

The Commonwealth of Massachusetts



THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE DEPARTMENT

STATE HOUSE • BOSTON 02133

MICHAEL S. DUKAKIS
GOVERNOR

October 11, 1989

To the Honorable Senate and House of Representatives:

I am filing herewith for your consideration my recommendation for savings and revenue measures to help put the Commonwealth on a sound fiscal footing in Fiscal Year 1990 and the years to come. The Fiscal Year 1990 estimated value of these actions is \$134,072,337. In addition I am submitting a series of savings and revenue measures for local government with an estimated FY90 value of \$32,000,000. The benefits are even greater in Fiscal Year 1991 and future fiscal years.

Finally I am recommending deficiency appropriations for fiscal year 1990, in an amount of \$56,652,192. These deficiency appropriations are necessitated by unavoidable spending in excess of amounts previously appropriated.

HISTORY

On July 13th I demonstrated my strong commitment to ensuring the Commonwealth's long term fiscal stability by exercising my authority to line item veto or reduce items of appropriations and my authority under section 9C of chapter 29 of the General Laws to reduce the FY90 General Appropriation act by \$491 million. These were difficult and painful actions, service cuts and employee reductions which, nonetheless, were necessary to bring FY90 spending within the limits of available resources.

For example, we were forced to eliminate cost of living increases for families receiving Aid to Families with Dependent Children, as well as for recipients of General Relief benefits. We eliminated COLAs for state retirees and human service providers. Funding for new programs to serve mentally retarded clients turning 22 was also eliminated. In addition, funding for a wide range of important services to the Commonwealth were reduced, in areas such as education, environmental programs, the court system, day care, public health and nutrition, home care for the elderly, housing, and many other areas.

To ensure that our government operates as efficiently and economically as possible, we have exerted our maximum efforts to eliminate all non-essential state spending. We have scrutinized all state spending on so-called "03" contracted services, cutting these expenditures by 24% during fiscal year 1989 and an additional 20% during the current fiscal year. Through the Secretary of Administration and Finance, I have imposed severe restrictions on the use of state cars, which will result in a 20% reduction in the size of the Commonwealth's motor vehicle fleet. And I have used my authority to line item veto or reduce items of appropriation to significantly reduce the administrative expenditures of virtually every state department under my control.

CURRENT SITUATION

Based on the revenue estimates and other fiscal information available at the time I signed the General Appropriation Act (Chapter 240), we believed that these drastic measures would be sufficient to keep FY90 expenditures in line with available resources. Unfortunately, this did not prove to be the case. Our August fifteenth revenue estimates, incorporating information on FY90 revenue collections to that point, indicated that our original estimates on which the budget I signed were based would have to be revised. Based on this August fifteenth projection, therefore, sound fiscal practice dictated that we reduce our FY90 revenue estimate by \$170 million. Combined with reductions to the non-tax revenue estimate and revised estimates of unavoidable spending, particularly in the area of debt service and entitlement programs, this revision left us once again facing a shortfall which we estimated to be \$330 million. More recent news has increased the potential size of that shortfall.

Therefore, today I am announcing a series of administrative actions that produce both savings and revenue. Additionally, I am filing legislation to bolster non-tax revenues and authorize the implementation of additional savings proposals. While some of these proposals have been rejected in the past, the new fiscal realities we face make these proposals not only necessary but absolutely essential. While the broad powers available to me to reduce spending at the start of the new fiscal year have passed, I will not waver from my commitment to take every administrative action possible to ensure that spending stays within available revenues.

ADMINISTRATIVE ACTIONS

- o On the second of this month I issued a directive to the cabinet to develop plans to reduce spending in the executive branch during fiscal year 1990 by an additional \$150 million. These plans will be returned to the Secretary of Administration and Finance by October 15.
- o A central element of these plans involves a significant additional reduction of the state work force. I have directed Secretary of Administration and Finance to proceed with all action necessary to reduce state personnel levels by 5000 FTEs from the July 1988 total. We have already reduced the workforce 2700 positions will achieve the remaining 2300 reductions by the spring of this year.

Other Administrative Actions

In addition, I have directed various cabinet Secretaries and Department heads to:

- o Improve compliance with the current requirement that health insurance be included in all child support orders (FY 90 value \$500,000).
- o Proceed with a review of the policies and practices governing private auto mileage reimbursements for fiscal year 1990 (FY 90 value 200,000).
- o Reduce the number of deductions allowed from tenants' income when calculating tenant rental contributions. Currently EOCB regulations allow more deductions than required by Federal standards.
- o Eliminate state funding for the Northeast Consortium, which coordinates activities among North Shore Community College, Salem State and Merrimack College. Other consortia are supported by their constituent institutions, not by direct state funding (FY 90 value \$90,207).

- o Pursue a series of both administrative and legislative actions to reduce Medicaid spending which our discussed in greater detail below.

Administrative Reorganizations

Article 87 of the Amendments to the Constitution grants me broad powers to reorganize departments and agencies within the executive branch to avoid overlapping jurisdiction and inefficiency. In the coming weeks I will exercise this authority to:

- o Consolidate the functions of the, Purchasing Agent, Office of Telecommunications, Motor Vehicle Management Bureau and Bureau of Systems Policy and Planning within OMIS (FY90 value \$100,000).
- o Reorganize the functions of the Secretary of Energy Resources and to eliminate the secretariat. (The FY90 value of this reorganization is \$212,130).

Studies

To continue our efforts to find the most efficient and cost-effective ways to maintain essential services to the citizens of our Commonwealth, I have also directed various departments within my administration to:

- o Study and report within 60 days on a plan to consolidate the Office of Human Resources, the Department of Personnel Administration the Teachers Retirement Board, the Public Employees Retirement Administration, and the Group Insurance Commission. (FY90 value \$200,000 in FY90 savings)
- o Review and report within 60 days on a proposal to save 5% of state agency space rentals, through efforts to consolidate regional or local administrative offices and to maximize the use of state-owned office space.
- o Report within 60 days on the feasibility of converting the court ordered process for establishing child support orders to an administrative process and estimate savings from the conversion.
- o Report within 60 days on a study to centralize the administration of the county prisoner transportation program including savings that will result from central dispatching and consolidation of routes.
- o Study and report within 60 days on the feasibility of the sale or lease of surplus state property and estimate savings resulting from these actions.
- o Report within sixty days on a proposal to maximize savings by streamlining or reorganizing the Department of Environmental Management and the Metropolitan District Commission including estimated savings related thereto(FY90 value \$250,000).
- o Study and report within 60 days on the cost and benefits of programs at the long-term care facilities within EOHS including those operated by the Departments of Public Health and Mental Health. This study will review alternative treatments available, explore the feasibility of consolidating institutions or service locations, and develop ways to maximize revenues.
- o Study and report within 60 days with a proposal for specific civil service reforms including changes in promotion criteria and testing.

- o Study and report within 60 days on a plan to reorganize the Commonwealth's police agencies. Possible savings from consolidation include savings from administrative functions such as purchasing, personnel, training and communications.

SAVINGS AND REVENUE PROPOSALS

The legislative package I am filing today includes the following proposals:

Medicaid

I have directed the Department of Public Welfare to develop additional administrative and legislative measures to control the costs of the Medicaid program. These measures will increase federal and third-party payment for services, improve case management and controls on prior approval for certain services and recipients, and make technical changes to rate setting methodology for chronic hospitals.

Medicare Certification In order to maximize the 100% federally funded skilled nursing facility (SNF) benefits extended by Medicare, the Department of Public Welfare will require by regulation that all qualified Medicaid certified SNFs become certified for Medicare billing. Nursing Homes will be required to bill Medicare first, subject to a fine for non-compliance. To further ensure compliance, I am recommending language in this act that will allow Welfare to pay a rate supplement to certain nursing homes equal to the difference between Medicare and Medicaid rates. These changes will result in additional savings of \$10 million (\$5 million net state benefit).

Revised Benefits and Managed Care The Department of Public Welfare will use its administrative authority to enhance its prior approval system, consistent with private insurance policies and the particular needs of the Medicaid population. These changes will significantly tighten utilization control of certain services, but allow medical exceptions through Welfare's case management program. Benefit changes include:

- o Capping coverage for physical, occupational and speech therapy, private duty nursing services, adult outpatient mental health services, inpatient psychiatric and substance abuse treatment, medical supplies and durable medical equipment for non-chronically disabled recipients;
- o Instituting managed care for recipients who are high users of hospital outpatient facilities;
- o Limiting pharmacy reimbursement for non-essential medication and over-the-counter drugs.

These benefit changes will result in additional FY90 savings of \$5.5 million (\$2.75 million net state benefit).

Chronic Hospital Rates In October 1988, when the Legislature passed the chronic hospital rate bill, I expressed serious concerns about the long-term impact of several of its provisions on our chronic hospital system. I must again raise these concerns which have not been adequately addressed. I fully support wage increases that will permit chronic facilities to compete for scarce labor. Several provisions, however, including restrictions on utilization review and expansion of the Division of Administrative Law Appeal's (DALA) authority,

undermine our efforts to rationalize our long term care delivery system. Moreover, these provisions appear to violate federal regulations, thereby jeopardizing federal reimbursement and potentially costing the state million of dollars.

For these reasons, I am proposing corrective language that will ensure that the DALA's authority over chronic hospital rates be made consistent with its authority over all other Rate Setting Commission actions, and that chronic hospitals be subject to reasonable utilization review by the Department of Public Welfare. These corrections will result in additional FY90 savings of \$4 million (\$2 million net state benefit).

Bottle Escheats

While the Bottle Bill provides a five-cent deposit for every beer and soft drink container, one in five containers are never returned. The unclaimed funds are in a legal limbo. The Bottle Bill states, and the Superior Court has ruled, that unclaimed nickels must sit in separate bank accounts until consumers claim them. The Administration's proposal, previously filed as part of the FY89 emergency supplemental, would resolve this legal situation in favor of consumers. It would escheat the funds to the Commonwealth for use in solid waste control and other purposes consistent with the original Bottle Bill.

The proposal would provide annual revenues of at least \$24 million. Beverage firms' reports to the state Alcoholic Beverage Control Commission show that at least this much in unclaimed deposits accumulates each year. The firms would be liable for all such deposits held since July, 1988 (when House passage of this bill first put beverage firms on notice of legislative intent to escheat the funds). Including these past due amounts, and allowing for implementation, FY90 revenues will be up to \$46M.

Escheatage of unclaimed deposits will help maintain vitally needed state services, at a time of fiscal duress. In the long run, this legislation will support a solution to our solid waste problems by dedicating the monies to a new Clean Environment Fund. Additionally, the legislation will have minimal impact on the industry. Compared with 1982 when the Bottle Bill passed, the beer industry's own data demonstrate that the industry earned at least \$44M in windfall profits last year--\$.85 for every case of beer sold.

Moreover, the state Superior Court's decision, which orders firms to segregate over \$110 M in separate bank accounts, places enormous pressure on elected officials to at last resolve the question of abandoned deposits. As the Boston Herald editorialized, this proposal provides that resolution: it "would take \$24 million a year currently in bottlers' hands and hand it back to us, by way of state services. And that's where the money belongs."

Full Cost Recovery

The Commonwealth has statutory authority to assess trust funds, federal grant accounts and authorities for the indirect fringe benefit costs of non-state-funded employees in higher education. The legislation I am submitting would give the Comptroller more specific authority to collect the funds owed (FY 90 value \$40,000,000).

Sports Betting

Authorize the State Lottery Commission to develop and implement a sports betting game. While it is uncertain that this new game can generate revenue in FY90, the annualized value of this proposal in FY91 and future fiscal years is estimated at \$50 million.

