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Notwithstanding any provision of law to the contrary, the town of Wareham is hereby authorized to appropriate money for the payment of, and after such appropriation the treasurer of said town is hereby authorized to pay Marilyn Woods, a sum not to exceed one thousand eight hundred and ninety-two dollars and forty cents, and Geraldine M. England, a sum not to exceed nine hundred and fifteen dollars for services performed by them in prior fiscal years for the school department of said town.

Approved July 5, 1988.

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Chapter 105. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, NINETEEN HUNDRED AND EIGHTY-EIGHT TO PROVIDE FOR SUPPLEMENTING CERTAIN EXISTING APPROPRIATIONS AND FOR CERTAIN OTHER ACTIVITIES AND PROJECTS.

Be it enacted, etc., as follows:

SECTION 1. To provide for supplementing certain items in the general appropriation act and for certain other activities and projects, the sums set forth in section two for the several purposes and subject to the provisions of law regulating the disbursement of public funds and the conditions pertaining to appropriations in chapter one hundred and ninety-nine and two hundred and twenty-five of the acts of nineteen hundred and eighty-seven, for the fiscal year ending June thirtieth, nineteen hundred and eighty-eight or for such period as may be specified, the sums so appropriated to be in addition to any amounts available for the purpose.

SECTION 2.

Item

JUDICIARY.

Supreme Judicial Court.

0320-0001	For the salaries, traveling allowances and expenses of the chief justice and of the six associate justices	\$33,984
0321-0001	For the expenses of the commission on judicial conduct	\$39,410

Appeals Court.

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0322-0001 For the salaries, traveling allowances and expenses of the chief justice and of the nine associate justices \$44,874

Trial Court.

0330-0100 For the salaries of the justices of the trial court; notwithstanding this item the justices of the trial court shall continue their commission of appointment to a specific division within a department or to a department according to the terms of said commissions; provided, that nothing herein shall be construed to limit the authority of the chief administrative justice as enumerated in chapter two hundred and eleven B of the General Laws, including not more than two hundred and eighty-one positions \$780,216

0330-0200 For the salaries of the recalled justices of the trial court \$84,661

Collective Bargaining.

0330-0703 For a reserve to meet the cost of salary adjustments and other employee economic benefits authorized by the collective bargaining agreement between the chief administrative justice of the trial court and the Office and Professional Employees International Union, Local 6 (Professional Unit), and to meet the cost of salary adjustments and other economic benefits necessary to provide equal salary adjustments or benefits to employees employed in "confidential" positions which would otherwise be covered by said collective bargaining agreement; provided, however, that the chief administrative justice shall determine such salary adjustments and other economic benefits for "confidential" employees in accordance with the agreement then in effect which would otherwise cover said positions; provided, further, that said chief administrative justice is hereby item authorized to transfer from the sum appropriated herein to other items of appropriation and allocations thereof for the fiscal years nineteen hundred and eighty-seven and nineteen hundred and

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eighty-eight such amounts as are necessary to meet the costs of said adjustments and benefits for the fiscal years nineteen hundred and eighty-seven and nineteen hundred and eighty-eight where the amounts otherwise available are insufficient for the purpose; provided, further, that the secretary of administration and finance is authorized to allocate the cost of such salary adjustments and benefits to the several state or other funds to which such items of appropriation are charged; provided, further, that copies of said collective bargaining agreement, together with an analysis of all cost items contained in said agreement and all changes to be made in the schedules of permanent and temporary positions required by said agreement, shall be filed with the house and senate committees on ways and means prior to the transfer or allocation of any amounts necessary to meet the cost of said adjustments and benefits; provided further, that no transfers shall be made as authorized herein without prior notification to the house and senate committees on ways and means; provided, further, that the secretary of administration and finance should implement said salary adjustments and benefits within sixty days of the effective date of this act; and provided, further, that this appropriation shall expire June thirtieth, nineteen hundred and eighty-eight

\$63,756

0330-0708 For a reserve to meet certain costs in the trial court, provided that funds may be transferred from this item to other items of appropriation with the prior approval of the commissioner of administration

\$143,015

**EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.**

Group Insurance Commission.

