alewives, or other swimming marine food fish in a fishery created by
1749 a city or town, without permission thereof, or that of its lessees; in a fishery legally created by a
1750 corporation, without the permission of such corporation; or in a public fishery regulated and
1751 controlled by a city or town, contrary to its regulations.

1752 Prosecutions under this section shall be commenced within 30 days after the commission
1753 of the offence.”.

1754 SECTION 78. Section 99 of said chapter 130 is hereby repealed.

1755 SECTION 79. Section 100A of said chapter 130, as appearing in the 2016 Official
1756 Edition, is hereby amended by striking out the second sentence.

1757 SECTION 80. Section 100B of said chapter 130, as so appearing, is hereby amended by
1758 striking out the second sentence.

1759 SECTION 81. Section 100C of said chapter 130, as so appearing, is hereby amended by
1760 striking out the second sentence.

1761 SECTION 82. Section 100D of said chapter 130, as so appearing, is hereby amended by
1762 striking out the third paragraph.

1763 SECTION 83. Said chapter 130 is hereby amended by striking out section 102, as so
1764 appearing, and inserting in place thereof the following section:-

1765 “Section 102. No person shall harvest for sale or engage in the aquaculture of marine
1766 plants except in accordance with any regulations adopted by the director and subject to a permit
1767 or written approval issued by the director.”.

1768 SECTION 84. Section 103 of said chapter 130 is hereby repealed.

1769 SECTION 85. Subdivision (2) of section 2D of chapter 132A of the General Laws, as so
1770 appearing, is hereby amended by adding the following sentence:-

1771 “The commissioner may also offer discounts or waive charges or fees for parking passes
1772 for veterans, as defined in section 6A of chapter 115.”.

1773 SECTION 86. Section 14A of chapter 132B of the General Laws, as so appearing, is
1774 hereby amended by striking out subsections (a) and (b) and inserting in place thereof the
1775 following 2 subsections:-

1776 “(a) Notwithstanding any other section in this chapter, the department may assess a civil
1777 administrative penalty, not to exceed \$1,000 per violation, on any person who violates any
1778 provision of this chapter or any regulations promulgated under this chapter. Provided however,
1779 that such assessment shall not occur within a 1 year period until after such person has received 1
1780 warning for the same violation from the department. Each day a violation continues shall

1781 constitute a separate violation. Penalties collected under this subsection will be directed to the
1782 General Fund.

1783 (b) The remedies provided in this section are available in addition to, and without
1784 limiting, any other penalties or remedies provided by law or equity. The department may adopt
1785 and promulgate such regulations as may be necessary to effectuate the purposes of this section.”.

1786 SECTION 87. Subsection (c) of said section 14A of said chapter 132B, as so appearing,
1787 is hereby amended by striking out the first paragraph and inserting in place thereof the following
1788 paragraph:-

1789 “This penalty shall be assessed in addition to any other civil penalty otherwise provided
1790 for by law. Notice of assessment of a penalty pursuant to this section shall be made by service in
1791 hand, or by certified mail, return receipt requested, and shall state the amount of the
1792 administrative penalty, the date the penalty shall be due, a statement of the violator's right to an
1793 adjudicatory hearing pursuant to chapter 30A regarding the assessment, a statement of the
1794 actions the person may take in order to avoid assessment of additional penalties or to avoid
1795 waiving the right to a hearing relative to the penalty, and the manner of acceptable payment if an
1796 election to waive a hearing is made.”.

1797 SECTION 88. The General Laws are hereby amended by inserting after chapter 131A,
1798 the following chapter:-

1799 “CHAPTER 131B

1800 PUBLIC LANDS PRESERVATION ACT.

1801 Section 1. Definitions. As used in this chapter, the following words, unless the context
1802 clearly requires otherwise, shall have the following meanings:

1803 ‘Acquire’ or ‘acquired’, land or an interest in land, obtained by a public owner whether
1804 by purchase, exchange, devise, grant, lease, eminent domain, or otherwise.

1805 ‘Article 97’, article XCVII of the amendments to the constitution of the commonwealth.

1806 ‘Article 97 land’, land, or any interest in land, that is subject to protection under Article
1807 97.

1808 ‘Article 97 natural resource purposes’, the Article 97 purposes that are the conservation,
1809 development, and utilization of the agricultural, mineral, forest, water, air and other natural
1810 resources.

1811 ‘Change in use’, (a) a conversion of Article 97 land of a public owner from a dedicated
1812 use to a different inconsistent use, excepting any allowed nonconforming reserved use of the
1813 Article 97 land.

1814 (b) A valid nonconforming reserved use, including, but not limited to, any building or
1815 structure, shall be an allowed use of Article 97 land if (1) declared in a written instrument when
1816 land or an interest in land is taken by eminent domain, acquired, or otherwise dedicated as
1817 Article 97 land; (2) the use, when not declared by written instrument, is pre-existing and
1818 continuing when the Article 97 land is dedicated, provided the use is legally permissible; or (3)
1819 allowed by a special law approved by a 2/3rds vote of both branches of the general court.

1820 (c) ‘change in use’ shall not mean a conversion of Article 97 land caused by natural
1821 causes or occurrences.

1822 ‘Disposition’, (a) any transfer, conveyance or release of a public owner’s real property
1823 interest whether by deed, covenant, or other instrument, or lawful means or process.

1824 (b) A transfer or release of the public owner’s right of legal control in land shall be a
1825 disposition under this definition.

1826 (c) ‘disposition’ shall not mean (1) the termination of a lease for the use of land; and (2) a
1827 revocable permit or license that authorizes another to use Article 97 land of a public owner,
1828 when— (i) the use is consistent with dedicated or allowed uses of the Article 97 land, to include,
1829 if a forest, harvesting conducted pursuant to an approved cutting plan; and (ii) the permit or
1830 license does not transfer or release a real property interest in the Article 97 land.

1831 ‘Executive office of environmental affairs’, the executive office of energy and
1832 environmental affairs established under section 1 of chapter 21A.