Other Actions

Other provisions of the package I am submitting to you today include the following cost-saving measures, designed to produce savings and revenues:

- o Require auto dealers to collect sales tax at dealership. (FY90 value is \$1,000,000)
- o Develop and implement a sliding payment scale for certain state services not subject to existing payment schedules (examples include DSS voluntary placements, DMH and DMR children services, and DPH early intervention services) (FY90 value is estimated at \$1,000,000).
- o Increase the court fee paid by convicted drunk drivers from \$200 to \$250, to be used to reimburse driver alcohol education programs for the costs of serving indigent drunk drivers (FY90 value is \$500,000).
- o Authorize the MBTA to purchase electricity directly at wholesale rates.
- o Limit certain tort claims actions against the MBTA to a maximum of \$100,000. This maximum is comparable to liability limit caps currently in place for the Commonwealth and cities and towns. Anticipated savings to the Commonwealth, to begin in FY92, are estimated to be at least \$500,000.
- o Direct the state colleges and universities to perform energy audits with the goal of reducing utility cost by 2% by the end of FY91.
- o Request the Board of Regents to study and report on the cost of an individual's education at its institutions and the extent to which out-of-state students reimburse the Commonwealth for the comparable "out-of-state" charges levied by other states with the goal of implementing changes in tuition structure for the spring semester to set out-of-state rates in light of these charges (FY90 value is \$9,000,000).
- o Direct the Board of Regents to develop and implement a plan to centralize the administration of the colleges' payroll, purchasing and auditing functions.
- o Eliminate caps on the amount of reimbursements by university and state college building authorities for state-funded costs of utility services provided to projects of those authorities (FY90 value \$2,000,000).
- o Increase the license reinstatement fee for motorists with seven surchargeable events within three years (FY90 value \$1,070,000).
- o Reduce fraudulent claims for stolen vehicles through improved tracking of salvaged vehicles. Budget language will authorize the expenditure \$600,000 revenues to collect from Inspection, titles and salvage certificates (FY 90 value \$2,000,000).
- o Extend the existing automobile titling requirement to older vehicles (FY 90 value \$1,800,000).
- o Authorize expenditure of retained revenue to allow the registry to ensure that commercial drivers conform to new Federal Licensing standards (FY 90 value \$500,000).

- o Limit the inappropriate use of repair plates, thus increasing regular auto registrations (FY 90 value \$5,000,000).
- o Establish off-track betting in Chicopee.
- o Increase franchise fees paid by operators of cable television systems. The increase in these fees will be shared with municipalities accepting such systems (FY 90 state value \$6,300,000).
- o Ensure full recovery of indirect and fringe benefit costs from assessments on utility companies for regulatory activities of the Department of Public Utilities and other Consumer agencies and for related activities of the Attorney General (FY 90 value \$1,500,000).
- o Include fringe benefit costs in currently authorized assessments for the costs of the Energy Facilities Siting Council (FY 90 value \$100,000).
- o Authorize \$75,000 retained revenue for a project of the Secretary of State to identify and bill corporations delinquent in filing required annual reports (FY90 value \$5,000,000).

Assistance to Local Government

I have also included a number of actions related to the state assistance provided to the Commonwealth's cities and towns. These measures in the aggregate to help local communities and estimated \$32 million in FY90 and \$147 million in FY91 and future fiscal years. These measures will:

- o Allow municipalities to be released, at local option, from having to offer health coverage to municipal employees already covered through another plan.
- o Allow the Registry to disallow renewal of drivers' licenses and registrations for those who fail to pay their local motor vehicle excise tax. This will encourage payment of motor vehicle excise tax bills.
- o Require communities that have budgeted for special needs students in residential placements to pay these costs for the entire fiscal year, even if a student should move after the first of September.
- o Change statutory language relating to special education requirements to include references to least restrictive environment when requiring that special need students be educated to their maximum feasible benefit.
- o Increase application and annual license fees paid by operators of cable television systems. Revenues from the increased fees will be shared with the state.
- o Authorize cities and towns to issue property tax bills on a quarterly basis, rather than biannually.
- o Allow communities to assess and tax new construction one year earlier than is currently permitted.

Deficiency Recommendations

In addition to the above, I am also submitting these supplemental appropriation requests necessitated by unavoidable expenses in the following critical areas. When I signed the budget in July I estimated the need for Supplemental appropriations totaling \$351 million dollars. Consistent with those financial statements estimated revenues are sufficient to support this additional spending.

Massachusetts Community Development Finance Corporation

I am recommending \$2.5 million to meet the Commonwealth's binding contractual obligations to the CDFC (item 0610-6603).

Debt Service

I am recommending an additional \$30 million appropriation for the cost of long and short term borrowing. This increase reflects changes in bond and note borrowing schedules since the time of the legislative budget conference report (items 0699-1800 through 0699-9200).

Snow and Ice Control

I am recommending a deficiency appropriation of \$23.5 million (item 6030-7201) to ensure adequate snow and ice control on the Commonwealth's roads. There is no funding authorized for this purpose in the current budget, and the Department of Public Works must begin preparation for the winter months as soon as possible.

Haverhill Fire

I am recommending \$500,000 in emergency funding for the City of Haverhill, to aid the effort to alleviate the effects of the destruction caused by a fire (1599-3694).

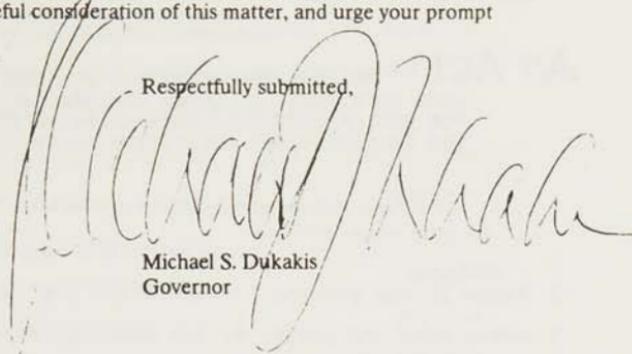
Other Recommendations

Finally, I am also submitting the following recommendations, which are intended to:

- o Authorize transferability between items of appropriation and avoid deficiency problem.
- o Authorize the establishment of a trust fund to enable the continuation of the Department of Public Health child immunization program.
- o Establish language authorizing certain items to use FY90 appropriations for FY89 retroactive salary adjustments for institutional school personnel, as required by Quirk v. Anrig.
- o Authorize the comptroller to utilize the services of collection agencies to collect non-tax revenues
- o Give the Division of Medical Security necessary authority to review certain medical records.

I have responded to the most recent fiscal problems by taking administrative action to cut spending by \$644 million since the legislature enacted the FY90 budget. It is time to take these actions to prevent or minimize further cuts. Swift enactment of these proposals along with the cuts I have taken are essential to the resolution of the Commonwealth's current fiscal problems. I request your careful consideration of this matter, and urge your prompt and favorable action.

Respectfully submitted,

A large, fluid handwritten signature in black ink, which appears to be "Michael S. Dukakis". The signature is written over the typed name and extends across the width of the page.

Michael S. Dukakis
Governor

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Nine.

AN ACT

MAKING APPROPRIATIONS FOR THE FISCAL YEAR ENDING
JUNE THIRTIETH, NINETEEN HUNDRED AND NINETY TO PROVIDE
FOR SUPPLEMENTING CERTAIN EXISTING APPROPRIATIONS AND
FOR CERTAIN OTHER ACTIVITIES AND PROJECTS.

*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 supplementing certain
2 items in the general appropriation act and for certain other
3 activities and projects, the sums set forth in section two
4 for the several purposes and subject to the conditions
5 specified therein are hereby appropriated from the General
6 Fund unless specifically designated otherwise in the items,
7 subject to the provisions of law regulating the disbursement
8 of public funds and the conditions pertaining to
9 appropriations in chapter two hundred and forty of the acts
10 of nineteen hundred and eighty-nine, for the fiscal year
11 ending June thirtieth nineteen hundred and ninety or for
12 such period as may be specified, the sum so appropriated to
13 be in addition, unless otherwise specified, to any amounts
14 available for the purpose.

1 SECTION 2.

Item

TREASURER AND RECEIVER GENERAL

0610-6603	For the purchase of additional shares of the Massachusetts Community Development Finance Corporation, as authorized by section four A of chapter forty F of the General Laws as amended.....	\$2,500,000
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Debt Service

The amounts appropriated in items 0699-1800 through 0699-9200 of section two of chapter two hundred and forty of the acts of nineteen hundred and eighty-nine are hereby stricken and replaced with the following amounts:

0699-1800	\$4,327,252
0699-1801	\$20,969
0699-1900	\$4,145,016
0699-2800	\$4,600
0699-2900	\$50,000
0699-3800	\$3,679,613
0699-3801	\$47,178
0699-3900	\$5,843,896
0699-4800	\$2,960,531
0699-4801	\$47,682
0699-4900	\$4,789,558
0699-5800	\$5,220,324
0699-5801	\$165,839
0699-5900	\$9,811,242
0699-6800	\$90,509,646
0699-6801	\$771,329
0699-6900	\$80,398,276
0699-7800	\$248,842,027
0699-7801	\$3,827,555
0699-7900	\$239,306,110
0699-8300	\$169,015
0699-8301	\$3,292
0699-8302	\$716,709
0699-8400	\$12,481,861
0699-8401	0
0699-8402	\$2,106,568
0699-9100	\$45,000,000
0699-9200	\$6,000,000

EXECUTIVE OFFICE OF ADMINISTRATION
AND FINANCE
Miscellaneous

1599-3694 For the reimbursement to a certain city in accordance with the provisions of chapter two hundred and twenty-nine of the acts of nineteen hundred and eighty-nine.....\$500,000
Local Aid Fund.....100%

EXECUTIVE OFFICE OF TRANSPORTATION
AND CONSTRUCTION

Department of Public Works

6030-7201 For the expenses of snow and ice control, including the cost of sand, salt and chemicals; provided that any surplus after May first, nineteen hundred and ninety may be expended for bridge repairs.....\$23,500,000
Highway Fund..... 100.0%

1 SECTION 3. Section 2 of chapter 240 of the acts of 1989
2 is hereby amended, in item 1599-3315, by adding at the end
3 thereof the following:--

4 and, provided further, notwithstanding foregoing
5 provisions to the contrary, that said secretary may allocate
6 such sums as he deems necessary to the Department of
7 Correction for the purposes of this item.

1 SECTION 4. Item 2320-0100 of said section 2 of chapter
2 240 of the acts of 1989 is hereby amended by striking the
3 wording and inserting in place thereof the following:--

4 For the maintenance, operation, acquisition and

5 improvement of public access land and water areas, as
6 authorized by section seventeen A of chapter twenty-one of
7 the General Laws, including not more than three positions;
8 provided, that the positions shall not be subject to the
9 provisions of chapter thirty-one. . .

10 Inland Fisheries and Game Fund.....50.0%
11 General Fund.....50.0%

1 SECTION 5. Said section 2 of chapter 240 of the acts of
2 1989 is hereby further amended, in item 9270-0001, by
3 striking the words "to produce no more than" and inserting in
4 place thereof the words:-- to produce not less than.

1 SECTION 6. Said section 2 of chapter 240 of the acts of
2 1989 is hereby further amended, in item 9300-0500, by adding
3 the following language before the final proviso:--

4 provided, further, that amounts incurred on account of
5 fringe benefits of state personnel compensated from this item
6 shall be assessed upon utility companies in accordance with
7 the provisions of said chapter one hundred sixty-four of the
8 General Laws and that amounts so assessed shall be credited
9 to the General Fund;

1 SECTION 7. Notwithstanding the provisions of chapter
2 two hundred and forty of the acts of nineteen hundred and
3 eighty-nine or any other general or special law to the
4 contrary, amounts appropriated in each of the following items
5 of section two of said chapter two hundred and forty are
6 hereby authorized to be expended, pursuant to the court
7 judgement in Quirk v. Anrig, for the costs of retroactive
8 salary adjustments for services provided by institutional
9 school personnel funded from said items:

10	4311-0009	5046-0000	5095-0000
11	4513-1000	5047-0000	5948-0000
12	4540-0001	5051-0100	5983-0000

1 SECTION 8. Notwithstanding any provisions of general or
 2 special law to the contrary, amounts appropriated in chapter
 3 two hundred and forty of the acts of nineteen hundred and
 4 eighty-nine to any item of appropriation within the trial
 5 court may be transferred to other items of appropriation
 6 within the trial court at the discretion of the chief
 7 administrative justice.

