

place thereof the following three sections:-

Section 36D. Vaccinated animals which are over eighteen months of age may be imported into the commonwealth if within thirty days prior to entry they have reacted negatively to an approved blood test conducted in a laboratory approved by the state of origin. Vaccinated animals eighteen months of age and under may be imported into the commonwealth without such blood test if accompanied by a certificate stating the animals have been vaccinated between the ages of two to six months, inclusive, by a veterinarian duly licensed by the state of origin.

Section 36E. No person shall import into the commonwealth, for breeding purposes, female cattle over five months of age without an official certificate of vaccination stating such female cattle have been vaccinated for brucellosis from the ages of two to six months, inclusive.

Section 36F. The director, his authorized agent or a duly licensed veterinarian designated by the director may conduct such blood tests for brucellosis of all cattle imported into the commonwealth which are over five months of age, as will aid in the effective control of brucellosis.

SECTION 3. Section thirty-six E of chapter one hundred and twenty-nine of the General Laws, as amended by section two of this act, shall take effect on July first, nineteen hundred and eighty.

Approved July 18, 1978

Chap. 486. AN ACT CREATING THE BAYSIDE RESOURCE RECOVERY COUNCIL.

Be it enacted, etc., as follows:

SECTION 1. There is hereby created the Bayside Resource Recovery Council as a body corporate and politic and a public instrumentality. The council shall be subject to, and have the powers and duties conferred by, the provisions of this chapter.

SECTION 2. It is hereby declared that there currently exists a need for modern resource recovery facilities throughout the commonwealth, and especially in Essex county and its environs. Present facilities, including sanitary landfills, have proved to be inadequate and communities are unable to dispose of waste in a manner such that the environment is and will be properly maintained. In addition, since energy is currently in short supply and available only at high cost in the area, there is a need for the creation of new energy sources which reduce the demand for reliance on fossil fuels, a depletable resource. Solid waste is a reliable fuel, a renewable resource and increasing in quantity. In an effort to find new ways and means to meet the needs of the commonwealth, a new resource recovery facility is proposed to be constructed in the city of Beverly. Cities and towns in the vicinity propose to enter into long-term contracts with the facility for the disposal of solid waste and the sale of energy. It is the purpose of this chapter to create a council especially

empowered to oversee, administer, and, as necessary, amend and extend such contracts in order to promote the public welfare of the region by facilitating the resolution of any environmental, structural, economic, or other problems which may arise from time to time concerning operations at the facility.

SECTION 3. The following words as used in this chapter shall, unless the context otherwise requires, have the following meanings:

"Council", the Bayside Resource Recovery Council, created by this chapter to carry out the purposes expressed in section two hereof. The council shall be deemed to be an instrumentality within the meaning of chapter one hundred and eighteen C of the General Laws but chapter thirty-one of the General Laws and rules made thereunder shall not apply to any officer, agent or employee of the council.

"Facility", the resource recovery plant to be constructed in the city of Beverly on a site adjoining Elliott Street in said city and to have a planned maximum capacity of disposing of an average of approximately five hundred tons of solid waste in a twenty-four hour period.

"Long-Term Contract", a contract between a city or town and the operator of the facility, which commits the city or town to usage of the facility for a period of twenty or more years and which is authorized by a majority vote as defined in section one of chapter forty-four of the General Laws.

"Operator", the entity which operates the facility.

SECTION 4. The city of Beverly and any other city or town may enter into a long term contract; provided, however, that no such other city or town shall enter into a long term contract if, in the judgment of the operator of the facility, after making appropriate allowance for anticipated growth in production of solid waste from such cities and towns, any tonnage commitments under such a contract, when added to the tonnage commitment under the long term contract into which the city of Beverly shall have entered, will exceed the maximum capacity of the facility.

SECTION 4A. The council shall be composed of representatives of those cities and towns which enter into long term contracts. The council shall have no power to act under this act unless and until the city of Beverly becomes a member by entering into a long term contract.

The representatives of each city which has entered into a long term contract shall be the mayor of such city or a financial officer of such city designated by the mayor. The representative of each town which has entered into a long term contract shall be the chairman of the board of selectmen of such town or another selectman or financial officer of such town designated by the board of selectmen.

The representative of the city of Beverly shall be the chairman of the council. The council shall have the power to appoint agents, subcommittees and officers, including a secretary.

Meetings of the council shall be held at times and places to be designated by the chairman, by a majority of the council, or as stated in a written request to the chairman by the operator ten

days prior to the requested date of the meeting. The provisions of sections twenty-three A to twenty-three C, inclusive, of chapter thirty-nine of the General Laws shall apply to the meetings of the council.

The council shall meet at least once annually, in February, at Beverly city hall unless the chairman or a majority of the council shall specify another place. Within ninety days after each June thirtieth, the council shall publish and mail to each member, the city or town designating each member, the operator and all other parties requesting the same, an annual report setting the activities of the council during the preceding year.

Individual members shall not be liable for their actions on the council except for gross negligence or willful misconduct.

Members shall not be entitled to compensation for their services on the council whether as members, officers or otherwise, but shall be entitled to reimbursement from the city or town appointing them to the council for all necessary out-of-pocket expenses, including travel expenses, incurred in the course of their duties as such members.