1833 ‘Land’, land that is without or with water, including, without limitation, estuaries, creeks,
1834 streams, rivers, ponds, lakes, marshes, floodplains, wetlands and coastal tidelands; but, excluding
1835 ocean land lying seaward of the mean low water mark of coastal areas that are within the marine
1836 boundaries of the commonwealth.

1837 ‘Public owner’, the commonwealth, its agencies, executive offices, departments, boards,
1838 bureaus, divisions, authorities, and political subdivisions, including, without limitation,
1839 municipalities, counties, districts, and other governmental bodies and instrumentalities of the
1840 commonwealth that hold Article 97 land.

1841 ‘Real property interest’ or ‘interest in land’, any ownership, or other legal interest, or
1842 right in land, including, without limitation, fee simple interest, easement, partial interest,

1843 remainder, future interest, right of legal control, lease; and conservation restriction, agricultural
1844 preservation restriction, watershed preservation restriction and historical preservation restriction
1845 as defined under section 31 of chapter 184, and non-development covenant or other covenant or
1846 restriction that protects natural resources.

1847 ‘Replacement land’, (a) land or an interest in land, (1) required under this chapter to be
1848 provided by a public owner to replace the loss of Article 97 land as a result of a disposition or
1849 change in use; and (2) to be taken by eminent domain, acquired or otherwise dedicated, by the
1850 public owner as Article 97 land.

1851 (b) ‘replacement land’ shall not include existing Article 97 land, unless when taken by
1852 eminent domain, acquired, or otherwise dedicated by the public owner as Article 97 land, it was
1853 to substitute for other Article 97 land proposed for disposition or change in use.

1854 ‘Secretary’ or ‘secretary of environmental affairs’, the secretary of the executive office of
1855 energy and environmental affairs or the secretary’s authorized representative.

1856 ‘state agency’, (a) a legal entity of state government established by the general court as an
1857 agency, board, bureau, commission, department, office or division of the commonwealth with a
1858 specific mission, which may either report to cabinet-level units of government, known as
1859 executive offices or secretariats, or be independent divisions or departments.

1860 (b) ‘state agency’ shall not include the counties listed under the definition of ‘counties’
1861 under section 1 of chapter 7C.

1862 Section 2. (a) To protect the natural resources of the commonwealth and to prevent a net
1863 loss of Article 97 land, a public owner making a disposition or change in use of Article 97 land

1864 shall acquire or otherwise provide replacement land. Replacement land for a disposition or
1865 change in use of Article 97 land shall be—(1) equal or greater in area; (2) comparable or better in
1866 natural resource value; (3) located within the same municipal boundaries if feasible; and (4) not
1867 less than the equivalent kind of the real property interest being replaced.

1868 (b) A public owner when acquiring or providing replacement land, shall execute a written
1869 declaratory instrument to confirm that such land or interest in land is subject to protection under
1870 Article 97, and record the instrument in the appropriate registry of deeds or land court
1871 department of the trial court for the county or district where the land is situated. The instrument
1872 when executed shall include the dedication date of the Article 97 land and a specific description
1873 of the Article 97 land with the restricted and allowed uses of the land. Such instrument shall not
1874 preempt or limit a public owner’s use of any other lawful method to dedicate Article 97 land.
1875 The failure of the public owner to execute or record a declaratory instrument shall not invalidate
1876 any existing Article 97 protection of the replacement land.

1877 Section 3. (a) A public owner of Article 97 land shall notify the secretary when the public
1878 owner proposes making a disposition or change in use of the Article 97 land. Such notification
1879 shall be in writing and made in the manner, as the secretary by regulation shall prescribe, to
1880 include the information and documentation as required under subsections (c) and (d).

1881 The secretary shall adopt regulations requiring notification by a public owner be made as
1882 early as practicable, and prior to the filing of a petition with the general court to authorize the
1883 proposed Article 97 land disposition or change in use, to allow the secretary adequate time to
1884 review the proposal. The review shall include any plan of the public owner to provide
1885 replacement land. Unless otherwise provided under this section, the notification to the secretary

1886 shall be required at least 20 days before the public owner makes a decision to adopt a proposal
1887 for a disposition or change in use of its Article 97 land.

1888 For Article 97 land held by a municipality, such notification to the secretary shall be
1889 required not less than 30 days before a vote of town meeting or city council, whichever is the
1890 case, on the municipality’s proposed disposition or change in use of the Article 97 land. If the
1891 Article 97 land is located outside the municipality’s boundaries then, in addition, the
1892 municipality shall make like notification to the local conservation commission where the land is
1893 sited.

1894 For Article 97 land held by a state agency, notification to the secretary shall be required
1895 in the time and manner provided under subsection (a) of section 8.

1896 The secretary shall post notification information received on Article 97 land proposals
1897 and replacement plans, on the public website of the executive office of environmental affairs.

1898 (b) In the event Article 97 land is to be taken by eminent domain, the authorized board
1899 acting for the public owner or other entity shall within 10 days after adopting a lawful order of
1900 intention to take the land, notify the secretary of the proposed taking. Such notification shall be
1901 in writing, and made in the manner with any necessary information relevant to the taking of the
1902 land, as the secretary by regulation shall prescribe.

1903 (c) Regulations adopted by the secretary under subsection (a) shall require— (1) that the
1904 notification by a public owner of a proposed disposition or change in use of Article 97 land
1905 provide sufficient information about the proposal, and its advantages and disadvantages to the
1906 public and the environment. Such regulations shall require current information about the Article
1907 97 land proposed for disposition or change in use, including, without limitation— (i) a

1908 description of the land including its location, natural resource uses and benefits, approximate size
1909 and boundaries, devoted and allowed uses, and buildings and structures thereon; (ii) the
1910 property's fair market value based on the municipal assessment; (iii) whether the land or any part
1911 is designated as a wetland, flood zone, public water supply, public water supply protection area,
1912 or priority habitat for state-listed species that are endangered, threatened or of special concern; or
1913 subject to the rivers protection act under chapter 258 of the acts of 1996 or non-development
1914 covenant; (iv) a general description of abutting parcels; (v) owners that hold a real property
1915 interest and description of each respective interest; (vi) copies of any deeds, easements,
1916 covenants, restrictions, declarations and other instruments that are public records and show (A)
1917 each owner's real property interest; and (B) the land's intended use for a specific natural
1918 resource purpose; (vii) a description of the proposed disposition or change in use and the reasons
1919 for the proposal, including anticipated changes to the land, and the intended grantees of any
1920 proposed transfer of a real property interest; and (viii) whether the public owner's acquisition of
1921 the land was obtained with funds, grants or loans from any federal, state or local source, or from
1922 a donation or bequest conditioned that the gift be used for natural resource purposes; and

1923 (2) that the public owner to certify in writing to the secretary, that the public owner has
1924 considered alternatives to the proposed disposition or change in use of the Article 97 land, and
1925 has determined no other feasible or practicable alternative exists, and information about any
1926 alternative considered and the reason such alternative was not selected.