1 SECTION 9. Section 2C of said chapter 240 of the acts
 2 of 1989 is hereby amended by inserting the following items:
 0511-0020 The secretary of state may expend revenues in an
 amount not to exceed one hundred sixty thousand
 dollars collected from fees charged for the filing
 of annual statements of condition of corporations,
 for the expenses of a one-time project to notify
 and bill corporations delinquent in filing annual
 reports or statements of condition, and to develop
 automated systems for the future notification of
 corporations of annual reporting requirements and
 for the periodic dissolution of non-complying
 corporations, as authorized by law; provided, that
 said secretary shall, in cooperation with the
 commissioner of revenue, develop language to be
 included in the business corporate excise form
 instructions that sets forth the corporation's
 responsibility to file such reports or statements
 with the secretary of state.\$160,000

0511-0010 The secretary of state may expend revenues in an amount not to exceed seventy-five thousand dollars collected from a twenty-five dollar fee for late filing of corporation annual statements of condition, hereby authorized, for an on-going review of said statements by the corporations division of the office of said secretary, including the costs of personnel.....\$ 75,000

8400-0002 The registry of motor vehicles may expend revenues accrued from fees charged for salvage title certificates and inspections in an amount not to exceed six hundred thousand dollars for the purpose of implementing the salvage title program.....\$ 600,000

8400-0008 The registry of motor vehicles may expend revenues accrued from 1) fees charged for class 1 and class 2 commercial licenses and 2) reimbursements received from federal commercial driver's license grants in an amount not to exceed nine hundred seventy-five thousand five hundred dollars for the purpose of implementing the federal commercial driver licensing program.....\$ 975,500.

1 SECTION 10. Said section 2C of said chapter 240 of the
2 acts of 1989 is hereby further amended by striking item 1100-
3 1103 and inserting in place thereof the following:-

1100-1103 The commissioner of administration may expend, for the operations of the office of mediation services, including the cost of personnel for said office, an amount not to exceed five hundred

thousand dollars of revenues accrued from charges, hereby authorized, to agencies, cities, towns, and political subdivisions of the commonwealth or to corporations and individuals by said office of mediation services for the cost of mediation services and other services provided to such entities by said office of mediation services.....\$500,000.

1 SECTION 11. Section 81 of said chapter 240 of the acts
2 of 1989 is hereby amended by striking the words "provided
3 that such payments shall not exceed nine hundred and sixty-
4 five thousand dollars for the state colleges and not exceed
5 seventy-five thousand dollars for the University of Lowell
6 for the cost of heat, light, power and other services for
7 such projects."

1 SECTION 12. Section 106 of said chapter 240 of the acts
2 of 1989 is hereby amended by inserting after the words
3 "following appropriation accounts:" the following:--
4 1100-1561,

1 SECTION 13. Section 32 of chapter 6A of the General
2 Laws, as appearing in the 1988 Official Edition, is hereby
3 amended by deleting in lines 158 and 159 the words
4 "reasonable costs of each individual hospital providing such
5 care" and inserting in place thereof the following:--
6 requirements of section 1902 (a)(13)(A) of the Social
7 Security Act (42 U.S.C. §1396a (a)(13)(A)) in a manner
8 consistent with section 1861 (v)(1)(C) of the Social Security
9 Act (42 U.S.C. § 1395x (v)(1)(G)).

1 SECTION 14. Said section 32 of said chapter 6A, as so
2 appearing, is hereby further amended by deleting the twelfth
3 paragraph and by inserting in place thereof the following:--

4 Such administratively necessary day rates for chronic
5 disease or rehabilitation hospitals as may be established
6 from time to time shall only apply to patients for whom a
7 hospital-level of care is determined to be no longer
8 medically necessary. Determinations as to the medical
9 necessity of patient care shall be made by each hospital's
10 utilization review committee, and may be subject to review by
11 professional health care personnel employed by or under
12 contract with the department of public welfare, by a peer
13 review organization under a contract with the department of
14 public welfare, or the peer review organization duly
15 authorized under sections 1151 et seq. of the Social Security
16 Act (42 U.S.C. §§ 1320c et seq.).

1 SECTION 15. Said section 32 of said chapter 6A, as so
2 appearing, is hereby further amended by deleting paragraphs
3 thirteen and fourteen and inserting in place thereof a new
4 paragraph thirteen as follows:--

5 In the event the commission does establish
6 administratively necessary day rates, the department of
7 public welfare may provide exemptions therefrom as authorized
8 by and in accordance with section 1861(v)(1)(G) of the Social
9 Security Act (42 U.S.C. § 1395x(v)(1)(g)).

1 SECTION 16. Said chapter 6A of the General Laws, as so
2 appearing, is hereby further amended by deleting section 37A
3 and inserting in place thereof the following:--

4 Section 37A. (a) For the purpose of determining rates
5 of payment under section thirty-two and approving the

6 charges, reasonable financial requirements and budgets of
7 non-acute hospitals under sections thirty-seven, thirty-
8 eight, and thirty-nine, the commission shall increase the
9 composite inflation allowance of each non-acute hospital by a
10 factor of two hundredths in fiscal year nineteen hundred and
11 eighty-nine. Said increase in the composite inflation
12 allowance of each hospital shall be expended during each
13 fiscal year, commencing with the fiscal year nineteen hundred
14 and eighty-nine, for the compensation of technicians, nurses,
15 nursing aides, orderlies, attendants, and occupational,
16 speech, recreational, physical, and respiratory therapists.

17 In calculating approvable rates, charges and reasonable
18 financial requirements for such non-acute hospitals in any
19 subsequent year, the commission shall reduce such rates,
20 charges and reasonable financial requirements by an amount
21 corresponding to the portion of the allowable increase for
22 the previous fiscal year which was not expended for
23 compensation of the classes of employees listed above.

24 Increases under this subsection (a) shall be available
25 in any fiscal year only so long as the base year utilized by
26 the commission in determining rates for non-acute hospitals
27 in said fiscal year is nineteen hundred and eighty-four. If
28 and when a different base year is substituted for the one
29 utilized under 114.1 CMR 28.00, as in effect on July first,
30 nineteen hundred and eighty-nine, the commission shall be
31 under no obligation to carry forward the two hundredths
32 increase specified above in any rates determined with
33 reference to revised base year costs.

34 (b) In addition, the commission shall, starting in
35 fiscal year nineteen hundred and eighty-nine, make available
36 a special adjustment to the inflation factors for direct care
37 labor (professional/technical and service worker categories,

38 as defined in the then-applicable RSC-410 budget form) to
39 recognize extraordinary industry-wide increases in wages in a
40 given fiscal year, not otherwise accounted for in the
41 inflation factor, for the purpose of enabling non-acute
42 hospitals to compete more effectively in the labor market for
43 these types of workers. The amount of this adjustment shall
44 be determined by the commission.

1 SECTION 17. Section 24 of chapter 10 of the General
2 Laws, as appearing in the 1988 Official Edition, is hereby
3 amended by inserting at the end thereof the following two
4 paragraphs:--

5 The commission is hereby authorized to conduct a lottery
6 in the form of sports pool wagering on professional sports
7 competitions and shall determine the type of lottery to be
8 conducted, the price or prices of tickets or shares in said
9 lottery, the numbers and sizes of the prizes on the winning
10 tickets or shares, the manner of payment of prizes to the
11 holders of winning tickets or shares, the frequency of
12 selections of winning tickets or shares, and the type or
13 types of locations at which tickets or shares may be sold and
14 all other matters authorized by law. The commission shall
15 report monthly to the governor, the attorney general, and the
16 general court, the total revenues of said lottery, prize
17 disbursements, and other expenses for the preceding month,
18 and shall make an annual report to the same which shall
19 include a full and complete statement of said lottery
20 revenues, prize disbursements, and other expenses, including
21 such recommendations as it may deem necessary or advisable.

22 Revenues from said lottery shall be distributed in
23 accordance with the provisions of section thirty-five J.

1 SECTION 18. Chapter 10 of the General Laws, as
2 appearing in the 1988 Official Edition, is hereby amended by
3 inserting after section 35I the following section:--

4 Section 35J. There shall be established and set up on
5 the books of the commonwealth a separate fund to be known as
6 the Sports Lottery Fund. Said fund shall consist of all
7 revenues received by the sale of tickets or shares which are
8 based upon the results of professional sports competitions
9 and all other monies credited or transferred thereto from any
10 other fund or source pursuant to law. As of September
11 thirtieth, December thirty-first, March thirty-first and June
12 thirtieth of each year, the comptroller shall determine the
13 net balance in the Sports Lottery Fund derived from the sale
14 of tickets or shares for the preceding three months after
15 deductions are made for (1) the amounts paid or incurred for
16 prizes to holders of winning lottery tickets or shares during
17 such three month period, and (2) the expenses of the state
18 lottery commission in administering the sports pool wagering
19 on professional sports competitions for such three month
20 period. These prize amounts and expenses shall be subject to
21 the provisions of section twenty-five of chapter ten of the
22 General Laws. The balance in the Sports Lottery Fund shall
23 be credited to the Local Aid Fund established under the
24 provisions of section two D of chapter twenty-nine.

1 SECTION 19. Section 18 of chapter 25 of the General
2 Laws, as appearing in the 1988 Official Edition, is hereby
3 amended by striking out the second sentence of the first
4 paragraph and inserting in place thereof the following
5 sentence:--

6 Said assessments shall be made at a rate not exceeding
7 one-tenth of one per cent of such intrastate operating

8 revenues, as shall be determined and certified annually by
9 the commission as sufficient to reimburse the commonwealth
10 for funds appropriated by the General Court for the operation
11 and general administration of the department and for fringe
12 and other indirect costs of employees of the department in
13 the fiscal year in which the assessment is made, exclusive of
14 funds appropriated by the General Court for the commercial
15 motor vehicle division and the railway and bus division.

1 SECTION 20. Section 8H of chapter 26 of the General
2 Laws, as appearing in the 1988 Official Edition, is hereby
3 amended by striking out the third paragraph and inserting in
4 place thereof the following paragraph:--

5 The division of insurance is directed to require all
6 health insurers and health maintenance organizations doing
7 business in the commonwealth to identify persons who are
8 recipients of medical assistance under chapter one hundred
9 and eighteen E or recipients of health care services,
10 including hospital and other services paid through the
11 uncompensated care pool, under chapter one hundred and
12 eighteen F, or who are responsible for supporting such
13 recipients, and who are also beneficiaries under any policy
14 for health insurance or parties to any health maintenance
15 contract in force and effect in the commonwealth. The
16 department of public welfare and the department of medical
17 security shall provide information to the extent sufficient
18 to allow all insurers to identify such persons. Such
19 information shall be made available by such insurers and
20 health maintenance organizations and by the departments only
21 for the purposes of and to the extent necessary for
22 identifying such persons. No health insurer or health
23 maintenance organization which complies with this section

24 shall be liable in any civil or criminal action or
25 proceedings brought by such beneficiaries or members on
26 account of such compliance. The division shall further
27 direct all health insurers and health maintenance
28 organizations doing business in the commonwealth to
29 participate with the departments in any procedures, including
30 but not limited to automated file matches, conducted under
31 the direction of the departments for the purpose of
32 identifying those persons who are recipients of medical
33 assistance under chapter one hundred and eighteen E or
34 recipients of health care services, including hospital and
35 other services funded through the uncompensated care pool,
36 under chapter one hundred and eighteen F, or who are
37 responsible for supporting such recipients, and who are also
38 beneficiaries under any policy for health insurance or
39 parties to any health maintenance contract in force in the
40 commonwealth. Participation in such a procedure by a health
41 insurer or health maintenance organization doing business in
42 the commonwealth shall include but not be limited to
43 reasonable financial participation in the cost of any such
44 procedure. The commissioner of insurance is authorized to
45 promulgate regulations necessary to ensure the effectiveness
46 of this section.