1108-5200 For the commonwealth's share of the group insurance premium; provided, however, that not more than one hundred and seventy-five thousand dollars shall be obligated for the audit of said premium; provided, further, that not more than one hundred and fifty thousand dollars shall be obligated for pilot programs

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in hospital audit and case management; provided further, that the commission shall report by April fifteenth, nineteen hundred and eighty-eight to the committees on ways and means on said pilot programs, including all expenditures, all savings generated or costs avoided, an assessment of the success of the programs, and any proposals for program continuation including specific program budgets and projections of savings to be realized for fiscal year nineteen hundred and eighty-eight; provided, further, that the group insurance commission shall charge the division of employment security and other departments, authorities, agencies and divisions which have federal or other funds allocated to them for this purpose for that portion of the cost of the program as it determines should be borne by such funds, and shall notify the comptroller of the amounts to be transferred, after similar determination, from the several state or other funds, and amounts received in payment of all such charges of such transfers shall be credited to the General Fund; provided, further, that notwithstanding the provisions of section twenty-six of chapter twenty-nine of the General Laws, the commission is hereby authorized to negotiate, purchase and execute contracts by April first of each year for a policy or policies of group insurance as authorized by chapter thirty-two A of the General Laws; provided further, that the present level of health insurance coverage shall be maintained but shall not constitute payments in full of charges for health care services; provided further, that effective July first, nineteen hundred and eighty-six, said commonwealth's share of the group insurance as provided, in section eight of said chapter thirty-two A shall be ninety per cent of the total monthly premiums of rates as established by the commission effective July first, nineteen hundred and eighty-six; provided further, that no funds appropriated under this item shall be expended for the payment of abortions not necessary to prevent the death of the mother; and, provided further, that the commission shall

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notify the house and senate committees on ways and means, by April fifteenth of each year, of the commonwealth's actual cost of its share of group insurance premiums for the next fiscal year \$25,000,000

Division of Public Employee Retirement Administration.

1108-6200 For the purposes of workers' compensation paid to public employees, including previous fiscal years \$3,775,764

Highway Fund ..... 35.0%  
General Fund ..... 65.0%

Department of Revenue.

1201-0100 For the administration of the department, including audits, of certain foreign corporations, and for the rental, maintenance and operation of offices to assist in the administration of the department, for the expenses of administering section forty-five A of chapter sixty-two C of the General Laws. for salaries and expenses of the wage reporting system; provided, that not less than one million three hundred thousand dollars be obligated for the expenses of the wage reporting system; provided further, that said department shall establish and maintain an office in the town of Greenfield, to be open not less than three days per week; provided further, that the comptroller shall transfer to the General Fund the sum of two hundred and sixty thousand dollars from the receipts of the cigarette tax in accordance with the provisions of paragraph (b) of section fourteen of chapter two hundred and ninety-one of the acts of nineteen hundred and seventy-five, including not more than two thousand and twelve positions \$2,229.683

Highway Fund ..... 10.0%  
General Fund ..... 90.0%

**EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.**

Department of the Metropolitan District Commission.

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Construction Division.

2460-1000 For the maintenance of the construction division; provided, that notwithstanding the provisions of any general or special law to the contrary, all officers and positions shall be subject to classification under sections forty-five to fifty, inclusive, of chapter thirty of the General Laws, including not more than one hundred and thirty-one positions \$76,607

General Fund ..... 33.0%  
Highway Fund ..... 67.0%

**EXECUTIVE OFFICE OF HUMAN SERVICES.**

Department of Correction.

4349-0001 For the administration and operation of the commonwealth's correctional facilities; provided, that the commissioner is hereby authorized to enter into agreement with the sheriff of Hampden county for the operation of day reporting centers in Hampden county, and that not less than one hundred and seventy-five thousand dollars be expended for said agreement; provided further, that the commissioner is hereby authorized to enter into agreement with the sheriff of Hampden county for the operation of a correctional alcohol treatment facility in Hampden county; provided, further, that the commissioner is hereby authorized to make quarterly advances to the treasurer of Hampden county pursuant to said agreements; provided, further, that said treasurer shall deposit said advances into a fund to be expended solely for the purpose of said agreements; provided, further, that any interest earned by said fund shall be deposited to said fund and that any unexpended balance including interest remaining in said fund as of June thirtieth, nineteen hundred and eighty-eight shall be returned to the commonwealth; provided further, that all persons employed by said sheriff pursuant to said agreements shall be considered county employees; provided further, that funds advanced to the county

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treasurer pursuant to this agreement may be spent for any services or items of supply or equipment which the sheriff requires to carry out the purpose of operating a correctional alcohol treatment facility, such expenditures may include but are not limited to salaries, travel, uniform allowance, purchase and maintenance of equipment and selecting contractual and professional services; and provided further, that no permission will be required for the sheriff to transfer funds among codes or subcodes at the county level, and that the department report quarterly to the house and senate committees on ways and means regarding expenditure of such funds; including not more than three thousand seven hundred and thirty-one positions \$3,900,000

4349-0014 For certain costs pertaining to services required at Bridgewater state hospital pursuant to supreme judicial court ruling #S-4630 in the matter of O'Sullivan vs. Secretary of Human Services \$150,000

Department of Mental Health.