1927 (d) The regulations adopted by the secretary under subsection (a) shall require current
1928 information about any plan of the public owner to acquire or provide replacement land,
1929 including, without limitation, the following:

1930 (1) The same kind of information listed in clauses (1) through (4), inclusive, of
1931 subsection (c), however, specific to the replacement land.

1932 (2) The condition of the land, and the relevant current and prior uses of the land.

1933 (3) Owners that will hold a real property interest in the replacement land, and a
1934 description of each respective interest.

1935 (4) A description of the intended source of the replacement land to be acquired or
1936 provided, and information about any funds, grants, loans or other consideration to purchase or
1937 obtain such replacement land.

1938 (e) A public owner shall supplement the information in subsections (c) and (d), about an
1939 Article 97 land proposal and replacement land plan, as the secretary shall prescribe by regulation.

1940 (f) The secretary after receipt of a public owner's notification that contains sufficient
1941 information shall, if requested by the public owner, provide to the public owner a provisional or
1942 final opinion on whether the proposed replacement land plan meets the no net loss requirements
1943 under subsection (a) of section 2.

1944 Section 4. (a) A public owner may request from the secretary a waiver to provide
1945 replacement land for a disposition or change in use of the public owner's Article 97 land,
1946 notwithstanding the requirements under subsection (a) of section 2.

1947 Upon a public owner's written request, the secretary may grant a full or partial waiver
1948 releasing the public owner from any requirement to provide replacement land, subject to the
1949 provisions of this subsection. Such waiver requests shall be made in the manner and include any
1950 related information as the secretary shall prescribe. In granting a waiver, the secretary may

1951 impose conditions, if necessary, to accomplish the intended purpose of the disposition or change
1952 in use of the Article 97 land. A decision by the secretary to grant or deny a waiver with any
1953 conditions shall be in writing and state the reasons for the decision. Such waivers shall be limited
1954 to those circumstances as described in the paragraphs of this subsection.

1955 The secretary may grant a full or partial waiver when the disposition or change in use of
1956 Article 97 land will—(1) transfer only a right of legal control in the land between state agencies
1957 to be held for the same Article 97 natural resource purposes and, if applicable, with the same
1958 reserved uses; (2) transfer only a right of legal control in the land between any department,
1959 division, board or agency of the same municipality to be held for Article 97 natural resource
1960 purposes and, if applicable, with the same reserved uses; (3) transfer a lease interest for a natural
1961 resource purpose or use for a term not exceeding 5 years; (4) serve to largely protect, preserve or
1962 promote the existing natural resource purposes and uses of the Article 97 land; (5) grant an
1963 easement to grade and alter land elevations to prevent erosion or provide lateral support to
1964 adjacent land; (6) grant an easement to allow for the temporary use of the Article 97 land for a
1965 different purpose for a period not exceeding 5 years, upon the condition that the land be
1966 reasonably restored before the easement period ends; (7) grant an easement or lease for
1967 subterranean use of the land for green energy projects that will not affect adversely the dedicated
1968 natural resource purposes of the Article 97 land; (8) affect a land area not exceeding 2,500
1969 square feet that is insignificant for the dedicated natural resource purposes of the Article 97 land,
1970 provided if part of a larger parcel, no other disposition or change in use of that parcel has
1971 occurred within 5 years before making a waiver request to the secretary; or (9) transfer a real
1972 property interest of a public owner to another public owner, provided upon transfer such interest

1973 is protected under Article 97, and is used for the same natural resource purposes and allowed
1974 uses.

1975 If after a complete review of a public owner's waiver request and replacement land
1976 information, the secretary determines there are other extraordinary circumstances in providing
1977 suitable replacement land within particular municipality boundaries or nearby, the secretary may
1978 issue a partial waiver to allow for modified replacement land, provided however, the overall
1979 intent of no net loss of Article 97 land will be attained to the maximum extent practicable, and
1980 the replacement land allowed is comparable or better in natural resource value to the Article 97
1981 land being replaced.

1982 (b) The secretary as a condition in granting to the public owner a full or partial waiver to
1983 provide replacement land under clause (6) of subsection (a) for the temporary use of land, may
1984 require a performance bond of satisfactory amount for any uncompleted restoration of the land
1985 be provided under the terms as specified by the secretary.

1986 (c) The secretary when determining whether the square footage of required replacement
1987 land is sufficient, shall not include any aboveground area for an allowed use that is exclusively
1988 for other than natural resources purposes, related to the replacement land or subject Article 97
1989 protected land.

1990 (d) The secretary when determining whether proposed replacement land is comparable or
1991 better in natural resource value under clause (ii) of subsection (a) of section 2, shall in addition to
1992 other factors, consider the land's location and condition, intended and allowed uses and overall
1993 natural resource benefits.

1994 (e) If a public owner receives or will receive monetary compensation for a disposition or
1995 change in use of its Article 97 land by easement, lease or license comprising less than 22,000
1996 square feet of land area, that is insufficient to acquire suitable replacement land, upon the public
1997 owner's request the secretary may approve such monies received be held in trust to be expended
1998 only to obtain Article 97 land. The secretary's approval to hold monies in trust for said limited
1999 purpose may be conditioned on any additional terms, as the secretary shall prescribe. Such
2000 monies held in accordance with the provisions of this section, including any conditions
2001 established by the secretary, shall be in place of the public owner meeting the replacement land
2002 requirements under subsection (a) of section 2, for that disposition or change in use of Article 97
2003 land. The secretary's authorization concerning such compensation monies shall be subject to any
2004 special law related to the disposition or change in use of the Article 97 land from which the
2005 compensation originated.