1 SECTION 21. Section 5D of chapter 29 of the General
2 Laws, as appearing in the 1988 Official Edition, is hereby
3 amended by adding the following new paragraph:--

4 The comptroller shall make charges to recover the
5 commonwealth's costs of fringe benefits provided to or on
6 behalf of any person paid compensation by any state agency,
7 authority, or public institution of higher education, or by
8 any entity otherwise directly or indirectly receiving state
9 funds, from any source other than a direct expenditure of an

10 appropriation charged to a state fund subject to the
11 provisions of the preceding paragraph. The comptroller may
12 establish such systems of periodic charges or billings as he
13 deems necessary and appropriate to ensure the recovery of
14 said costs. Any bill rendered for the purpose of recovery of
15 said costs shall be payable to the comptroller within thirty
16 days of receipt of said bill, provided that all amounts so
17 paid shall be credited to the General Fund.

1 SECTION 22. Said chapter 29 of the General Laws, as so
2 appearing, is hereby further amended by inserting after
3 section 29C the following new section:--

4 Section 29D. Notwithstanding any provision of law to
5 the contrary, the officer having charge of any state agency
6 is hereby authorized to retain the services of vendors for
7 the purpose of collection of debts owed to the commonwealth,
8 other than those covered by section three A of chapter
9 fourteen, pursuant to agreements between the comptroller and
10 said vendors. No state agency shall assign the account of
11 any debtor to a private collection agency until such debtor
12 has been sent a notice, at least thirty days prior thereto,
13 of the intention of the agency to so assign the collection of
14 such unpaid account of such debtor.

15 The comptroller shall from time to time enter into
16 agreements with one or more vendors for the provision of debt
17 collection services on behalf of state agencies. No such
18 agreement shall be entered into unless proposals for the same
19 have been invited by public notice published in at least one
20 newspaper once a week for at least two consecutive weeks and
21 the last publication to be at least one week prior to the
22 time specified for the opening of said proposals. All such
23 proposals shall be opened in public. The comptroller may

24 reject any or all of such proposals. Any such agreement
25 shall provide, in the discretion of the comptroller, the
26 manner in which the compensation for such services will be
27 paid. Under standards established by the comptroller, such
28 compensation may be added to the amount of the debt and
29 collected as part thereof by the contractor; deducted and
30 retained by the contractor from the amount of debt collected;
31 or paid by the commonwealth from the amount of debt collected
32 without further appropriation therefor.

33 The comptroller shall, as part of his annual report
34 under section twelve of chapter seven A. list all private
35 persons, companies, associations or corporations with whom
36 the comptroller has agreements for collection services during
37 the fiscal year and the amount of debts collected by and the
38 compensation paid to each such person, company, association
39 or corporation.

1 SECTION 23. Section 2 of chapter 32B of the General
2 Laws, as appearing in the 1988 Official Edition, is hereby
3 amended by inserting at the end of the first sentence of
4 clause (d), at line 39, the following: --

5 ; and provided, further, if the employer elects to adopt
6 this provision, that no employee who is covered by a group or
7 nongroup health benefit plan financed without any
8 participation by the employer or through another plan offered
9 by the employer shall be included. Each employer may require
10 any employee to verify his health insurance status so that
11 the employer may make this determination.

1 SECTION 24. Section 25 of chapter 37 of the General
2 Laws, as appearing in the 1988 Official Edition, is hereby
3 amended by adding at the end thereof the following:--

4 Notwithstanding the provisions of section twenty-four,
5 said secretary may delegate some or all of the transportation
6 responsibilities provided in said section twenty-four to the
7 department of correction where said secretary deems such
8 delegation to be in the interest of efficiency.

1 SECTION 25. Section 2A of chapter 59 of the General
2 Laws, as appearing in the 1988 Official Edition, is hereby
3 amended by striking the first sentence of subsection (a) and
4 inserting in place thereof the following sentence:--Real
5 property for the purpose of taxation shall include all land
6 within the commonwealth and all buildings and other things
7 thereon or affixed thereto, unless otherwise exempted from
8 taxation under other provisions of law; provided, however,
9 that buildings and other things erected on or affixed to land
10 during the period beginning on January second and ending on
11 June thirtieth of the fiscal year preceding that to which the
12 tax relates shall be deemed part of such real property as of
13 January first.

1 SECTION 26. Section 1 of chapter 60A of the General
2 Laws, as appearing in the 1988 Official Edition, is hereby
3 amended by striking the first sentence and inserting in place
4 thereof the following:-- Except as hereinafter provided,
5 there shall be assessed and levied in each calendar year on
6 every motor vehicle and trailer registered under chapter
7 ninety, for the privilege of such registration, an excise
8 measured by the value thereof, as hereinafter defined and
9 determined, at the rate of twenty-five dollars per thousand
10 of valuation.

1 SECTION 27. Said section 1 of said chapter 60A of the
2 General Laws, as so appearing, is hereby further amended by

3 striking out, in lines 35 and 36, the words "manufacturer,
4 farmer or repairman" and inserting in place thereof the
5 following words:-- "manufacturer or farmer"; and by striking
6 out, in lines 43, 56 and 58, the word, "repairman."

1 SECTION 28. Said chapter 60A of the General Laws, as so
2 appearing, is hereby amended by deleting section 2A and
3 inserting in place thereof the following new section:--

4 Section 2A. If an excise assessed under this chapter
5 remains unpaid for fourteen days after a demand therefor made
6 more than one day after such excise becomes due and payable,
7 and if the local tax collector or commissioner of revenue
8 elects to utilize the services of a deputy collector, then
9 said deputy collector or the local tax collector or
10 commissioner of revenue, as the case may be, shall send a
11 notice of warrant to the delinquent taxpayer. In the event
12 that the delinquent taxpayer does not respond within thirty
13 days to said notice of warrant then a service warrant shall
14 be made. If the tax remains unpaid after the service of
15 warrant then the deputy collector may, at the discretion of
16 the local collector, return the uncollected warrants of those
17 delinquent taxpayers to the local tax collector or
18 commissioner of revenue. The local tax collector, the
19 commissioner of revenue, or their designee as the case may
20 be, at any time and from time to time, may transmit to the
21 registrar of motor vehicles, hereinafter in this section
22 called the registrar, in such form as approved by the
23 registrar of motor vehicles, notice of such non-payment,
24 specifying the name and address of the person to whom the
25 excise is assessed, the amount of the excise due and all
26 interest thereon and costs relative thereto and such
27 information as to the motor vehicle or trailer assessed as
28 was transmitted by the registrar to the commissioner of

29 revenue under section two; provided however, that no notice
30 shall be transmitted to the registrar under this section at a
31 time when there is pending before the local board of
32 assessors or the appellate tax board, as the case may be, a
33 duly filed application for the abatement of such excise in
34 whole or in part nor within thirty days after action upon any
35 such application by the local board of assessors or the
36 appellate tax board, as the case may be.

37 Upon receipt of such notification of non-payment the
38 registrar shall place the matter on record and not renew the
39 license to operate a motor vehicle of the registered owner of
40 said vehicle or the registration of said vehicle until after
41 notice from the local tax collector or the commissioner of
42 revenue that the matter has been disposed of in accordance
43 with law.

44 Upon such notification of non-payment to the registrar,
45 an additional ten dollar charge payable to the registrar of
46 motor vehicles shall be assessed against the registered owner
47 of said vehicle. It shall be the duty of the local tax
48 collector or commissioner of revenue to notify the registrar
49 forthwith that such matters have been disposed of in
50 accordance with law; provided however, that a certified
51 receipt of full and final payment from either the local tax
52 collector or commissioner of revenue shall also serve as a
53 legal notice to the registrar that the matter has been so
54 disposed of.

55 Except as heretofore provided, the registrar shall
56 approve such forms as he deems necessary to implement this
57 section and said forms shall be printed and used by the
58 cities and towns.

59 On or before September first of each year, the registrar
60 of motor vehicles shall certify for each city and town in the
61 commonwealth the total number of charges to be assessed

62 pursuant to this section based upon the number of notices
63 received by the registrar that have been disposed of in
64 accordance with law. The registrar shall include such
65 assessments in the warrants prepared in accordance with
66 section twenty of chapter fifty-nine.

67 Any excise taxes outstanding upon the effective date of
68 this legislation shall be deemed collectible under the
69 provisions of this section.

1 SECTION 29. Section 3 of chapter 54H of the General
2 Laws, as appearing in the 1988 Official Edition, is hereby
3 amended by striking out subsection (c).

1 SECTION 30. Section 4 of chapter 64I of the General
2 Laws, as appearing in the 1988 Official Edition, is hereby
3 amended by striking out the second and third paragraphs.

1 SECTION 31. Section 17A of chapter 66 of the General
2 Laws, as appearing in the 1988 Official Edition, is hereby
3 amended, in line eleven, by inserting after the word
4 "assistance" the following:-- or with the administration of
5 chapter one hundred and eighteen F.

1 SECTION 32. Section 2 of chapter 71B of the General
2 Laws, as appearing in the 1988 Official Edition, is hereby
3 amended by striking out the first sentence and inserting in
4 place thereof the following sentence: --

5 The departments shall promulgate, in cooperation with
6 the departments of mental health, mental retardation, public
7 health and social services, regulations regarding programs
8 for children with special needs, including but not limited to
9 a definition of special needs; provided, however, that such

10 definition shall emphasize a thorough narrative description
11 of each child's developmental potential so as to minimize the
12 possibility of stigmatization and to assure the maximum
13 possible development in the least restrictive environment of
14 a child with special needs; and provided further that such
15 definition shall be sufficiently flexible to include children
16 with multiple special needs.

1 SECTION 33. Section 3 of said chapter 71B, as so
2 appearing, is hereby amended by striking out the third
3 sentence and inserting in place thereof the following
4 sentence: --

5 If the evaluation of the special education program shows
6 that said program does not benefit the child to the maximum
7 extent feasible in the least restrictive environment, then
8 such child shall be reassigned.

1 SECTION 34. Section 5 of said chapter 71B of the
2 General Laws, as so appearing, is hereby amended by striking
3 out the first paragraph and inserting in place thereof the
4 following paragraph: --

5 Notwithstanding the provisions of section twenty-seven C
6 of chapter twenty-nine or any other general or special law to
7 the contrary, any school committee which provides or arranges
8 for the provision of special education pursuant to the
9 provisions of section three shall pay the approved budgeted
10 costs for such needs of each child in a residential placement
11 for the balance of the fiscal year, even if a child receiving
12 such special education moves to a different school district
13 after September first

1 SECTION 35. Section 5 of chapter 90 of the General
2 Laws, as appearing in the 1988 Official Edition, is hereby

3 amended by deleting the word "repairman", as it appears in
4 lines 1 and 13.

1 SECTION 36. Said section 5 of said chapter 90, as so
2 appearing, is hereby further amended by inserting after the
3 second sentence, in line 35, the following sentences:--

4 Any repairman may make application for a general
5 distinguishing number or mark, and the registrar, if
6 satisfied of the facts stated in the application, may issue a
7 general distinguishing number or mark to such a repairman.
8 All motor vehicles and trailers which are not owned or leased
9 by said repairman but are controlled, operated, towed or
10 transported by such repairman, solely for the purposes of
11 repair, alteration, storage or testing, bearing the general
12 distinguishing number or mark assigned to such repairman
13 shall be regarded as registered under this chapter.

1 SECTION 37. Said section 5 of said chapter 90, as so
2 appearing, is hereby further amended by deleting in line
3 69 the words "he may request in writing;" and inserting in
4 place thereof the following words:-- the registrar may
5 determine.

1 SECTION 38. The ninth paragraph of section 24D of
2 said chapter 90 of the General Laws, as so appearing, is
3 hereby amended by striking out the words "An additional fee
4 of two hundred dollars" and inserting in place thereof the
5 words:-- An additional fee of two hundred and fifty dollars.

1 SECTION 39. Subsection (a) of section 2 of chapter 90D
2 of the General Laws, as appearing in the 1988 Official
3 Edition, is hereby amended by deleting clause (11) and
4 renumbering clause (12) to become clause (11).

1 SECTION 40. Section 321 of chapter 94 of the General
2 Laws, as appearing in the 1988 Official Edition, is hereby
3 amended by striking the paragraph beginning with the word
4 "Bottler" and inserting in place thereof the following:--
5 "Bottler," any person filling beverage containers for
6 sale to distributors or dealers, including dealers who bottle
7 or sell their own brand of beverage.

