
ACTS, 1986. - Chaps. 561, 562.

used for the aforementioned purpose, or that the conditions and restrictions herein are not complied with within a period of five years from the effective date of this act, it shall revert to the commonwealth for no further consideration.

Approved December 8, 1986.

EMERGENCY LETTER: December 8, 1986 @ 4:44 P.M.

Chapter 561. AN ACT RELATIVE TO AUTO INSURANCE COMPANIES AWARDED INTEREST ON OVERPAYMENT OF INSURANCE PREMIUMS.

Be it enacted, etc., as follows:

Chapter 175 of the General Laws is hereby amended by inserting after section 113Q the following section:-

Section 113R. Every insurer offering motor vehicle liability insurance and related coverages shall pay interest on refunds of overpayments to those insured paying premiums in full based on an estimated premium. Such interest shall include interest in the amount charged policyholders for overdue payments.

Approved December 8, 1986.

Chapter 562. AN ACT ALLOWING OVERRIDE OF PROPOSITION TWO AND ONE-HALF, SO-CALLED, FOR CERTAIN CAPITAL EXPENDITURES APPROVED BY THE VOTERS.

Be it enacted, etc., as follows:

SECTION 1. Section 21C of chapter 59 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after paragraph (i) the following paragraph:-

(i 1/2) The local appropriating authority of any city or town may, by a two-thirds vote, seek voter approval to assess taxes in excess of the levy limitation for certain capital outlay expenditures. Amounts for such capital outlay expenditures shall be assessed only after approval by a separate vote of the people taken at a regular or special election held before the setting of the annual tax rate; provided, however, that the question submitted shall be worded as follows: "Shall the (city/town) of _____ be allowed to assess an additional \$ _____ in real estate and personal property taxes for the purposes of (state the purpose(s) for which the monies from this assessment will be used) for the fiscal year beginning July first, nineteen hundred and _____?"

Yes _____ No _____";

and provided, further, that said question shall be deemed approved if a majority of the persons voting thereon shall vote "yes".

Capital outlay expenditures may be authorized for any municipal

purpose for which the city or town would be authorized to borrow money under section seven or eight of chapter forty-four.

SECTION 2. Said section 21C of said chapter 59, as so appearing, is hereby further amended by striking out paragraph (l) and inserting in place thereof the following paragraph:–

(l) Amounts exempted from the tax limit under paragraph (i 1/2), (j) or (k) shall not be included in calculating the "total taxes assessed" in paragraph (a) or the maximum levy limit in paragraph (f).

Approved December 8, 1986.

EMERGENCY LETTER: February 12, 1987 @ 4:19 P.M.

Chapter 563. AN ACT RELATIVE TO DEPARTMENT OF ELDER AFFAIRS HOME CARE PROVIDERS.

Be it enacted, etc., as follows:

The third paragraph of section 4 of chapter 19A of the General Laws is hereby amended by striking out clause (c), as amended by chapter 755 of the acts of 1985, and inserting in place thereof the following clause:–

(c) to encourage and assist communities to plan, develop and implement home care programs which shall be operated either by agencies organized by the commonwealth or any political subdivision thereof or by nonprofit corporations organized under chapter one hundred and eighty and which shall be designated by the department. Any hospital or nursing home licensed by the department of public health pursuant to the provisions of chapter one hundred and eleven shall not be eligible to operate home care programs under this chapter. A majority of the governing body of the aforesaid home care providers shall be persons sixty years of age or older who reside in the cities or towns served by said provider. A majority of the governing body of the aforesaid home care providers, except those serving the city of Boston, shall be appointed by the councils on aging of the cities and towns served by said provider.

The secretary may contract with a home care provider that does not comply with the provisions relating to the composition of the governing body if such home care provider, prior to entering into such contract, shall have presented a plan, approved by the secretary, of adoption of by-laws requiring a majority of such governing body to be composed of persons sixty years of age or older who reside in the cities or towns serviced by said provider and a majority of the governing board to be appointed by the councils on aging of the cities or towns serviced by said provider. As a condition of such contract, such home care provider shall implement such plan within one hundred and eighty days of the signing of the contract.

If no home care provider who complies with the provision of this clause relating to the composition of the governing body is available to provide a home care service, the secretary may enter into a contract with a nonconforming home care provider until an organization with a complying governing body becomes available to provide a comparable service. If the secretary has entered into a contract with a nonconforming home care provider and a conforming provider becomes