5051-0100 For the operation of community mental health centers; provided, however, that not less than three million eight hundred forty-six thousand one hundred and sixty-six dollars and one hundred and forty-eight positions be available for the Dr. Harry C. Solomon mental health center; provided, further that not less than four million one hundred thirty-nine thousand and thirteen dollars and one hundred and fifty-three positions be available for the Cambridge/Somerville mental health and mental retardation center; provided, further, that not less than four million four hundred and twenty-five thousand dollars and one hundred and eighty-seven positions be available for the Brockton multi-service center; provided, further, that not less than four million eighty-nine thousand five hundred and sixty-seven dollars and one hundred and eighty-four positions be available for the John C. Corrigan mental health center; provided, further, that not less than three

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million four hundred seventy-five thousand six hundred and seventy-five dollars and one hundred and thirty-four positions be available for the Pocasset mental health center; provided, further, that not less than eight million one hundred twenty-three thousand seven hundred and sixty-two dollars and three hundred and thirty-eight positions be available for the Massachusetts mental health center; provided, further, that not less than five million six hundred seventeen thousand nine hundred and thirty-three dollars and two hundred and seventy-five positions be available for the Dr. Solomon Carter Fuller mental health center; provided, further, that not less than five million six hundred and five thousand seven hundred and ninety-two dollars and two hundred and nine positions be available for the Erich Lindemann mental health center; provided, further, that not less than four million five hundred ninety-six thousand nine hundred and twenty-three dollars and one hundred and eighty-five positions be available for the Tufts/Bay Cove mental health center; provided, further, that not less than six million eight hundred twenty-nine thousand three hundred and ninety-four dollars and two hundred and eighty-nine positions be available for the Dorchester mental health center; provided, further, that not less than five million two hundred fifty-one thousand one hundred ninety dollars and not less than two hundred and five positions be available for the Wes-Ros-Park mental health center; provided, further, that not less than two million seven hundred fifty-one thousand seventy-three dollars and one hundred and ten positions be available for the Quincy mental health center; provided, further, that an additional one hundred thirty-seven positions shall be available for assignment by the department among the several mental health centers, including, for all the mental health centers a total of not more than two thousand five hundred and sixty-four positions

\$1,000,000

EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.

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DEPARTMENT OF PUBLIC WORKS.

Maintenance and Operation of State Highways and Bridges.

6030-7201 For the expenses of snow and ice control; provided, that a detailed report on district cost comparisons for fiscal year nineteen hundred and eighty-eight expenditures be filed with the house and senate committees on ways and means on or before May first, nineteen hundred and eighty-eight; and, provided further, that any surplus after May first, nineteen hundred and eighty-eight may be expended for bridge repairs in said districts, including the cost of sand, salt and chemicals \$8,764,475

Highway Fund ..... 100.0%

DEPARTMENT OF EDUCATION.

7061-0012 For non-educational costs of residential school programs for students placed by a local school district or ordered by the bureau of special education on appeals, as provided under chapter seventy-one B of the General Laws; provided, that subject to rules and regulations promulgated by the commissioner of education, each city and town shall verify to the commonwealth the cost thereof and upon approval of the commissioner the treasurer shall be authorized to make such payments directly to the service provider for services provided on or after July first, nineteen hundred and eighty-seven; provided further, that the commonwealth shall not pay more than sixty per cent of the cost of any such residential placement \$7,934,000

Local Aid Fund ..... 100.0%

BOARD OF REGENTS.