1 SECTION 41. Section 323 of said chapter 94, as so
2 appearing, is hereby amended by inserting after subsection
3 (g), the following:--

4 (h) Any bottler or distributor who is subject to the
5 provisions of subsections (c), (d), or (e) shall maintain a
6 separate account to be known as the deposit transaction fund.
7 Said fund shall be kept separate from all other revenues and
8 accounts. Each bottler or distributor shall place in said
9 fund the refund value for all non-reusable beverage
10 containers it sells subject to the provisions of this
11 chapter. Each bottler or distributor shall establish said
12 account as of July first, nineteen hundred and eighty-eight
13 and as of said date shall deposit in said account, except as
14 may be provided pursuant to section three hundred and twenty-
15 six, an amount equal to the total amount of refund values
16 received by said bottler or distributor for non-reusable
17 beverage containers during the three preceding months, which
18 amount may at the bottler's or distributor's option be
19 transferred from the fund maintained by said bottler or
20 distributor pursuant to subsection (g).

21 Except as specified in section three hundred twenty-
22 three C, amounts in such fund may only be expended to pay
23 refund values paid after June thirtieth, nineteen hundred and
24 eighty-eight for returned non-reusable containers pursuant to
25 subsections (c), (d), and (e). Amounts in such fund may not

26 be used to pay the handling fees required by said
27 subsections. Said funds shall be maintained by said bottlers
28 and distributors on behalf of consumers who have purchased
29 refundable non-reusable beverage containers and on behalf of
30 the commonwealth; except as specified in section three
31 hundred and twenty-three B, for no purpose are amounts in
32 said funds to be regarded as income of said bottlers or
33 distributors.

1 SECTION 42. Said chapter 94 is hereby further amended
2 by inserting after said section 323 the following new
3 sections:--

4 Section 323A. Every bottler or distributor shall report
5 to the commissioner of revenue by the tenth day of each
6 month, concerning transactions affecting its separate deposit
7 transaction fund in the preceding month. Such report shall
8 be made in a form prescribed by said commissioner and shall
9 include the number of non-reusable beverage containers sold
10 and the number of non-reusable beverage containers returned
11 in said month, the amount of deposits received in and
12 payments made from said fund in said month and the most
13 recent three-month period, any income earned on amounts in
14 the deposit transaction fund during said preceding month, the
15 balance in the deposit transaction fund at the close of said
16 preceding month, and such other information as said
17 commissioner may require in furtherance of his duties
18 pursuant to this chapter.

19 Section 323B. At the close of each month, any amounts
20 that are or should be in a bottler's or distributor's deposit
21 transaction fund and that are in excess of the sum of (a)
22 income earned on amounts in said account during that month
23 and (b) the total amount of refund values received by said
24 bottler or distributor for non-reusable beverage containers

25 during that month and the two preceding months shall be
26 deemed to constitute abandoned deposit amounts. Income
27 earned on said fund may be transferred from said fund for use
28 as funds of the bottler.

29 Section 323C. By the tenth day of each month, each
30 bottler or distributor shall turn over to the commissioner of
31 revenue any deposit amounts deemed to be abandoned at the
32 close of the preceding month, pursuant to section three
33 hundred twenty-three B. Such amounts may be paid from the
34 deposit transaction fund. Beginning with amounts collected
35 on account of periods ending after June thirtieth, nineteen
36 hundred and eighty-nine, amounts collected by the
37 commissioner of revenue pursuant to this section shall be
38 deposited in the Clean Environment Fund, established pursuant
39 to section three hundred and twenty-three E.

40 Section 323D. If in any month the authorized payments
41 from the deposit transaction fund by a bottler or distributor
42 pursuant to section three hundred and twenty-three (h)
43 exceed the funds that are or should be in its deposit
44 transaction fund, the commonwealth shall reimburse said
45 bottler or distributor, from amounts received pursuant to
46 section three hundred twenty-three C, for those refunds paid
47 by the bottler or distributor for non-reusable beverage
48 containers for which the funds that are or should be in its
49 deposit transaction fund are insufficient; provided, however,
50 that such reimbursements to a bottler or distributor for a
51 month shall not exceed the excess of (a) amounts paid by said
52 bottler or distributor to the commonwealth pursuant to
53 section three hundred twenty-three C in the preceding twenty-
54 four months over (b) amounts paid by the commonwealth to said
55 bottler or distributor pursuant to this section during said
56 twenty-four months.

57 Section 323E. (a) There is hereby established on the
58 books of the commonwealth a Clean Environment Fund.
59 Amounts deposited in said fund shall be used, subject to
60 appropriation, solely for programs and projects in the
61 management of solid and other waste and for environmental
62 protection.

63 (b) Not less than seventy per cent of amounts deposited
64 in the fund shall be used for the management of solid waste,
65 including but not limited to grants and loans to advance new
66 and existing recycling, composting, and solid waste source
67 reduction projects and programs; provided, however, that no
68 funds shall be used for costs associated with incineration.

69 (c) Not more than thirty per cent of amounts deposited
70 in the fund shall be used for other environmental programs
71 consistent with the purposes of the "bottle bill," so called.

72 (d) Of amounts expended under paragraphs (b) and (c),
73 not more than fifty per cent shall be used for debt service
74 on capital outlays authorized prior to January first,
75 nineteen hundred and eighty-nine. The balance of said
76 amounts may be used for inter-agency or other grants and
77 other operating programs, including cleanup of pollution
78 spills on property of cities and towns in the commonwealth.

1 SECTION 43. Said chapter 94, as so appearing, is hereby
2 further amended by deleting section 326 and inserting in its
3 place the following new section:--

4 Section 326. The secretary of environmental affairs
5 shall administer the provisions of sections three hundred
6 twenty-one, three hundred twenty-two, three hundred
7 twenty-three E, three hundred twenty-four, three hundred
8 twenty-five, and subsections (a) through (f) of section three
9 hundred twenty-three. Said secretary shall promulgate and

10 from time to time revise rules and regulations to effectuate
11 the purposes of these sections.

12 The commissioner of revenue shall administer the
13 provisions of subsections (g) and (h) of section three
14 hundred twenty-three and sections three hundred twenty-three
15 A through three hundred twenty-three D, inclusive. The
16 collection of revenues pursuant to section three hundred
17 twenty-three C by said commissioner shall, to the extent
18 consistent with this chapter, be governed by the provisions
19 of chapter sixty-two C.

20 Said commissioner shall promulgate and from time to time
21 revise rules and regulations to effectuate the purposes of
22 these sections. Said rules and regulations shall include
23 provisions: (i) to permit bottlers or distributors to place
24 in the deposit transaction fund as of July first, nineteen
25 hundred and eighty-eight, an amount less than the full amount
26 required by section three hundred twenty-three (h) and to
27 gradually achieve full funding of the deposit transaction
28 fund over a period not to exceed five years: and (ii) to
29 permit bottlers or distributors to borrow, without any
30 interest charge, against their deposit transaction funds
31 subject to such terms and conditions as the commissioner
32 deems appropriate.

1 SECTION 44. Section 327 of said chapter 94, as so
2 appearing, is hereby amended by adding at the end thereof the
3 following:--

4 In addition, any bottler or distributor failing to make
5 full and timely payments as required by section three hundred
6 twenty-three C shall pay interest on any unpaid amounts at
7 the rate of one and one-half per cent for each month or part
8 thereof until payment is made in full.

1 SECTION 45. Section 12G of chapter 112 of the General
2 Laws, as appearing in the 1988 Official Edition, is hereby
3 amended by inserting the words, "one hundred and eighteen F"
4 in line eight after the letter "E" and in line ten after the
5 word "twelve".

1 SECTION 46. Section 17A of chapter 118E of the General
2 Laws, as appearing in the 1988 Official Edition, is hereby
3 amended by inserting after the first paragraph the following
4 new paragraph:--

5 Notwithstanding the availability of federal financial
6 participation, or any other provisions of this chapter to the
7 contrary, the department may pay the difference, if any,
8 between the Title XIX interim rate certified for skilled
9 nursing services provided by such a skilled nursing facility
10 and the interim rate paid for the same service under Title
11 XVIII (Medicare) for each day of skilled nursing care
12 provided to a Title XIX medical recipient for whom third
13 party payment is available under Title XVIII of the Social
14 Security Act.

1 SECTION 47. Section 9 of chapter 118F of the General
2 Laws, as appearing in the 1988 Official Edition, is hereby
3 amended by inserting at its end the following paragraph:--

4 The Department may, consistent with business
5 practices in the health insurance industry, pay in advance
6 for any health insurance plan purchased from a health
7 insurance company, hospital service corporation, medical
8 service corporation, or health maintenance organization.

1 SECTION 48. Chapter 128A of the General Laws, as
2 appearing in the 1988 Official Edition, is hereby amended by
3 adding after section 51 thereof, the following new section:--

4 Section 32. The following words, as used in this
5 section shall have the following meanings:

6 "Person," any individual, corporation, association,
7 partnership or any other public or private organization or
8 entity.

9 "Commission," the state racing commission.

10 "Simulcast," the telecast of live audio and visual
11 signals of horse or dog races conducted in the commonwealth
12 for the purpose of parimutuel betting, and, consistent with
13 Section 3004 of the Federal Interstate Horseracing Act of
14 1978 where applicable, the telecast of live audio and
15 visual signals of special events and other interstate races
16 as defined in section 3004, for the purpose of parimutuel
17 betting.

18 "Host community," the city of Chicopee.

19 "Teletheatre," a facility which displays simulcasts for
20 parimutuel racing purposes and which has facilities for
21 public entertainment and wagering and which may include any
22 of the following: a large-screen television projection and
23 display unit; a display system for odds, pools, payout
24 prices; areas for viewing; and seating for a food and
25 beverage facility.

26 "Horsemen or dog owners," the group which represents the
27 majority of owners, breeders, and trainers for a race being
28 simulcast at the teletheatre.

29 "Breakage," the amount of odd cents over any multiple of
30 ten cents of winnings per dollar wagered.

31 "Takeout," that portion of a wager which is deducted
32 from or not included in the parimutuel pool, and which is
33 distributed to persons other than those placing wagers.

34 (a) The state racing commission, may issue one license
35 for the operation of an offtrack teletheatre in the host

36 community, subject to the conditions set out in subsections
37 (b), (c) and (d).

38 (b) Any person desiring to operate a simulcast theatre
39 within the commonwealth shall make an application to the
40 commission for a license to do so. A request for proposals
41 for a license shall be announced by the commission by
42 publishing notice thereof for a period of seven consecutive
43 days in the newspapers of the host community and of general
44 circulation throughout the commonwealth. Said notice shall
45 set forth the method by which the application may be obtained
46 and the procedure by which it shall be submitted. The
47 commission shall accept applications for said license for
48 one hundred and twenty days after the last date of
49 publication of notice. Such application shall contain:

- 50 1. The name of the applicant;
- 51 2. The post office address of the applicant, and if a
52 corporation, the name of the state under the laws of
53 which it is incorporated, the location of its principal
54 place of business and the names and addresses of its
55 directors and stockholders;
- 56 3. The location of the proposed site for the
57 teletheatre facility;
- 58 4. A financial forecast setting forth the revenue
59 earnings expected from the simulcast theatre and the
60 costs expected to operate such theatre, which forecast
61 shall include:

- 62 (a) the number of simulcast races to be displayed;
63 provided that no more than twenty-four simulcast
64 races shall be displayed originating from outside
65 the commonwealth at any teletheatre facility in the
66 course of any calendar year;
- 67 (b) the types of wagering to be offered;

- 68 (c) the level of attendance expected and the area
69 from which such attendance will be drawn;
- 70 (d) the level of anticipated wagering activity;
- 71 (e) the source and amount of revenues expected
72 from other than parimutuel wagering;
- 73 (f) the cost of operating the simulcast
74 teletheatre and the identification of costs to be
75 amortized and the method of amortization of such
76 costs;
- 77 (g) the amount and sources of revenues needed for
78 financing the simulcast theatre;
- 79 (h) the probable impact of the proposed operations
80 on revenues to local government and the
81 commonwealth;
- 82 5. the security measures to be employed to protect the
83 facility, to control crowds, to safeguard the
84 transmission of the simulcast signals and to control the
85 transmission of wagering data to effectuate common
86 wagering pools;
- 87 6. the type of data processing, communication and
88 transmission equipment to be utilized;
- 89 7. the description of the management groups responsible
90 for the operation of the simulcast theatre;
- 91 8. the system of accounts to maintain a separate record
92 of revenues collected by the simulcast teletheatre, the
93 distribution of such revenues and the accounting of
94 costs relative to the teletheatre's operation;
- 95 9. the location of the facility and a written
96 confirmation from appropriate local officials that the
97 location of such facility and the number of patrons
98 expected to occupy such facility are in compliance with
99 all applicable local ordinances;

100 10. such other information as the commission shall
101 require.

