

insufficient funding be available for completion of said report by said date, the report may be filed with the secretary of environmental affairs on or before June thirtieth, nineteen hundred and ninety-two.

Approved January 13, 1990.

Chapter 729. AN ACT FURTHER REGULATING THE FEES OF COLLECTORS OF TAXES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 60 of the General Laws is hereby amended by inserting after section 2A, as appearing in the 1988 Official Edition, the following section:-

Section 2B. For the purposes of collecting municipal taxes, the collector is authorized to enter into agreements with one or more private persons, companies, associations or corporations doing business in the commonwealth to provide collection services with respect to unpaid municipal taxes, other than taxes for real property, for which a demand has already been made. In the event the local tax collector chooses to utilize the services of a collection agency or company, no such agreement shall be entered into unless proposals for the same have been invited by public notice published in at least one newspaper of local circulation once a week for at least two consecutive weeks, the last such publication to be at least one week prior to the time specified for the opening of said proposals. All such proposals shall be opened in public. The collector may reject any or all such proposals and may not accept an offer other than the lowest responsible bid unless the collector specifies the reasons therefor in writing. Any such agreement may provide, in the discretion of the collector, the manner in which the compensation for such services will be paid, which compensation cannot exceed the fees which would otherwise be due the collector under section fifteen, or one-third of the taxes collected on each tax due, exclusive of interest and charges, whichever is the greater. Such compensation which is greater than the amount of fees which are otherwise due the collector shall be added to the amount due and collected as a part thereof by the collection agency.

All amounts collected during the previous week by the collection agency shall be turned over to the collector together with an itemized statement of the taxes, interest and charges collected and so turned over.

Notwithstanding clause (13) of section twenty-one of chapter forty, or any ordinance or by-law to the contrary, the collector may authorize the treasurer to pay the compensation of the collection agent pursuant to the agreement with the collector, without further appropriation of the town; provided, however, that no such payment shall be made for any particular tax collection until the checks, if any, in payment therefor, have been honored.

The collector shall, on or before August first of each year, submit to the commissioner a report which lists all private persons, companies, associations or corporations with whom the collector has had agreements during the preceding fiscal year and an accounting of the amount of taxes collected by and the compensation paid to each such person, company, association or corporation. The commissioner may make, and from time to time revise, such rules, regulations and guidelines necessary to carry out the provisions of this section. The collection agency as a legal entity shall be bonded for the faithful performance of duty in the manner required of deputy collectors under section ninety-two, and such bond shall be deemed to include all agents or employees of said collection agency. This section shall be in addition to and separate from the process of appointing deputy collectors under section ninety-two, except that the collection agency shall be subject to the same limitations as collectors and deputy collectors and the same remedies for collection.

SECTION 2. Section 15 of chapter 60 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out clauses 9, 10 and 11 and inserting in place thereof the following three clauses:-

9. For the issuance and delivery of a warrant to an officer, five dollars;

10. For notice by mail or other means to the delinquent that warrant to collect has been issued, nine dollars;

11. For exhibiting a warrant to collect or delivering a copy thereof to the delinquent or his representative or leaving it at his last and usual place of abode or of business, and without distraint or arrest, fourteen dollars.

SECTION 3. Said chapter 60 is hereby further amended by striking out section 92, as so appearing, and inserting in place thereof the following section:-

Section 92. Any officer authorized to collect taxes may appoint and remove such deputies as such officer deems expedient. Each deputy so appointed shall keep a cash book, in which such deputy shall enter all sums so collected, specifying the total amount of each tax collected, all interest, charges and fees received, the name and address of each party from whom money was received and the date of each such receipt. They shall prepare a report to the collector of all uncollected warrants issued to the deputy at least once a month. Such deputies shall give bond for the faithful performance of their duties, in such sum and in such form, and subject to such conditions, as the commissioner may prescribe, and shall have all the powers of collectors. Any such deputy shall, at least weekly, either turn over sums collected to the collector, or deposit said funds into an account which is separate from any other account of that community, or any other community, for the purpose of clearing checks and earning interest on deposits. The deputy shall have no authority to withdraw amounts from this deputy deposit account except the deputy's fees due under section fifteen. The collector shall transfer funds which have cleared from such account to the town treasury at least once a week along with any interest earned and may retain any fees of the collector and deputy and

pay over such fees to the collector or deputy, unless such fees belong to the municipality.

Emergency Letter: January 23, 1990 @ 10:51 A.M. Approved January 13, 1990.

Chapter 730. AN ACT REORGANIZING THE EXECUTIVE OFFICE OF ENERGY RESOURCES

SECTION 1. Section 2 of chapter 6A of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out, in line 4, the words "energy resources,".

SECTION 2. Section 9 of said chapter 6A, as so appearing, is hereby amended by inserting after the word "Fund", in line 7, the words:- ; the division of energy resources and all other state agencies within said division.

SECTION 3. Section 43F of chapter 7 of the General Laws, as so appearing, is hereby amended by striking out, in lines 13 and 14, the word "Secretary" and inserting in place thereof the word:- commissioner.

SECTION 4. Chapter 25A of the General Laws, as so appearing, is hereby amended by striking out section 1 and inserting in place thereof the following section:-

Section 1. There shall be within the executive office of consumer affairs and business regulation a division called the Massachusetts division of energy resources, under the supervision of a commissioner of energy resources, hereinafter the commissioner. The duties given to the commissioner in this chapter and in any other general or special law shall be exercised and discharged subject to the direction, control and supervision of the secretary of consumer affairs and business regulation.

The commissioner shall be appointed by the secretary of consumer affairs and business regulation, with the approval of the governor, and may, with like approval, be removed. Said commissioner shall serve a term coterminous with that of the governor. The position of commissioner shall be classified in accordance with section forty-five of chapter thirty of the general laws and the salary shall be determined in accordance with section forty-six C of said chapter thirty. The commissioner shall devote full time during business hours to the duties of the office.

SECTION 5. Said chapter 25A is hereby further amended by striking out section 2, as so appearing, and inserting in place thereof the following section:-

Section 2. The commissioner shall be the executive and administrative head of the division of energy resources and shall be responsible for administering and enforcing the provisions of law relative to the division and to each administrative unit thereof.

The commissioner may from time to time, subject to appropriation, establish