2006 (f) This chapter and any regulations adopted under the authority of this chapter shall not
2007 be subject to the provisions of section 27C of chapter 29.

2008 Section 5. The secretary shall provide to public owners, information and education on the
2009 policies, requirements and best practices to protect Article 97 land. To assist a public owner, the
2010 secretary shall offer advice, guidance and technical assistance with the development of
2011 preliminary and proposed plans for the disposition or change in use of Article 97 land and
2012 replacement land alternatives. Such assistance shall include an assessment of the anticipated
2013 effect of regional climate change in the development of a proposed plan and any alternative
2014 options. Upon request of a public owner, the secretary shall review and make written evaluation
2015 of whether the public owner's preliminary or proposed plan, or any revision of the plan,

2016 complies with Article 97 no net loss requirements under subsection (a) of section 2, and related
2017 regulations. A copy of the written evaluation shall be provided to the public owner.

2018 Section 6. (a) The secretary shall provide to the general court a written recommendation
2019 to approve or disapprove each legislative petition that proposes a disposition or change in use of
2020 Article 97 land. If possible, the secretary shall make the recommendation before the first public
2021 hearing of the petition by a joint legislative committee of the general court. The recommendation
2022 shall identify the petition and include the secretary’s opinion as to whether (1) the disposition or
2023 change in use, including any required replacement land complies with the Article 97 no net loss
2024 requirements under subsection (a) of section 2, and related regulations; (2) the disposition or
2025 change in use will benefit the public; and (3) the required replacement land will provide equal or
2026 greater public environmental benefits.

2027 Additionally, the secretary’s recommendation shall include whether the legislation
2028 adequately identifies the subject Article 97 land and required replacement land and contains the
2029 necessary terms and conditions. The secretary’s statement shall detail the reasons for the
2030 secretary’s recommendation on the legislative petition, and identify all alternatives to the
2031 proposed disposition or change in use of the Article 97 land that were considered and reported by
2032 the public owner, including information reported about any alternative that the public owner did
2033 not select. If insufficient information about a proposed disposition or change in use of Article 97
2034 land or replacement land precludes the secretary from giving a full opinion, the secretary shall
2035 make known this circumstance and reason in the secretary’s recommendation.

2036 The secretary shall adopt regulations establishing standards for providing
2037 recommendations to the general court on Article 97 land legislation. The regulations shall allow

2038 a recommendation of approval of such legislation, if the secretary's opinion agrees with the
2039 statements contained in clauses (1) through (3), inclusive of the first paragraph, and if otherwise,
2040 the secretary shall recommend such legislation not be approved. Notwithstanding, the regulations
2041 shall allow the secretary to recommend approval of the legislation, if the secretary determines
2042 there are extraordinary circumstances for a proposed disposition or change in use of Article 97
2043 land or plan for replacement land, provided (i) no practicable or feasible alternative exists for the
2044 proposed legislation, (ii) the proposed disposition or change in use of Article 97 land is for a
2045 necessary public purpose, (iii) the overall intent of no net loss of Article 97 land will be attained
2046 to the maximum extent practicable, and (iv) the recommendation provides the reasons for the
2047 secretary's determination.

2048 In circumstances when Article 97 land is to be taken by eminent domain from a public
2049 owner, and no replacement land has been proposed, the regulations shall allow the secretary to
2050 make a qualified recommendation about the legislation. The secretary as part of the
2051 recommendation shall provide information about the proposed legislation, its advantages and
2052 disadvantages to the public and the environment, and whether there are any known feasible
2053 alternatives to the proposed disposition. In addition, the secretary shall provide an opinion
2054 whether the nature of the disposition proposed by the legislation would qualify for a full or
2055 partial replacement land waiver. The regulations shall require the secretary to detail reasons for
2056 the secretary's qualified recommendation.

2057 (b) A legislative committee of the general court referred a petition related to Article 97
2058 land, may solicit written recommendation on the legislation from the secretary. The secretary
2059 shall respond to the request expeditiously, and in the manner, and using the standards and criteria
2060 set forth in the prior subsection.

2061 (c) The secretary shall supplement this recommendation when Article 97 legislation is
2062 pending, if the secretary determines there is a subsequent change or event that materially affects
2063 the secretary's prior response.

2064 (d) The secretary shall post recommendations on legislation, on the public website of the
2065 executive office of environmental affairs.

2066 Section 7. (a) A municipality in making a determination for a disposition or change in use
2067 of Article 97 land, to include a detailed plan to provide any required replacement land, shall first
2068 obtain the approval of its conservation commission. Approval by the commission shall require a
2069 2/3rds vote in support of the proposed disposition or change in use, at an open public meeting of
2070 the commission. No vote shall be held, unless the commission has conducted a public hearing on
2071 the proposed disposition or change in use. The commission shall give public notice of such
2072 hearing, not less than 30 days before the scheduled hearing date; and, in addition shall provide
2073 written notice to the local regional planning agency.

2074 Except, in the event the disposition or change in use of Article 97 land relates to parkland
2075 under the legal control of its municipal park commission, or agricultural land under the legal
2076 control of its municipal agricultural commission, then approval shall be by vote of the respective
2077 commission under the same procedures and requirements in this subsection for conservation
2078 commissions.

2079 (b) A municipality in making a determination for a disposition or change in use of Article
2080 97 land and after any approval required in subsection (a), shall obtain the approval of the city
2081 council or town meeting. If replacement land is required, a detailed plan to provide such land or
2082 land interest, shall be included as part of the approval determination by the city council or town

2083 meeting. Such approval shall require a 2/3rds vote by the city council or a 2/3rds vote by an
2084 annual or special town meeting, whichever is the case, in support of the disposition or change in
2085 use, including any replacement land plan. Said vote shall be held at an open public meeting.