102 The commission may at any time suggest amendments or
103 modifications to any application. The commission shall hold
104 a public hearing on the applications within forty-five days
105 following the last date for the submission of applications.
106 The commission shall give notice of such hearing (1) by
107 publishing the same in newspapers of general circulation in
108 the host community and in newspapers of general circulation
109 throughout the commonwealth; (2) by mailing notice to each
110 applicant and any other person who shall have requested the
111 same in writing to the commission. Said notices shall be
112 given at least ten days prior to the date of the hearing and
113 shall set forth the exact time and place of the hearing.

114 Within thirty days of the hearing the commission may
115 approve the application which it determines to best serve the
116 public interest.

117 A license shall not be issued to permit the operation of
118 a teletheatre where the surrounding property is substantially
119 of a residential character as determined by or defined by a
120 zoning ordinance or by-law, if any, controlling such
121 location.

122 No license shall be issued unless the person applying
123 therefor shall have executed and delivered to the commission
124 a bond, payable to the commission in the amount of one
125 hundred and twenty-five thousand dollars, with a surety or
126 sureties approved by the commission, conditioned upon the
127 payment of all sums which may become payable to the
128 commission under this section.

129 (c) If an application for a license is filed and
130 subsequently approved by the commission as provided in
131 subsection (b), the commission shall issue a license to the

132 applicant to operate the simulcast theatre. No license shall
133 be transferable. Any license issued hereunder shall be
134 renewable on an annual basis from the date of the granting
135 thereof, upon submission of a renewal application to the
136 commission, and such renewal application shall require the
137 same information as required on the original application.
138 Such renewal application shall be submitted to the commission
139 at least ninety days prior to the expiration of the current
140 license. If it is determined at the time of renewal that the
141 licensee is unfit to continue to hold such license, the
142 commission may award such license to an applicant pursuant to
143 the provisions of subsection (b).

144 Every license shall be recorded in the office of the
145 clerk of the host community in which such teletheatre is
146 located, upon issuance of such license. After such license
147 is so recorded, a duly certified copy thereof shall forthwith
148 be conspicuously displayed in the principal business office
149 at the teletheatre and at all reasonable times shall be
150 exhibited to any persons requesting to see the same.

151 (d) No person shall submit an application pursuant to
152 subsection (b) which is not accompanied by a statement of a
153 city or town clerk certifying that the following question was
154 placed on the official ballot within the preceding five years
155 and was approved by a majority of the votes cast in the city
156 or town where the teletheatre may be located:--"Shall a
157 license be granted to permit the establishment and operation
158 of a teletheatre for the purpose of off-track betting in the
159 city (or town) of _____?"; provided, however, that a
160 city or town shall be exempt from said requirement, if at any
161 time during the past five years said question was placed on
162 the official ballot and such question was so approved.

163 (e) From amounts wagered at any teletheatre, there
164 shall be a takeout to be determined and distributed by the

165 commission. The commission shall file said takeout plan with
166 the clerk of the house of representatives. The clerk of the
167 house of representatives, with the approval of the president
168 of the senate and the speaker of the house of
169 representatives, shall refer such plan to the joint committee
170 on government regulations. Within thirty days of such
171 referral, said committee may hold a public hearing on the
172 plan and shall issue a report to the commission. Said
173 commission shall review said report and shall adopt a final
174 takeout as deemed appropriate in view of said report. In all
175 cases, the host community shall receive one percent of any
176 distribution of takeout.

177 (f) Wagering pursuant to this section shall not under
178 any circumstances be held or construed to be unlawful, other
179 statutes of the commonwealth to the contrary notwithstanding.

180 (g) Except as otherwise provided in this section, the
181 provisions of chapter one hundred and twenty-eight A of the
182 General Laws shall, where applicable, govern the licensing
183 and operation of a teletheatre facility. The commission
184 shall promulgate such rules and regulations as are necessary
185 to effect the purposes of this section.

1 SECTION 49. Section 109 of chapter 156B of the General
2 Laws, as appearing in the 1988 Official Edition, is hereby
3 amended by striking out the first paragraph and inserting in
4 place thereof the following:--

5 Every corporation shall annually, on or before the
6 fifteenth day of the third month following the close of its
7 fiscal year, prepare and submit to the state secretary a
8 report which shall be signed under the penalties of perjury
9 by an officer of the corporation stating:

1 SECTION 50. Said chapter 156B of the General Laws, as
2 so appearing, is hereby further amended by striking section

3 112 and inserting in place thereof the following new
4 section:--

5 Section 112. If a corporation fails or refuses to file
6 its annual report within the time prescribed by section one
7 hundred and nine, the state secretary shall subject the
8 filing of the report to the payment of an additional fee, to
9 be set at an initial rate of twenty-five dollars, to be
10 subsequently determined from time to time by the secretary of
11 administration and finance pursuant to the provisions of
12 section three B of chapter seven.

13 If the corporation fails to file the annual report
14 within six months of the date prescribed by section one
15 hundred and nine, the state secretary may give notice by mail
16 postage prepaid, to such corporation of its default. If it
17 omits to file such report within thirty days after notice of
18 default has been given, it shall pay, in addition to the sum
19 provided above, not less than five dollars nor more than ten
20 dollars for each day for fifteen days after the expiration of
21 said thirty days, and not less than ten dollars nor more than
22 two hundred dollars for each day thereafter during which such
23 default continues, or any other sum, not greater than the
24 maximum penalty or forfeiture, which the court may deem just
25 and equitable.

1 SECTION 51. Section 1 of chapter 161A of the General
2 Laws, as appearing in the 1988 Official Edition, is hereby
3 amended by striking out, in line 31, the definition of
4 "Equipment" as appearing therein and inserting in place
5 thereof the following new definition: --

6 "Equipment", all rolling stock, and other conveyances,
7 vehicles, rails, signal and control systems, electric power
8 facilities, including lighting, heating and power generation,
9 transportation, transmission and distribution systems,

10 fences, station equipment, fare collection equipment,
11 incidental apparatus and other tangible personal property,
12 whether or not affixed to realty, required or convenient for
13 the mass movement of persons.

1 SECTION 52. Said section 1 of said chapter 161A, as so
2 appearing, is hereby further amended by inserting after the
3 definition of "Equipment" the following definition: --

4 "Electric power facility" or "Electric power
5 facilities," any system or facilities for the generation,
6 transformation, transmission or distribution of electric
7 power and energy by any means whatsoever.

1 SECTION 53. Said section 1 of said chapter 161A, as so
2 appearing, is hereby further amended by striking out, in line
3 51, the definition of "Mass transportation facilities"
4 and inserting in place thereof the following definition:--

5 "Mass transportation facilities", all real property
6 (including land, improvements, terminals, stations, garages,
7 yards, shops and structures appurtenant thereto), electric
8 power facilities, and all easements, air rights, licenses,
9 permits and franchises, used in connection with the mass
10 movement of persons.

1 SECTION 54. Said chapter 161A of the General Laws, as
2 so appearing, is hereby amended by striking out section 21
3 and inserting in place thereof the following section:--

4 Section 21. The authority shall be liable for the acts
5 of negligence of the directors and of the servants and
6 employees of the authority in the management and operation of
7 the authority and of the properties owned, leased and
8 operated by it to the same extent as though the authority
9 were a street railway company, but the directors shall not be

10 personally liable except for malfeasance in office.

11 The authority shall be liable in tort to passengers, and
12 to persons in the exercise of due care who are not passengers
13 or in the employment of the authority, for personal injury
14 and for death and for damages to property, as provided by
15 chapter two hundred and fifty-eight. The directors shall
16 have charge of and supervise the investigation, settlement
17 and defense of all claims instituted pursuant to chapter two
18 hundred and fifty-eight and of all other suits or actions
19 relative to the property or arising out of the construction,
20 maintenance or operation of the authority.

1 SECTION 55. Said chapter 161A, as so appearing, is
2 hereby further amended by adding at the end thereof the
3 following new section: --

4 Section 30. The authority shall have the power to
5 engage in the electric utility business which shall include
6 the generation, transformation, transmission and distribution
7 of electricity primarily for public consumption of
8 electricity used in connection with the mass movement of
9 persons. The authority shall be classified as a domestic
10 electric utility pursuant to chapter one hundred and sixty-
11 four A for the purpose of becoming a member of the New
12 England Power Pool and exercising the authorities conferred
13 upon domestic electric utilities by said chapter one hundred
14 and sixty-four A. The powers granted herein shall be in
15 addition to all the powers previously held and exercised by
16 the Authority pursuant to any general or special laws,
17 corporate charter, franchise or otherwise. Any actions taken
18 by the Authority prior to this enactment shall be deemed
19 lawful and subject to this enactment. The Authority may
20 exercise any of its rights and powers under this chapter
21 necessary or convenient to carry out and effectuate the

22 purpose of providing light, heat and power in connection with
23 the mass movement of persons. In addition, the Authority
24 shall have the following powers:

25 a) to acquire by purchase, lease, gift, or otherwise, or
26 to obtain options for the acquisition of any property, within
27 or outside of the Commonwealth, real or personal, improved or
28 unimproved, tangible or intangible, including an interest in
29 land less than the fee thereof;

30 b) to sell, lease, mortgage, exchange, transfer or
31 otherwise dispose of, or to grant options for any such
32 purposes with respect to, any real or personal property or
33 interest therein;

34 c) to pledge or assign any money, fees, charges, or
35 other revenues of the Authority and any proceeds derived by
36 the Authority from the sale of property, insurance or
37 condemnation awards derived in connection with electric power
38 facilities;

39 d) to purchase electric power and energy, including
40 without limiting the generality of the foregoing, all or a
41 portion of the capacity and output of one or more specific
42 electric power facilities, and steam whether or not produced
43 by an electric power facility;

44 e) to sell and purchase electric power and energy and
45 other products of electric power facilities to and from
46 cities and towns having municipal electric departments
47 established under chapter one hundred and sixty-four or under
48 a special act and to other utilities, public and private,
49 within and without the commonwealth; such cities and towns
50 are hereby authorized to purchase from and sell electric
51 power to the Authority; provided, however, that nothing in
52 this act shall be construed to authorize resale of electric
53 power and energy so purchased except as otherwise authorized
54 by law;

55 f) to contract for the use of transmission and
56 distribution facilities owned by others for the delivery to
57 the Authority and to purchasers of electric power and energy
58 sold by the Authority; any such owner is hereby authorized to
59 enter into such contracts with the Authority;

60 g) to contract with respect to the purchase, sale,
61 delivery, exchange, interchange, wheeling, pooling,
62 transmission or use of electric power and energy and to
63 otherwise participate in intrastate, interstate and
64 international arrangements with respect thereto, including
65 the New England Power Pool, as defined by section one of
66 chapter one hundred and sixty-four A;

67 h) jointly or separately to plan, finance, acquire,
68 construct, improve, purchase, operate, maintain, use, share
69 costs of, own, lease, sell, dispose of or otherwise
70 participate in electric power facilities or portions thereof
71 or research and development relating thereto within or
72 without the commonwealth and to enter into and perform
73 contracts with respect thereto; if the Authority acquires or
74 owns an interest as a tenant in common with others in any
75 electric power facilities within the commonwealth, the
76 surrender or waiver by any such owner of such property of its
77 right to partition of such property for a period not
78 exceeding the period for which the property is used or useful
79 for electric utility purposes shall not be invalid and
80 unenforceable by reason of length of such period, or as
81 unduly restricting the alienation of such property;

82 i) to apply to the appropriate agencies of the
83 commonwealth, other states, the United States, and to any
84 other proper agency for such permits, licenses, certificates
85 or approvals as may be necessary, and to construct, maintain
86 and operate electric power facilities in accordance with such
87 licenses, permits, certificates or approvals;

88 j) to apply and contract for and to expend assistance
89 from the United States or other sources, whether in form of a
90 grant or loan or otherwise;

91 k) to make and execute all contracts and agreements and
92 other instruments necessary or convenient in the exercise of
93 the powers and functions of the corporation under this act;

94 l) to do all things necessary, convenient or desirable
95 to carry out the purposes of providing electricity in
96 connection with the mass movement of persons or the powers
97 expressly granted or necessarily implied in this act.