SECTION 5. The council is hereby authorized and required, within the limitations stated herein:-

(i) To cooperate with the owner of the facility and the operator in efforts to promote proper treatment of solid waste in the region and comply with pertinent environmental standards relating thereto;

(ii) To act on behalf of all cities and towns which have entered into long term contracts with the operator in administering, overseeing and, subject to the provisions of section six, amending and extending one or more of the long term contracts with the operator; such amendments may include, but are not limited to, adjustments in the rates charged by the operator for solid waste disposal;

(iii) To accept contributions of funds for any lawful purpose;

(iv) To employ attorneys, accountants, consultants and other agents or employees and to compensate them with any available funds;

(v) To do all things necessary or convenient in order to fulfill the purposes of this chapter.

All actions of the council shall be taken by a vote of a majority of the entire membership of the council. Each member shall have one vote except that the chairman shall have a second vote on any question as to which there is a tie vote after the chairman has cast his first vote. All votes shall be taken by recorded roll call. If the operator shall conclude that an amendment to one or more of the long term contracts is necessary to permit the continued safe and efficient operation of the facility, the operator shall submit the amendment to the council. If the council shall approve such amendment, it shall submit the amendment to each city or town which is a party to the contract or contracts to be amended. Each such city or town shall, by majority vote, accept or reject the amendment within sixty days.

The council shall determine at its annual meeting but in any event not later than February twenty-eighth in each year the amount required for the performance of its duties under the first

paragraph of section 5 for the twelve month period commencing the following July first and shall certify such amount to the operator and to the cities and towns designating the members of the council. A majority of such cities and towns may, by action of the city council in the case of a city or of the board of selectmen in the case of a town, amend the amount so determined by instructing their representatives to so vote not later than the March thirty-first next following such February twenty-eighth. Not later than the April fifteenth next following such March thirty-first the council shall certify the amended amount to the operator and to the cities and towns designating the members of the council. The amount or the amended amount, as the case may be, so certified shall be apportioned among the cities and towns designating the numbers of the council in the same proportions as the tonnages of solid waste to be delivered to the facility or otherwise paid for by each such city and town during such twelve month period under the long term contract to which each such city and town is respectively a party are of the aggregate tonnages of solid waste to be so delivered or otherwise paid for during such twelve-month period under all such long term contracts. Not later than the April fifteenth mentioned above the council shall certify to each such city and town the amount so apportioned to it. Amounts so payable shall be paid to the treasurer of the city of Beverly for the account of the council. The amounts so received by said treasurer shall be held by him separate and apart from other funds in his custody and shall be disbursed by him in payment of expenses incurred by the council as certified by its chairman with respect to such twelve month period in the exercise of its powers and performance of its duties hereunder.

SECTION 6. At or before the expiration of any long term contract, a member city or town may elect to extend, for a period not to exceed ten years, its participation in the council and to enter into an extension of a long term contract. Any amendment to a long term contract, except as provided in section five, shall be approved by each city and town which is a party to such contract and the operator; provided, however, that the council may without the approval of the member city or town amend a long term contract only as necessary to comply with any general or special law of the commonwealth, and any federal law or rule or regulation promulgated by the United States Environmental Protection Agency or any other agency of the United States having jurisdiction over the operation of the facility or the disposal of solid waste.

Nothing in this act, however, shall be deemed to obviate the necessity of procuring the consent to any amendment or extension of a long term contract, wherever the same is required by law or existing contracts, indentures, bonds or other legal instruments, of the city of Beverly acting by and through its Industrial Development Financing Authority, the trustee for holders of bonds issued by the city of Beverly, the operator and other parties in interest other than the cities and towns which are parties to long term contracts.

Notwithstanding the provisions of section four of chapter forty of the General Laws, a city or town is authorized to enter into a

long term contract for an initial period not in excess of thirty-five years, or into an extension or extensions of a long term contract for a period or periods which together with the initial period do not exceed thirty-five years, or into an amendment of a long term contract extending the initial period thereof not in excess of thirty-five years.

SECTION 7. The chairman or secretary of the council shall keep a record of each action of the council, shall periodically notify each city and town of such actions, and shall maintain a central registry of all long term contracts and other contracts and amendments and extensions thereto which shall be available for public inspection.

SECTION 8. No member of the council shall either directly or indirectly be in any manner personally interested in any contract or agreement with the operator for any matter or cause whatsoever other than in his representative capacity.

SECTION 9. Notwithstanding any provision of chapter sixteen of the General Laws to the contrary, the council may agree that the operator should make payments to the city of Beverly out of payments received by the operator from users of the facility and the city may receive such payments from the operator in lieu of taxes and assessments, which payments from the operator may be based upon valuation of the property, gross receipts, net receipts, a combination of these factors or any other similar basis. Any in lieu of tax payments to be made by the operator pursuant to any such agreement shall be added to the price paid by users of the facility on the basis of the tonnage of solid waste which such user delivers to the facility or some other reasonable basis. The provisions of the first paragraph but not the provisions of the succeeding paragraphs of section twenty of chapter forty D of the General Laws shall apply to the facility and the operator.

SECTION 10. This act, being necessary for the welfare of the commonwealth and its inhabitants, shall be liberally construed to accomplish its purpose.

SECTION 11. This act shall take effect upon its passage.

Approved July 18, 1978

Chap. 487. AN ACT ESTABLISHING THE MASSACHUSETTS
PORT AUTHORITY EMPLOYEES' RETIREMENT
SYSTEM.

Be it enacted, etc., as follows:

SECTION 1. The paragraph defining "Employee" in section 1 of chapter 32 of the General Laws, as most recently amended by section 12 of chapter 708 of the acts of 1975, is hereby amended by adding the following sentence:- "Employee", as applied to persons whose regular compensation is paid by the Massachusetts Port Authority, shall mean any person, whether employed for a stated term or otherwise, who is engaged in duties which require that his time be devoted to the service of the authority in each year during the ordinary working hours of regular and permanent