2086 (c) When a municipality holds Article 97 land sited within the boundaries of another
2087 municipality, the conservation commission of the other municipality may make a
2088 recommendation to the secretary on any proposed disposition or change in use of the Article 97
2089 land. Before making a recommendation, the commission shall hold a public hearing on the
2090 proposal in the municipality, and provide reasonable notice. A commission's recommendation to
2091 approve or disapprove the proposed disposition or change in use shall be in writing and include a
2092 statement on the proposal's local environmental impacts with the reasons for its determination.
2093 Approval of a recommendation shall require a majority vote of the commissioners in support at
2094 an open meeting of the commission. Any such recommendation to the secretary shall be made no
2095 later than 45 days after receiving notification from the municipal owner of the Article 97 land.

2096 Section 8. (a) When the public owner is a state agency that holds or controls Article 97
2097 land, the executive head of such agency or the secretary of the executive office in which such
2098 agency is located, shall make the initial proposal for any disposition or change in use of the
2099 agency's Article 97 land. The proposal shall include a plan for replacement land, or information
2100 that the proposed disposition or change in use, is eligible for a replacement land waiver under
2101 subsection (a) of section 4. Such proposal shall be made in writing to the commissioner of capital
2102 asset management and maintenance and, if not making the proposal, to the secretary of
2103 environmental affairs.

2104 The commissioner prior to making a determination on the proposal shall not less than 60
2105 days after receipt of the proposal, conduct a public hearing with the secretary to consider the
2106 proposed Article 97 land disposition or change in use, and any replacement land to be provided
2107 by the commonwealth. The public hearing shall be in the municipality where the Article 97
2108 protected land is located. The commissioner with approval of the secretary may waive the public
2109 hearing when the proposed disposition or change in use of the Article 97 land— (i) affects a land
2110 area not exceeding 11,000 square feet, provided the area is not located in a public park, (ii)
2111 affects a land area of a public park not exceeding 11,000 square feet, provided the area does not
2112 exceed 20 per cent of the total square footage of the park parcel, (iii) transfers the land with any
2113 existing reserved uses to another state agency to be held for the same or similar Article 97
2114 natural resource purposes, (iv) establishes a temporary easement related to construction or
2115 natural resource project, (v) establishes an easement to alter land grades affecting small portions
2116 of the parcel, or (vi) allows reserved uses pertaining to small buildings or structures with a
2117 combined total area not exceeding 2,500 square feet.

2118 The commissioner shall provide public notice of such hearing at least 30 days prior to the
2119 scheduled hearing date. Such notice shall be posted in the central register and on the public
2120 website of the executive office of environmental affairs, and additionally, shall be placed at least
2121 once each week for 4 consecutive weeks prior to the hearing, in newspapers with sufficient
2122 circulation to inform the people in the locality where the Article 97 land is situated.

2123 In the event the hearing is waived or not required, the commissioner and secretary of
2124 environmental affairs shall accept written comments for a period of 30 days. Public notice of the
2125 comment period shall be posted in the central register and on the executive office of
2126 environmental affairs' public website.

2127 Within 30 days after any required hearing or comment period, the secretary shall make a
2128 determination whether the proposed disposition or change in use of the Article 97 land and any
2129 replacement land plan, complies with the Article 97 no net loss requirements under subsection
2130 (a) of section 2, or substitute method under subsection (e) of section 4. Alternatively, the
2131 secretary shall determine whether such proposed disposition or change in use qualifies for a
2132 replacement land waiver. Such determination shall be in writing and give the reasons for the
2133 decision with any recommendations and comments about the proposal. The secretary shall
2134 provide a copy of the determination to the commissioner, secretary of administration and finance
2135 and state agencies affected by the proposal; and shall post the determination on the executive
2136 office of environmental affairs' public website. The secretary's determination shall be submitted
2137 with any request of the commissioner to the general court to authorize the disposition or change
2138 in use of such proposed Article 97 land.

2139 (b) The provisions of section 4 of chapter 7B and sections 33 and 34 of chapter 7C shall
2140 not limit or modify the requirements under this chapter, applicable to the disposition or change in
2141 use of Article 97 land, held or controlled by a state agency.

2142 (c) In the event of an emergency affecting public health and safety that necessitates a
2143 temporary and significant change in use of Article 97 land of the commonwealth, the
2144 commissioner of capital asset management and maintenance upon written certification of such
2145 emergency and with the approval of the secretary, may waive or reduce the time period for any
2146 public notice, hearing or comment period required under subsection (a) regarding such land use.
2147 The certification shall identify the current and proposed change in use of such land, and the
2148 commissioner's reasons for the proposed action.

2149 Section 9. (a) When the public owner is a regional conservation district that holds Article
2150 97 land that it has proposed for disposition or change in use, the supervisors of the conservation
2151 district shall approve such disposition or change in use, and any plan to provide replacement
2152 land. Such approval shall require a 2/3rds vote by the supervisors in support of the disposition or
2153 change in use, and any replacement land plan, held at an open meeting. No vote shall be held,
2154 unless, the supervisors first conduct a public hearing on the proposed disposition or change in
2155 use and replacement land plan. Such public hearing shall be conducted in the municipality where
2156 the land protected under Article 97 is located. The chairperson of the district supervisors shall
2157 provide public notice of the hearing not less than 30 days before the scheduled hearing date.

2158 (b) When the public owner is a county government not abolished by chapter 34 or other
2159 law, which holds Article 97 land that it proposes for disposition or change in use, the county
2160 commissioners shall approve such disposition or change in use, and any plan to provide
2161 replacement land. Such approval shall require a 2/3rds vote by the commissioners in support of
2162 the disposition or change in use, and any replacement land plan, held at an open meeting. No
2163 vote shall be held unless the commissioners conduct a public hearing on the proposed disposition
2164 or change in use and replacement land plan. The commissioners shall give public notice of the
2165 hearing not less than 30 days before the scheduled hearing date.