7070-0065 For scholarship programs, as provided in section seven of chapter fifteen A of the General Laws, chapter seven hundred and twelve of the acts of nineteen hundred and sixty-six and section seven B of chapter sixty-nine of

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the General Laws, including expenses for the last two prior fiscal years, including senatorial honor scholarships, a statewide program in consortium scholarships, the state scholarship program, the Carl J. Gilbert Matching Scholarship grant program, the Massachusetts graduate scholarship grant program, the Massachusetts low interest student loan program, the commonwealth scholars program, the Massachusetts teacher incentive program, a scholarship program for needy Massachusetts part-time undergraduate students, and the Massachusetts educational employment program; provided, that not less than three hundred thousand dollars shall be obligated to master of science degrees in nursing at nonpublic institutions of higher learning located within the commonwealth; and provided further, that the limitations on the total amount of scholarships awarded to student of institutions of higher education supported by the commonwealth as set forth in section seven of chapter fifteen A of the General Laws shall not apply to scholarships awarded hereunder; and provided further, that this appropriation shall expire June thirtieth, nineteen hundred and eighty-nine

\$84,000,000

**EXECUTIVE OFFICE OF PUBLIC SAFETY.**

Office of the Secretary.

8000-0105 For the administration of the office of chief medical examiner and payment for services to medical examiners as authorized by chapter seven hundred and seventy-three of the acts of nineteen hundred and eighty-one, and including not more than four hundred and fifty-one thousand dollars for the payment of certain prior year expenses, including not more than fifty-eight positions

\$500,871

Division of State Police.

8312-0205 For a reserve to be administered by the executive office of public safety to provide for certain expenses associated with the position of any

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state police officer authorized by item of appropriation 8312-0100 and assigned by the commissioner of public safety to duty with various offices of district attorneys of the commonwealth. Funds appropriated herein shall be allocated to items of appropriation for various offices of district attorneys of the commonwealth, pursuant to recommendations by the commissioner of public safety, upon notification to the house and senate committees on ways and means, and to the commissioner of administration. Said district attorneys are hereby authorized to expend amounts allocated from this reserve for the purposes of said certain expenses \$177,532

General Fund ..... 15.0%  
Highway Fund ..... 85.0%

Capitol Police.

8500-0001 For the operation and administration of the capitol police force; provided, however, that notwithstanding any provision of chapter thirty-one of the General Laws, members of the capitol police force may be temporarily allocated to special secondary ratings in accordance with the schedule approved by the house and senate committees on ways and means, a copy of which is on file with the personnel administrator, including not more than eighty-five positions; provided that said police force shall be trained in crowd control techniques subject to a program of training approved by the secretary of public safety \$192,713

Civil Defense Agency.

8800-0001 For the service of the civil defense agency; provided, that expenditures from this item shall be contingent upon the prior approval of the proper federal authorities, including not more than forty positions \$52,171

**EXECUTIVE OFFICE OF ECONOMIC AFFAIRS.**

Office of the Secretary.

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9000-1618 For settlement of certain audits by the United States Department of Labor for expenditures of federal grants under the Comprehensive Education and Training Act of 1973 \$1,394,778

**EXECUTIVE OFFICE OF CONSUMER AFFAIRS.**

Division of Registration.

9230-0150 For the expenses of the board of registration and discipline in medicine and the committee on acupuncture, including not more than fifty-one positions \$124,555

**SECTION 3.**

2260-8888 For the payment of a court settlement for the Southern Development, Inc. v. the Commonwealth of Massachusetts C.A. No.135043 \$3,110,734

**SECTION 4.** The secretary of administration and finance shall prepare a document listing all items in chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven, which have not been fully funded according to the allotment formula contained in chapter twenty-nine, section nine B of the General Laws as of the effective date of this act. The secretary of administration and finance shall also prepare an explanation of the reasons each line item has not been fully funded. Such document and explanation shall be filed with the clerks of the house and senate.

**SECTION 5.** The state treasurer may borrow from time to time on the credit of the commonwealth such sums of money as may be necessary for the purpose of meeting payments authorized by section three of this act and may issue and renew from time to time notes of the commonwealth therefore, bearing interest payable at such time and at such rates as shall be fixed by the state treasurer. Such notes shall be issued and may be renewed one or more times for such term, not exceeding one year, as the governor may recommend to the general court in accordance with Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, but the final maturities of such notes, whether original or renewal, shall not be later than June thirtieth, nineteen hundred and ninety-two. Notes and interest thereon issued under the authority of this section, notwithstanding any other provision of this act, shall be general obligations of the commonwealth.