98 Contracts entered into by the Authority pursuant to this
99 section (i) may be for the life of a facility or other term
100 or for an indefinite period, (ii) may provide for the payment
101 of unconditional obligations imposed without regard to
102 whether a facility is undertaken, completed, operable or
103 operating and notwithstanding the suspension, interruption,
104 interference, reduction or curtailment of the output of a
105 facility and (iii) may contain provisions for prepayment,
106 non-unanimous amendment, arbitration, delegation and other
107 matters deemed necessary or desirable to carry out their
108 purposes.

1 SECTION 56. Section 1 of chapter 164A of the General
2 Laws, as appearing in the 1988 Official Edition, is hereby
3 amended by striking out the definition of "Domestic electric
4 utility" and inserting in place thereof the following:--

5 "Domestic electric utility", an electric utility
6 organized under the laws of, or having its principal place of
7 business in the commonwealth, including the Massachusetts Bay
8 Transportation Authority, as organized under chapter one
9 hundred and sixty-one A.

1 SECTION 57. Chapter 166A of the General Laws, as
2 appearing in the 1988 Official Edition, is hereby amended by

3 striking section 9 in its entirety and inserting in place
4 thereof the following: --

5 Section 9. No application for a license to operate a
6 cable system or for renewal, transfer or assignment of such a
7 license shall be considered by an issuing authority unless it
8 is accompanied by an application fee payable to the city or
9 town based on population as follows: for cities and towns up
10 to fifty thousand population the fee shall be one thousand
11 dollars; for cities and towns from fifty thousand to ninety
12 thousand population, the fee shall be two thousand five
13 hundred dollars; for cities and towns above ninety thousand
14 population, the fee shall be five thousand dollars. An
15 additional fee may be charged to the licensee at the initial
16 licensing or in renewal, transfer, assignment or amendment of
17 a license to defray the actual costs, which the city or town
18 incurs in such a licensing, renewal, transfer, assignment or
19 amendment process in addition to the application fee
20 described above. Such costs shall include but not be limited
21 to financial, legal and engineering consultant fees. A
22 licensee, serving more than two hundred and fifty
23 subscribers, shall on or before March fifteenth of each year
24 pay a license fee of five percent, as allowed under federal
25 law, of said licensee's gross annual revenues derived from
26 the operation of the cable system, of which amount three and
27 one-third percent of licensee's gross annual revenues, less
28 amounts paid in the preceding calendar year to, or payable
29 pursuant to agreements with, the issuing authority for the
30 provision of community access television services, shall be
31 paid to the issuing authority, and of which amount one and
32 two-thirds percent of licensee's gross annual revenues shall
33 be payable to the commonwealth as a license fee. In
34 determining a license fee, the gross annual revenues of a
35 licensee shall be measured for the most recent fiscal year of

36 the licensee ending on or before December thirty-first of the
37 preceding calendar year; provided, however, that consortiums
38 of municipalities formed to oversee regional cable operations
39 shall be eligible for the same licensing, renewal, transfer,
40 assignment and amendment charges allowed in this section.

1 SECTION 58. Section 9 of chapter 181 of the General
2 Laws, as appearing in the 1988 Official Edition, is hereby
3 amended by adding at the end of the first paragraph the
4 following new paragraph:--

5 If a corporation fails or refuses to file its annual
6 report within the time prescribed by section four, the state
7 secretary shall subject the filing of the report to the
8 payment of an additional fee, to be set at an initial rate of
9 twenty-five dollars, to be subsequently determined from time
10 to time by the secretary of administration and finance
11 pursuant to the provisions of section three B of chapter
12 seven.

1 SECTION 59. Said section 9 of chapter 181, as so
2 appearing, is hereby further amended by striking the first
3 sentence of the second paragraph, at lines 9 through 11, and
4 inserting in place thereof the following new sentence:--

5 If the corporation fails to file the annual report
6 within six months of the date prescribed by section four, the
7 state secretary may give notice by mail postage prepaid, to
8 such corporation of its default.

1 SECTION 60. Section 1 of chapter 258 of the General
2 Laws, as appearing in the 1988 Official Edition, is hereby
3 amended by striking out the definition of "Public employer",
4 and inserting in place thereof the following definition:--

5 "Public employer", the commonwealth and any county,
6 city, town, educational collaborative, or district, including
7 any public health district or joint district or regional
8 health district or regional health board established pursuant
9 to the provisions of section twenty-seven A or twenty-seven B
10 of chapter one hundred and eleven, the Massachusetts Bay
11 Transportation Authority, any regional transit Authority
12 established pursuant to the provisions of chapter one hundred
13 and sixty-one B, and any department, office, commission,
14 committee, council, board, division, bureau, institution, or
15 agency or Authority thereof which exercises direction and
16 control over the public employee, but not a private
17 contractor with any such public employer, the Massachusetts
18 Port Authority, the Massachusetts Turnpike Authority, or any
19 other independent body politic and corporate. With respect
20 to public employees of a school committee of a city or town,
21 the public employer for the purposes of this chapter shall be
22 deemed to be said respective city or town.

1 SECTION 61. Said section 1 of said chapter 258, as so
2 appearing, is hereby further amended by striking out the
3 definition of "Public attorney" and inserting in place
4 thereof the following definition:--

5 "Public attorney", the attorney who shall defend all
6 civil actions brought against a public employer pursuant to
7 this chapter. In the case of the commonwealth he shall be
8 the attorney general; in the case of any county he shall be
9 the district attorney, as designated in sections twelve and
10 thirteen of chapter twelve; in the case of a city or town he
11 shall be the city solicitor or town counsel, or if the town
12 has no such counsel, an attorney employed for the purpose by
13 the selectmen; in the case of a district he shall be an

14 attorney legally employed for that purpose; in the case of
15 the Massachusetts Bay Transportation Authority he shall be
16 the general counsel; in the case of a regional transit
17 authority he shall be the general counsel or, if the
18 authority has no such counsel, an attorney employed for the
19 purpose by the administrator and approved by the advisory
20 board. A public attorney may also be an attorney furnished by
21 an insurer obligated under the terms of a policy of insurance
22 to defend the public employer against claims brought pursuant
23 thereto.

1 SECTION 62. Chapter 23 of the acts of 1988 is hereby
2 amended by striking section 83 in its entirety and by
3 inserting in place thereof the following:--

4 Section 83. There is hereby established a labor
5 shortage trust fund which shall be administered and expended
6 by the department of medical security without further
7 appropriation. The purpose of this fund is to finance
8 projects that address the critical labor shortage facing
9 hospitals, including, but not limited to, projects to train
10 health care workers, to develop career ladders within the
11 health care professions, and to establish day care programs
12 at hospitals and other health care facilities. The fund
13 shall be administered by the department according to
14 regulations promulgated by the department and approved by the
15 secretary of the executive office of human services and by
16 the secretary of administration and finance.

17 The fund shall consist of revenues provided by an
18 assessment on each acute care hospital equal to one-tenth of
19 one per cent of the annual gross patient service revenues of
20 such hospital approved under chapter six A of the General
21 Laws. These revenues shall be received impressed with a

22 trust for the benefit of hospitals, other health care
23 providers, and present and future health care workers.

1 SECTION 63. Notwithstanding any general or special law
2 to the contrary, any city or town that accepts the provisions
3 of this section may issue bills for local property taxes on a
4 quarterly basis and may require payment of said taxes on a
5 quarterly basis, pursuant to and consistent with procedures
6 and guidelines to be developed by the division of local
7 services of the department of revenue.

1 SECTION 64. Notwithstanding the provisions of sections
2 twenty-seven through thirty-one of chapter six A of the
3 General Laws, or any other general or special law to the
4 contrary, in any appeal of any matter arising under said
5 sections of chapter six A, the question before the division
6 of administrative law appeals shall be whether the rate
7 setting commission, in taking the action challenged by the
8 aggrieved party, has properly applied its regulations. If
9 the division determines that the commission calculated the
10 provider's rate, or took other action required by law, in
11 conformity with its own regulations, then the division shall
12 enter a finding that such rate was fair, reasonable and
13 adequate, or, if applicable, that the challenged action was
14 in accordance with law. The aggrieved party shall not be
15 permitted to introduce into the record of such an appeal
16 evidence which reasonably could have been presented to the
17 commission at the time the commission took the challenged
18 action, but which was not presented for commission review at
19 such time. This section shall not be construed to confer a
20 right upon any aggrieved party to challenge, in a proceeding
21 before the division, the procedural or substantive validity

22 of any regulation of general applicability promulgated by the
23 commission. Such challenges shall be brought exclusively in
24 the superior court of the commonwealth in accordance with the
25 provisions of chapter thirty A.

1 SECTION 65. Notwithstanding the provisions of section
2 eleven E of chapter twelve and section nine A of chapter six
3 A of the General Laws or any other general or special law to
4 the contrary, assessments levied pursuant to said sections
5 for the fiscal years ending June thirtieth, nineteen hundred
6 and ninety and nineteen hundred and ninety-one, shall include
7 amounts, in addition to said assessment amounts, to be
8 credited to the General Fund, equal to the total amount of
9 funds estimated by the secretary of administration and
10 finance to be expended from the General Fund in said fiscal
11 years for indirect and fringe benefit costs attributable to
12 personnel costs of the attorney general's office subject to
13 the assessment under provisions of said sections of said
14 chapters twelve and six A. Collection of said amounts shall
15 be subject to the provisions of said sections of said
16 chapters twelve and six A.

17 Notwithstanding the provisions of any general or special
18 law to the contrary, any remaining balances at the end of
19 fiscal years nineteen hundred and ninety and nineteen hundred
20 and ninety-one of amounts available to be expended without
21 further appropriation from assessments levied pursuant to
22 section eleven E of chapter twelve and section nine A of
23 chapter six A, other than assessments on account of said
24 indirect and fringe benefit costs, shall not revert to the
25 General Fund, but shall be available for the purposes
26 provided in said section during the ensuing fiscal year.

1 SECTION 66. Notwithstanding the provisions of section
2 eleven F of chapter twelve and section eight F of chapter
3 twenty-six of the General Laws or any other general or
4 special law to the contrary, assessments levied pursuant to
5 said sections for the fiscal years ending June thirtieth,
6 nineteen hundred and ninety and nineteen hundred and ninety-
7 one, shall include amounts, in addition to said assessment
8 amounts, to be credited to the General Fund, equal to the
9 total amount of funds estimated by the secretary of
10 administration and finance to be expended from the General
11 Fund in said fiscal years for indirect and fringe benefit
12 costs attributable to personnel costs of the attorney
13 general's office subject to the assessment under provisions
14 of said sections of said chapters twelve and twenty-six.
15 Collection of said amounts shall be subject to the provisions
16 of said sections of said chapters twelve and twenty-six.

17 Notwithstanding the provisions of any general or special
18 law to the contrary, any remaining balances at the end of
19 fiscal years nineteen hundred and ninety and nineteen hundred
20 and ninety-one of amounts available to be expended without
21 further appropriation from assessments levied pursuant to
22 section eleven F of chapter twelve and section eight F of
23 chapter twenty-six, other than assessments on account of said
24 indirect and fringe benefit costs, shall not revert to the
25 General Fund, but shall be available for the purposes
26 provided in said section during the ensuing fiscal year.