2166 (c) When a public owner, other than a municipality, state agency, conservation district, or
2167 unabolished county government, holds Article 97 land it proposes for disposition or change in
2168 use, the public owner shall conduct a public hearing not less than 30 days prior to its final
2169 determination on the proposal and any plan to provide replacement land. A final determination to
2170 authorize the proposed disposition or change in use of Article 97 land shall be by a vote of an
2171 authorized board, commission or other body of the public owner, and if no such board,

2172 commission or body exists, then by a written decision of the public owner's executive officer.
2173 The hearing shall be conducted in the municipality where the Article 97 land is situated. The
2174 public owner shall give public notice of the hearing not less than 30 days before the scheduled
2175 hearing date.

2176 Section 10. For public notice required under sections 8 and 9, separate written notice
2177 shall also be provided to, for each city or town in which the Article 97 land is located, the city
2178 manager in the case of a city under Plan E form of government, the mayor and city council in the
2179 case of all other cities, the chairman of the board of selectmen in the case of a town; and the
2180 regional planning agency; and the representative members of the general court.

2181 Section 11. Notwithstanding the provisions of subsection (a) of section 2 to the contrary,
2182 when a special law allows a disposition or change in use of specific Article 97 land, which
2183 requires or references any substitute land or interest in land, the public owner's obligation to
2184 acquire or provide replacement land shall be governed exclusively by such special law.

2185 Section 12. A public owner having made a disposition or change in use of Article 97 land
2186 shall notify the secretary, when related to such disposition or change: (i) the public owner
2187 acquires or provides any required replacement land, (ii) a temporary easement in the Article 97
2188 land terminates, (iii) an event or act completes the Article 97 land disposition or change in use,
2189 or (iv) upon any other event or act as the secretary shall establish by regulation. Such notification
2190 shall be made in the manner, and include any necessary information as the secretary shall
2191 prescribe.

2192 Section 13. The secretary shall prepare annually a comprehensive report describing the
2193 work of the executive office of environmental affairs relative to the protection of Article 97 land

2194 in the commonwealth for the preceding calendar year. The report shall provide information about
2195 the disposition and change in use of Article 97 land and replacement land, including, without
2196 limitation, the total number of notifications received, reviews conducted and opinions provided;
2197 total acreage and description of replacement land required to prevent a no net loss of Article 97
2198 land; and total acreage of Article 97 land that lost protection. The annual report shall be filed
2199 with the clerks of the house of representatives and senate, and the chairs of the joint committee
2200 on environment, natural resources and agriculture, and shall be posted on the public website of
2201 the executive office of environmental affairs, on or before the first Monday of April the
2202 following year.

2203 Section 14. (a) When a public owner's Article 97 land is taken by eminent domain, the
2204 public owner upon receiving the entire damage award for such taking shall acquire or provide
2205 suitable replacement land. The replacement land shall meet the no net loss criteria under clauses
2206 (1) through (4), inclusive, of subsection (a) of section 2; except, the replacement land required
2207 shall be limited by the total value of the award for damages sustained by the public owner
2208 resulting from such land taking. The value of any land and additional funds conveyed or
2209 transferred to the public owner to replace the loss of Article 97 land, and that may be, partially or
2210 entirely, in lieu of damages, shall be considered an award for damages for the purpose of
2211 determining the total value limitation under this subsection.

2212 Before acquiring or providing any replacement land, the public owner shall consult with
2213 the secretary to review the planned replacement land. In the review, the secretary shall determine
2214 whether the replacement land complies with said no net loss criteria; subject to, and, after taking
2215 into consideration the total value limitations on replacement land. The secretary shall provide the
2216 public owner with an opinion as to whether the planned replacement land is suitable.

2217 The secretary may grant a full or partial waiver to a public owner to acquire or provide
2218 replacement land under subsection (a) of section 4, when the public owner’s Article 97 land is
2219 taken by eminent domain from the public owner. Notwithstanding, if the monetary portion of a
2220 damage award and any other compensation received by public owner are not sufficient to acquire
2221 or provide suitable replacement land, upon the public owner’s request, the secretary may approve
2222 using the monies for other public natural resource purposes.

2223 A public owner shall provide to the secretary relevant information about planned
2224 replacement land under this section, as the secretary shall prescribe by regulation.

2225 (b) Notwithstanding any other general law to the contrary, the secretary shall first
2226 approve any interest in land conveyed or transferred to a public owner under section 7M of
2227 chapter 81, if the conveyance or transfer is to replace Article 97 land taken by eminent domain
2228 from such public owner.

2229 Section 15. (a) The secretary shall establish a self-subscribing email notification delivery
2230 system to send informational emails to the public and government organizations about proposed
2231 dispositions of Article 97 land and recommendations of the secretary on related legislation.

2232 (b) Information required under this chapter to be posted on the executive office of
2233 environmental affairs’ public website, shall, in addition be posted in the environmental monitor.

2234 (c) The secretary may not charge any fee for informational emails under subsection (a),
2235 or to access information posted on the executive office of environmental affairs’ public website
2236 as required under this chapter.”.

2237 SECTION 89. The secretary of the executive office of energy and environmental affairs
2238 shall, not later than 1 year after this section takes effect, promulgate regulations for the
2239 requirements, administration, and enforcement for the chapter established under section 88 of
2240 this act.

2241 SECTION 90. The fourth paragraph of section 44 of chapter 85 of the acts of 1994, as
2242 most recently amended by section 127 of chapter 46 of the acts of 2015, is hereby further
2243 amended by inserting after the words “in the city of Canton” the following words:-

2244 “Randolph Avenue Stables, so called, at 1333 Randolph Avenue in the Blue Hills State
2245 Reservation in the town of Milton, 7 Brainard Street, in the Stonybrook State Reservation in the
2246 Hyde Park neighborhood of the city of Boston.”.

2247 SECTION 91. Notwithstanding any general or special law to the contrary, the
2248 commissioner of conservation and recreation may expend, without further appropriation, sums
2249 collected and held in accordance with chapter 673 of the acts of 1950 on repairs, replacements
2250 and improvements to the facilities and buildings on the Dilboy Stadium property in the city of
2251 Somerville.