**SECTION 6.** To meet the expenditures necessary to carrying out the provisions of section three of this act, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth, to any amount specified by the governor from time to time, not exceeding in the aggregate, the sum of three million, one hundred ten thousand

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seven hundred and thirty-four dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Capital Outlay Loan, Act of nineteen hundred and eighty-eight, and shall be issued for such maximum term of years not exceeding twenty years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth; provided, however, that all such bonds shall be payable not later than June thirtieth, two thousand and twelve. Bonds and interest hereon issued under the authority of this section shall, notwithstanding any other provision of this act, be general obligations of the commonwealth.

**SECTION 7.** Item 1599-3655 of section 2 of chapter 199 of the acts of 1987, inserted by section 2 of chapter 646 of the acts of 1987, is hereby amended by inserting after the word "preparedness", in line 20, the words:- ; provided, further, that in the event the certified reimbursable costs for any community exceed the figure designated for such community, funds may be reallocated from any excess funds available in this item to such community. It shall be the intent of this item initially to reimburse all eligible certified costs related to public streets and ways, then to allocate the remaining balance, if any, on a pro-rata basis if necessary, toward all eligible, certified costs related to the clearance of debris from waterways, to a maximum of eighty-seven and one-half per cent.

**SECTION 8.** Item 0322-0002 of said section 2 of said chapter 199 is hereby amended by striking out the wording and inserting in place thereof the following wording:- For the salaries and expenses of the appeals court; provided, however, that notwithstanding any other law to the contrary, the prior year cost of salary adjustments authorized by chapter five hundred and twenty-five of the acts of nineteen hundred and eighty-six shall be allowed and paid from this item.

**SECTION 9.** The caption EOHS-Department of Social Services - Title IV-E Reimbursement Sliding Fee Revenues of section 33 of said chapter 199 is hereby amended by striking out the wording and inserting in place thereof the following wording:-

The commissioner of the department of social services may expend for the provision of direct social services revenues collected from the establishment of a sliding fee scale for service, in an amount not to exceed two hundred thousand dollars, and revenues collected pursuant to Title IV-E of the Social Security Act, in an amount not exceeding eight million eight hundred thousand dollars.

**SECTION 10.** Notwithstanding the provisions of section thirteen of chapter twenty-nine of the General Laws or of any other law to the contrary, the cost of any contractual obligation incurred in fiscal year nineteen hundred and eighty-eight pursuant to an appropriation for ordinary maintenance for such fiscal year and the cost of that portion of any such appropriation representing an outstanding encumbrance at the

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end of such fiscal year shall be reported as an expenditure for fiscal year nineteen hundred and eighty-eight on the comptroller's annual statement submitted pursuant to section five of said chapter twenty-nine, and may not be paid from the appropriation for the same purpose for fiscal year nineteen hundred and eighty-nine or for any succeeding fiscal year.

**SECTION 10A.** Notwithstanding the provisions of any general or special law to the contrary, the amount of eighty-one million four hundred and twenty-five thousand dollars is hereby made available in the fiscal year ending June thirtieth, nineteen hundred and eighty-nine to meet necessary expenditures prior to the enactment into law of the general appropriations act for the nineteen hundred and eighty-nine fiscal year, for the maintenance and operations of the several departments, boards, commissions, and institutions, for other necessary services, and for meeting certain requirements of law; provided, however, that said sum may be expended, without further appropriation, pursuant to schedules prepared by the secretary of administration and finance and filed prior to expenditure with the house and senate committees on ways and means; provided, further, that the authorization contained herein shall cease to be operative as of the effective date of the general appropriations act for the nineteen hundred and eighty-nine fiscal year and all actions taken under this section shall apply against said general appropriations act.

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

Approved July 7, 1988.

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**Chapter 106. AN ACT PROVIDING FOR CHANGES IN THE PERSONAL INCOME TAX AND CLARIFYING CERTAIN OTHER PROVISIONS.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 1 of chapter 62 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out paragraph (c) and inserting in place thereof the following paragraph:-

(c) "Code", the Internal Revenue Code of the United States, as amended on January first, nineteen hundred and eighty-eight and in effect for the taxable year.

**SECTION 2.** Said section 1 of said chapter 62, as so appearing, is hereby further amended by striking out paragraph (e) and inserting in place thereof the following paragraph:-

(e) "Dividend", any item of federal gross income which is treated as a dividend under the provisions of the Code.

**SECTION 3.** Said section 1 of said chapter 62, as so appearing, is