1 SECTION 67. Notwithstanding the provisions of sections
2 twelve M and seventeen A of chapter twenty-five of the
3 General Laws or any other general or special law to the
4 contrary, assessments levied pursuant to said sections for
5 the fiscal years ending June thirtieth, nineteen hundred and

6 ninety and nineteen hundred and ninety-one, shall include
7 amounts, in addition to said assessment amounts, to be
8 credited to the General Fund, equal to the total amount of
9 funds estimated by the secretary of administration and
10 finance to be expended from the General Fund in said fiscal
11 years for indirect and fringe benefit costs attributable to
12 personnel costs of the fuel charge bureau subject to the
13 assessment under provisions of said sections of said chapter
14 twenty-five. Collection of said amounts shall be subject to
15 the provisions of said sections of said chapter twenty-five.

16 Notwithstanding the provisions of any general or special
17 law to the contrary, any remaining balances at the end of
18 fiscal years nineteen hundred and ninety and nineteen hundred
19 and ninety-one of the amounts available to be expended
20 without further appropriation from assessments levied
21 pursuant to sections twelve M and seventeen A of chapter
22 twenty-five, other than assessments on account of said
23 indirect and fringe benefit costs, shall not revert to the
24 General Fund, but shall be available for the purposes
25 provided in said sections during the ensuing fiscal year.

1 SECTION 68. Notwithstanding the provisions of section
2 eight I of chapter twenty-six of the General Laws or any
3 other general or special law to the contrary, assessments
4 levied pursuant to said section for the fiscal years ending
5 June thirtieth, nineteen hundred and ninety and nineteen
6 hundred and ninety-one, shall include amounts, in addition to
7 said assessment amounts, to be credited to the General Fund,
8 equal to the total amount of funds estimated by the secretary
9 of administration and finance to be expended from the General
10 Fund in said fiscal years for indirect and fringe benefit
11 costs attributable to personnel costs of the medical

12 malpractice bureau of the division of insurance subject to
13 the assessment under provisions of said section of said
14 chapter twenty-six. Collection of said amounts shall be
15 subject to the provisions of said section of said chapter
16 twenty-six.

17 Notwithstanding the provisions of any general or special
18 law to the contrary, any remaining balances at the end of
19 fiscal years nineteen hundred and ninety and nineteen hundred
20 and ninety-one of amounts available to be expended without
21 further appropriation from assessments levied pursuant to
22 section eight I of chapter twenty-six, other than assessments
23 on account of said indirect and fringe benefit costs, shall
24 not revert to the General Fund, but shall be available for
25 the purposes provided in said section during the ensuing
26 fiscal year.

1 SECTION 69. Notwithstanding the provisions of section
2 three hundred twenty-three C of chapter ninety-four of the
3 General Laws, inserted by section forty-two of this act, the
4 portion specified herein of amounts collected on account of
5 periods ending after June thirtieth, nineteen hundred and
6 eighty-nine by the commissioner of revenue pursuant to said
7 section three hundred twenty-three C shall be deposited in
8 the Clean Environment Fund, established pursuant to section
9 three hundred twenty-three E of said chapter ninety-four.
10 Said portion shall equal: ten per cent in the fiscal year
11 beginning July first, nineteen hundred and eighty-nine;
12 twenty per cent in the fiscal year beginning July first,
13 nineteen hundred and ninety; forty per cent in the fiscal
14 year beginning July first, nineteen hundred and ninety-one;
15 sixty per cent in the fiscal year beginning July first,
16 nineteen hundred and ninety-two; eighty percent in the fiscal
17 year beginning July first, nineteen hundred and ninety-three;

18 and one hundred per cent in fiscal years beginning on or
19 after July first, nineteen hundred and ninety-four. Amounts
20 not deposited in the Clean Environment Fund shall be
21 deposited in the General Fund.

1 SECTION 70. Notwithstanding any provision of general or
2 special law to the contrary or any limitation imposed by any
3 corporate or municipal charter, the Massachusetts Bay
4 Transportation Authority may enter into the New England Power
5 Pool Agreement and may participate within and without the
6 Commonwealth in such New England Power Pool so created, in
7 the manner and with all rights and privileges attendant
8 therewith subject to the conditions set forth in chapter one
9 hundred and sixty-four A of the General Laws.

1 SECTION 71. Notwithstanding the provisions of any
2 general or special law to the contrary, there shall be
3 established upon the books of the commonwealth a separate
4 fund to be known as the Vaccine Trust Fund. This fund shall
5 consist of monies paid or contributed to the fund by third
6 party insurers or others for the purpose of purchasing
7 vaccines to be distributed to health care providers.

8 The revenue received from payments made under this
9 section shall be impressed with a trust on behalf of the
10 beneficiaries of said program and shall be kept in the trust
11 fund separate and apart from all other monies received by the
12 commonwealth. The treasurer of the commonwealth shall be the
13 custodian of the trust fund. The monies in the trust fund
14 shall be invested by the treasurer in accordance with law;
15 provided, however, that the treasurer shall make no
16 investments that prevent the treasurer from making timely
17 payment of disbursements. Interest income and dividends from
18 such investments shall be credited to the fund. The

19 treasurer shall make payments from the trust fund, without
20 further appropriation, on the submission of a warrant listing
21 all payments to be made, which has been approved in writing
22 by the commissioner of public health or his designee.

23 The books and records of the trust fund shall be subject
24 to an annual audit by the auditor of the commonwealth. Up to
25 five percent of the Vaccine Trust Fund, not to exceed two
26 hundred thousand dollars annually, may be expended by the
27 commissioner of public health for the ongoing administrative
28 costs of the Vaccine Trust Fund.

1 SECTION 72. In furtherance of the provisions of section
2 forty-two of chapter two hundred and forty of the acts of
3 1989 or any general or special law to the contrary, the
4 secretary of administration and finance is hereby authorized
5 and directed to establish the following fees for service;
6 provided, that said fees for service shall be effective upon
7 enactment of this section.

8 Registry of Motor Vehicles

9 Commercial Driver's License Endorsement fee	\$10.00 per
10	endorsement
11 Salvage Vehicle Examination Fee	\$50.00
12 Reinstatement of Driver's	\$40.00
13 License or Right to Operate	
14 After Suspension or Revocation	

15 Department of Labor and Industries

16 Deleader-contractor license	\$350.00
17 Deleader-supervisor license	100.00

18	Executive Office of Environmental Affairs	
19	Digital Cartographic Data Files	
20	Category A	\$ 50.00
21	Category B	100.00
22	Category C	150.00
23	File Conversion Fee	25.00
24	GIS Generated Standard Map Products	
25	Category A	50.00
26	Category B	100.00
27	Category C	150.00
28	Custom Map and Data Products	
29	Category A	250.00
30	Category B	500.00
31	Category C	1000.00
32	Category D	2500.00
33	Mailing Lists	\$.10 per label
34		\$15.00 per staff hour
35	Special Reports	\$.05 per page
36		\$15.00 per staff hour

1 SECTION 73. Notwithstanding any general or special law
 2 to the contrary, the secretary of administration and finance,
 3 in consultation with the secretary of the executive office of
 4 human services and the secretary of the executive office of
 5 elder affairs, is hereby directed to develop a sliding
 6 schedule of copayments for the provision of services funded
 7 by departments within the executive office of human services
 8 and the executive office of elder affairs; provided, that the
 9 secretary of administration and finance shall file said
 10 schedule of copayments, including an estimate of the new
 11 revenues resulting therefrom, with the senate and house
 12 committees on ways and means no later than thirty days after
 13 the effective date of this act; provided, further, that said

14 schedule shall take full force and effect thirty days after
15 said filing, notwithstanding any general or special law to
16 the contrary.

1 SECTION 74. The executive director of the state lottery
2 commission, in consultation with the director of the office
3 of telecommunication, shall conduct a study of the potential
4 feasibility and cost savings to be derived from the
5 utilization of microwave communication facilities for the
6 purpose of meeting the telecommunication needs of the state
7 departments.

8 This report shall be filed, within sixty days of its
9 commission, with the secretary of administration and finance
10 and with the senate and house committees on ways and means.

1 SECTION 75. The chancellor of the board of regents
2 shall develop a plan regarding tuition for students at
3 Massachusetts public colleges and universities who are not
4 Massachusetts residents. This plan shall ascertain, for each
5 institution, the tuition that would be required to cover one
6 hundred percent of the direct and indirect costs of enrolling
7 said students; and further shall make recommendations for
8 non-resident tuition adjustments effective January first,
9 nineteen hundred and ninety.

10 Said plan shall be filed, within thirty days of its
11 commission and no later than December first, nineteen hundred
12 and eighty-nine, with the secretary of administration
13 and finance and with the senate and house committees on ways
14 and means.

1 SECTION 76. The chancellor of the board of regents
2 shall develop a plan regarding centralization of
3 administration of public colleges and universities. Said
4 plan shall make recommendations for centralization of

5 administrative functions, including but not limited to,
6 payroll, purchasing, accounting and auditing.

7 Said plan shall be filed, within sixty days of its
8 commission, with the secretary of administration and finance
9 and with the senate and house committees on ways and means.

1 SECTION 77. The chancellor of the board of regents
2 shall develop a plan regarding performance of energy audits
3 for the purpose of reducing energy, utility and water costs.
4 Said plan shall make recommendations for reductions in said
5 costs of at least two percent within two years.

6 Said plan shall be filed, within sixty days of its
7 commission, with the secretary of administration and finance
8 and with the senate and house committees on ways and means.

1 SECTION 78. (a) The provisions of sections forty
2 through forty-four and section sixty-nine of this Act shall
3 apply to all transactions relating to deposits on non-
4 returnable containers occurring on or after July first,
5 nineteen hundred and eighty-eight.

6 (b) The reports required pursuant to section three
7 hundred and twenty-three A of chapter ninety-four of the
8 General Laws, and payments required pursuant to section three
9 hundred twenty-three C of said chapter ninety-four, both as
10 inserted by section forty-two of this act, for amounts due to
11 the commonwealth on account of months ending prior to the
12 promulgation of regulations by the commissioner of revenue
13 shall be due on the tenth day of the first month following
14 such promulgation.

15 (c) For periods ending on or after July first, nineteen
16 hundred and eighty-eight, no further monthly deposits or
17 payments shall be required in the fund established pursuant

18 to the provisions of subsection (g) of section three hundred
19 and twenty-three of chapter ninety-four of the General Laws.

1 SECTION 79. The provisions of section twenty-eight
2 shall apply to excises that remain unpaid or that become due
3 and payable on or after the effective date of this act. The
4 provisions of sections twenty-five and sixty-three
5 shall apply to property taxes assessed for fiscal years
6 beginning on or after July first, nineteen hundred and
7 ninety.

1 SECTION 80. The provisions of sections twenty-nine and
2 thirty shall apply to any sale of tangible personal property
3 or to any use, storage or other consumption of tangible
4 personal property occurring pursuant to any such sale made on
5 or after January first, nineteen hundred and ninety.

1 SECTION 81. The provisions of sections fifty-four,
2 sixty and sixty-one of this act shall apply to claims
3 relating to injuries or damages sustained on or after the
4 effective date of this act.

1 SECTION 82. The provisions of section sixty-four of
2 this act shall apply to all appeals which have not resulted
3 in a final decision by the division of administrative law
4 appeals as of the effective date of this act.

1 SECTION 83. Sections thirteen through sixteen inclusive
2 shall take effect as of the effective date of chapter two
3 hundred and seventy of the acts of nineteen hundred and
4 eighty-eight. Section thirty-five shall take effect on July
5 first, nineteen hundred and ninety. The remainder of this
6 act shall take effect upon passage.

The first part of the report deals with the general situation of the country and the progress of the work during the year. It is followed by a detailed account of the various projects and the results achieved. The report concludes with a summary of the work done and the plans for the future.

The work during the year has been carried out in accordance with the programme of work approved by the Council of the Institute. The main areas of activity have been the study of the history and development of the country, the collection and classification of the flora and fauna, and the investigation of the physical and human geography of the country.

The results of the work have been published in a number of papers and reports. The most important of these are the 'History of the Country' and the 'Flora and Fauna of the Country'. These works provide a valuable basis for the study of the country and its development.

The work done during the year has been of a high standard and has contributed significantly to our knowledge of the country. It is hoped that the results of the work will be of use to other workers in the field.