2252 SECTION 92. Notwithstanding any general or special law to the contrary, the director of
2253 the division of marine fisheries, in consultation with the commissioner of the department of fish
2254 and game, shall, by June 14, 2019, conduct and publish a study of the current lobster fishery and
2255 provide a recommendation as to the advisability of enacting statutory and regulatory changes to
2256 allow the processing of lobster parts, other than lobster tails weighing 3 ounces or more, for sale
2257 in the commonwealth. The study shall include an economic and market analysis of potential
2258 impacts and benefits, assessment of potential state and federal law enforcement issues associated

2259 with a change in legislation or regulations, an assessment on the impacts of such changes on
2260 inter-jurisdictional fisheries management and a review and analysis of the potential biological
2261 and population dynamics of the species known as *Homarus americanus* as a result of such
2262 changes.

2263 SECTION 93. Notwithstanding section 30 of chapter 29 of the General Laws or section
2264 65 of chapter 30 of the General Laws, a portion of the funds authorized under this act may be
2265 used for the costs associated with the purchase of title insurance and services for title
2266 examinations, reports and certifications; provided, that any executive department or state agency
2267 expending such funds shall maximize efforts and utilize all available means to minimize use of
2268 capital funds for such purposes.

2269 SECTION 94. Notwithstanding any general or special law to the contrary, any executive
2270 department or state agency expending funds authorized in this act shall maximize efforts and
2271 utilize all available means to minimize use of capital funds to pay for services rendered by
2272 agency employees or by consultants.

2273 SECTION 95. Subject to any general law, special law, or municipal bylaw, upon
2274 acquiring any fee interest in land for purposes pursuant to Article XCVII of the Amendments to
2275 the Constitution, any state agency, commission, or board expending or receiving state funds
2276 under this act may only implement or endorse fishing, hunting, or trapping on said land by (a)
2277 obtaining the approval of (1) the secretary of energy and environmental affairs; and (2) the
2278 mayor and city council under Plan A, B, C or F; or the city manager and the city council under
2279 Plan D or E; and the conservation commission of the municipality, within which the land lies;

2280 and (b) providing the secretary and the municipal officials with written justification 45 days
2281 before seeking to obtain the approval described in subsection (a).

2282 SECTION 96. (a) Section 40 of chapter 82 of the General Laws, as appearing in the 2016
2283 Official Edition, is hereby amended by inserting the following terms therein:-

2284 “‘Marking standards’, the methods by which a company designates its facilities in
2285 accordance with standards established by the Common Ground Alliance (CGA) and the
2286 American Public Works Association.

2287 ‘Non-mechanical means’, shall mean excavation using any device or tool manipulated by
2288 human power, including air vacuum, air blowing, or similar methods of excavation designed to
2289 minimize direct contact with utilities.”.

2290 (b) Said section 40 of said chapter 82, as so appearing, is hereby amended by inserting in
2291 line 5, after the words “company, and”, the following words:- “municipal traffic signal
2292 departments”.

2293 (c) Said section 40 of said chapter 82, as so appearing, is hereby amended by inserting the
2294 following terms therein: "Professional Land Surveyor", shall have the same definition as set forth
2295 in section 81D of chapter 112 of the General Laws.

2296 (d) Section 40A of said chapter 82, as so appearing, is hereby amended by inserting after
2297 the first paragraph the following paragraph:-

2298 “Any Professional Land Surveyor working on a preliminary design for a new facility or
2299 renovation where excavation shall be necessary shall premark the proposed excavation and give
2300 initial notice to the system.”.

2301 (e) Section 40B of said chapter 82, as so appearing, is hereby amended by inserting after
2302 the words “the excavator”, in line 3 the following words:- “or Professional Land Surveyor”.

2303 (f) Said section 40B of said chapter 82, as so appearing, is hereby amended by adding the
2304 following sentences:-

2305 “At a minimum, all markings shall indicate, where practicable, the width, if it is greater
2306 than 2 inches; the material of the underground facility; the existence of multiple ducts; any
2307 change in direction; and any terminus points of the facility. In circumstances where the total
2308 number of lines buried in the same trench may not be readily known, a corridor marker may be
2309 used.

2310 A company shall conduct periodic audits to ensure the accuracy of the locating and
2311 marking of facilities as well as its adherence to marking standards.”.

2312 (g) Section 40E of said chapter 82, as so appearing, is hereby amended by adding the
2313 following sentence:-

2314 “The department of public utilities may require any person or company who does not
2315 comply with the provisions of sections 40A to 40E to complete a ‘Dig Safe’ training program in
2316 lieu of a fine for a first offense.”.

2317 SECTION 97. Notwithstanding any general or specific law to the contrary, the city of
2318 Boston shall not construct any structures or provide any services on Long Island other than drug
2319 and substance abuse recovery and homeless housing and housing assistance.

2320 SECTION 98. The sums made available pursuant to sections 2 to 2D, inclusive, shall be
2321 available for expenditure in the 5 fiscal years following June 30 of the calendar year in which the

2322 appropriation is made and any portion of such appropriation representing encumbrances
2323 outstanding on the records of the state comptroller's office at the close of the fifth fiscal year
2324 may be applied to the payment thereof any time thereafter.

2325 SECTION 99. Each agency acquiring land or an interest in land under this act may
2326 expend an amount not to exceed 5 per cent of the amount appropriated to that agency for the
2327 purpose of reimbursing nonprofit land conservation organizations or land trusts for reasonable
2328 expenses directly associated with the acquisition of land or interests in land subsequently
2329 conveyed to the commonwealth. Reimbursements shall be made at the discretion of the agency.
2330 The secretary of energy and environmental affairs shall determine by regulation what shall
2331 constitute reasonable expenses. If the commonwealth does not take title to the property through
2332 no fault of the nonprofit organization or the commonwealth, the commonwealth may reimburse
2333 the nonprofit organization for reasonable expenses associated with due diligence. An
2334 organization receiving a reimbursement under this section shall convey the land or interest in
2335 land to the agency for an amount not to exceed the actual purchase price paid by the organization
2336 for the land or interest in land in addition to any reimbursement received under this section.

