

ACTS, 1983. - Chap. 572.

manufactures, distributes, dispenses, or possesses with intent to manufacture, distribute, or dispense a controlled substance in Class A of section thirty-one to a person under the age of eighteen years shall be punished by a term of imprisonment in the state prison for not less than five nor more than fifteen years. No sentence imposed under the provisions of this section shall be for less than a mandatory minimum term of imprisonment of five years and a fine of not less than one thousand nor more than twenty-five thousand dollars may be imposed but not in lieu of the mandatory minimum term of imprisonment, as established herein.

(b) Any person who knowingly or intentionally manufactures, distributes, dispenses, or possesses with intent to manufacture, distribute, or dispense a controlled substance in Class B of section thirty-one to a person under the age of eighteen years shall be punished by a term of imprisonment in the state prison for not less than three nor more than fifteen years. No sentence imposed under the provisions of this section shall be for less than a mandatory minimum term of imprisonment of three years and a fine of not less than one thousand nor more than twenty-five thousand dollars may be imposed but not in lieu of the mandatory minimum term of imprisonment, as established herein.

(c) Any person who knowingly or intentionally manufactures, distributes, dispenses, or possesses with intent to manufacture, distribute, or dispense a controlled substance in Class C of section thirty-one to a person under the age of eighteen years shall be punished by a term of imprisonment in the state prison for not less than two and one-half nor more than fifteen years or in a jail or house of correction for not less than two nor more than two and one-half years. No sentence imposed under the provisions of this section shall be for less than a mandatory minimum term of imprisonment of two years and a fine of not less than one thousand nor more than twenty-five thousand dollars may be imposed but not in lieu of the mandatory minimum two year term of imprisonment, as established herein.

Approved December 13, 1983.

EMERGENCY LETTER - December 13, 1983 @ 4:10 P.M.

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Chap. 572. AN ACT RELATIVE TO THE ELIGIBILITY OF WILLIAM J. P. CLEARY FOR MEMBERSHIP IN THE CONTRIBUTORY RETIREMENT SYSTEM FOR STATE EMPLOYEES.

Be it enacted, etc., as follows:

ACTS, 1983. - Chap. 572.

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, William J. P. Cleary, an employee of the industrial accident board, shall be given full credit for his prior service with the Massachusetts Bay Transportation Authority, including all services with said industrial accident board, for the purposes of determining his vacation and retirement benefits as provided in this act. Said William J. P. Cleary shall file with the state employees' retirement board an application on forms prescribed by said board for membership in the state employees' retirement system.

SECTION 2. Notwithstanding the provisions of any general or special law to the contrary, said authority shall within sixty days of the effective date of this act transfer to said board the amount of total accumulated contributions and earnings thereon which are credited to said William J. P. Cleary under the retirement plan of said authority. Said board shall calculate the amount equal to the contribution said William J. P. Cleary would have paid to said system for the periods of prior service to the authority if he had been in service to the state during said periods together with regular interest to the date of said transfer. If the amount transferred by said authority to said board is greater than or equal to said amount calculated by said board for said periods of prior service to said authority, then said William J. P. Cleary shall be entitled for retirement credit in the state employees' retirement system for said periods and for determining vacation credit. If said amount transferred by said authority to said board is less than said amount calculated by said board for said periods of prior service to said authority, then said William J. P. Cleary shall not be entitled to such retirement time unless he has, within one hundred and twenty days of said transfer, paid into the annuity savings fund of said system, in one lump sum, an amount equal to the difference between said amount transferred by said authority and said amount calculated by said board for said periods of prior service to said authority.

SECTION 3. Notwithstanding the provisions of any general or special law to the contrary, said authority shall reimburse in full said system for the portion, computed by the actuary of the division of public employee retirement administration, of any pension paid to said William J. P. Cleary attributed to his service with said authority. The state treasurer shall annually on or before January fifteenth, upon the certification of disbursements for a pension to said William J. P. Cleary by said board of said system, notify the treasurer of said authority of the amount of reimbursements due therefrom for the prior calendar year. The

ACTS, 1983. - Chap. 573.

treasurer of said authority shall forthwith take such steps as may be necessary to ensure prompt payment of such amount. All payments received from said authority shall be credited to the pension fund of said system. In default of any such payment or transfer by said authority, said board of said system may maintain an action of contract to recover such payment or transfer.

SECTION 4. After said William J. P. Cleary has received full credit for his prior service with said authority as provided by this act, he shall not be entitled to receive a pension from said authority nor shall he be allowed to repay the amount of his contributions plus interest into the pension fund of said authority for the purpose of reinstating his eligibility for such pension.

Approved December 13, 1983.

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Chap. 573. AN ACT FURTHER REGULATING THE CONTROL AND REMOVAL OF OIL AND HAZARDOUS MATERIALS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately clarify the law relative to the prevention of and response to release of oil and hazardous materials, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 21E of the General Laws, as appearing in section 5 of chapter 7 of the acts of 1983, is hereby amended by striking out the definition of "Owner" or "Operator", and inserting in place thereof the following definition:-

"Owner" or "Operator", (1) in the case of a vessel, any person owning, operating or chartering by demise such vessel, (2) in the case of a site, any person owning or operating such site, and (3) in the case of an abandoned site, any person who owned, operated, or otherwise controlled activities at such site immediately prior to such abandonment. The term shall not include a person, who, without participating in the management of a vessel or site holds indicia of ownership primarily to protect his security interest in said vessel or site.

SECTION 2. Said section 2 of said chapter 21E, as so appearing, is hereby further amended by inserting after the definition