2337 SECTION 100. Section 35 of chapter 91 of the General Laws, as appearing in the 2016
2338 Official Edition, is hereby amended by adding the following paragraphs:-

2339 “Where sea level rise, storms, or other natural processes have caused the landward or
2340 lateral movement of a barrier beach into an area which was previously occupied by the bottom of
2341 any great pond, the portion of the barrier beach relocated into the former bottom of the great
2342 pond shall be and remain in public ownership.

2343 In accordance with article 10 of the Massachusetts declaration of rights and the
2344 fourteenth amendment to the constitution of the United States, the preceding sentence may not be
2345 construed to convert ownership of any private property to public ownership; and, to the extent
2346 that application of the foregoing sentence to any private property would have such an effect, the
2347 foregoing sentence shall not apply to such private property.

2348 For the purposes of this section, the term, ‘barrier beach’ shall have the same meaning as
2349 defined in section 10.29 of title 310 of the code of Massachusetts regulations, or successor
2350 regulations.

2351 Upon petition of 10 citizens of the commonwealth that a dispute exists with respect to the
2352 location of the former bed of any great pond or other facts relevant to this section, the department
2353 and the attorney general or a representative designated by the attorney general shall hold a public
2354 hearing and receive such evidence thereon as may be presented to them and otherwise proceed in
2355 a manner consistent with the procedures set forth in section 18A of this chapter.”.

2356 SECTION 101. To provide for the continued availability of certain bond-funded spending
2357 authorizations which otherwise would expire, the unexpended balances of the following capital
2358 accounts are hereby extended through June 30, 2023, for the purposes of and subject to the
2359 conditions stated for these items in the original authorizations and any amendments to such
2360 authorizations: 2000-2010, 2000-2011, 2000-2012, 2000-2013, 2000-2014, 2000-2015, 2000-
2361 2016, 2000-2017, 2000-2018, 2000-2019, 2000-2020, 2000-2021, 2000-2022, 2000-2023, 2000-
2362 2024, 2000-2025, 2000-2026, 2000-2028, 2000-2029, 2000-2035, 2000-6966, 2000-6967, 2000-
2363 6969, 2000-7013, 2000-7014, 2000-7015, 2000-7016, 2000-7018, 2000-7022, 2000-7023, 2000-
2364 7024, 2000-7025, 2000-7026, 2000-7028, 2000-7029, 2000-7031, 2000-7051, 2000-7052, 2000-

2365 7053, 2000-7054, 2000-7055, 2000-7056, 2000-7057, 2000-7058, 2000-7059, 2000-7060, 2000-
2366 7061, 2000-7062, 2000-7063, 2000-7066, 2000-7070, 2200-2011, 2200-2014, 2200-2015, 2200-
2367 2017, 2200-2019, 2200-7011, 2200-7012, 2200-7013, 2200-7014, 2200-7015, 2200-7017, 2200-
2368 7018, 2200-7021, 2200-7023, 2200-7025, 2200-7991, 2240-8820, 2250-8820, 2250-8822, 2300-
2369 2010, 2300-2011, 2300-2012, 2300-2014, 2300-2017, 2300-7010, 2300-7011, 2300-7013, 2300-
2370 7014, 2300-7016, 2300-7017, 2300-7018, 2300-7020, 2300-7021, 2300-7023, 2300-7024, 2300-
2371 7025, 2300-7026, 2300-7027, 2300-7028, 2500-7011, 2500-7012, 2500-7013, 2500-7014, 2500-
2372 7023, 2500-7024, 2800-0103, 2800-0109, 2800-0611, 2800-2019, 2800-7011, 2800-7012, 2800-
2373 7013, 2800-7015, 2800-7016, 2800-7017, 2800-7018, 2800-7019, 2800-7022, 2800-7027, 2800-
2374 7031, 2800-7032, 2800-7035, 2800-7097, 2800-7098, 2800-7107, 2800-7108, 2800-7109, 2810-
2375 3302, 2810-7872, 2810-8802, 2820-1420, 2820-2011, 2820-2012, 2820-8861, 2840-2013, 2840-
2376 2014, 2840-2019, 2840-2023, 2840-7017, 2840-7024, 2840-7026, 2840-7027, 2840-7993, 2850-
2377 6967, 2850-9951, 2890-2023, 2890-2040, 2890-7010, 2890-7011, 2890-7020, 2890-7035, 6720-
2378 1335, 9300-3909, 9300-7010, 9300-7030, 9300-7031, 9300-7909, 9300-7918, 9300-7919.

2379 SECTION 102. The first state plan required by section 20 of this act shall be completed
2380 by September 16, 2018.

2381 SECTION 103. Any person serving as an inspector of animals on the date of enactment
2382 shall, within 1 year of enactment, complete all state-funded training that the director of animal
2383 health determines is required for newly appointed inspectors of animals under the authority of
2384 section 44.

2385 SECTION 104. Sections 13, 42 to 77, inclusive, 79 to 83, inclusive, and 86 and 87 shall
2386 take effect 90 days after enactment.

2387 SECTION 105. The executive office of energy and environmental affairs shall submit an
2388 annual report detailing the progress of any projects funded through the authorizations of this act
2389 to the chairs of the joint committee on environment, natural resources and agriculture; the chairs
2390 of the senate and house committees on bonding; and the clerks of the house and senate. The
2391 report shall include, but not be limited to, description of project, previous year planned spending,
2392 previous year spending, current year planned spending, current year spending to date, original
2393 estimated project cost, total project cost to date, type of spending, type of asset, and predicted
2394 useful life of the project once completed. The initial report shall be submitted no later than
2395 December 30, 2018, and subsequent reports shall be submitted no later than June 30 of every
2396 year thereafter for a period of 10 years after the effective date of this act.

2397 SECTION 106. Section 88 shall take effect 1 year after the effective date of this act.

2398 SECTION 107. Except as otherwise specified, this bill shall become effective upon
2399 enactment.