

and may be renewed one or more times for terms not exceeding ninety days and the final maturities of such notes, whether original or renewal, shall not be later than June thirtieth, nineteen hundred and ninety, as recommended by the governor in a message to the general court dated August twenty-first, nineteen hundred and eighty-nine in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

**SECTION 9.** Notwithstanding any provision of law to the contrary, the notes which the state treasurer is authorized to issue under section eight of chapter three hundred and two of the acts of nineteen hundred and eighty-nine, shall be issued and may be renewed one or more times for terms not exceeding one hundred and eighty days and the final maturities of such notes, whether original or renewal, shall not be later than January thirty-first, nineteen hundred and ninety-two, as recommended by the governor in a message to the general court dated August twenty-first, nineteen hundred and eighty-nine in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

Approved September 18, 1989.

**Chapter 360. AN ACT FURTHER REGULATING THE REPAIR, MAINTENANCE OR RECONSTRUCTION OF SCENIC ROADS.**

*Be it enacted, etc., as follows:*

The second paragraph of section 15C of chapter 40 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by adding the following sentence:- Any city or town making said scenic road designation may make an ordinance or by-law establishing that a violation of this paragraph shall be punished by a fine not to exceed three hundred dollars.

Approved September 18, 1989.

**Chapter 361. AN ACT PROVIDING FOR A DRINKING WATER PROTECTION FUND.**

*Be it enacted, etc., as follows:*

Chapter 40 of the General Laws is hereby amended by inserting after section 39J the following section:-

Section 39J 1/2. (a) Any city or town which accepts the provisions of this section either by a majority vote of the city or town council or by majority vote at an annual town meeting, may establish a drinking water protection district in conjunction with at least one other city or town sharing a common drinking water resource,

including but not limited to an aquifer, a recharge area or a watershed. Said drinking water protection district shall be for the purposes of water conservation, resource management and protection, and resource planning of drinking water supplies in said district including public wells, reservoirs and aquifers which are affected by more than one such city or town.

The drinking water protection commission shall be composed of two members from each municipality in said district to be appointed by the mayor of a city or the board of selectmen of a town for a term of three years.

Each city or town in said district shall adopt a pricing system which charges all users of public or private water supplies within said city or town for protection of water resources. Said pricing system shall not impose a charge in excess of ten percent of the annual cost of water as charged by metered service or fixed rate. If service is without meters or if the water supply is private, a flat fee may be charged; provided, however, that such flat fee shall not exceed ten percent of the average annualized residential or commercial metered use whichever is applicable in such city or town; and provided, further, that in a city or town without a public water system a flat fee to be established by a majority vote of an annual town meeting, town council or city council, whichever is applicable shall be charged.

Such charges or fees collected under the provisions of this section shall be forwarded to the drinking water protection commission which shall deposit the same in the Drinking Water Protection Fund established under subsection (b).

(b) There is hereby established in each drinking water protection district a Drinking Water Protection Fund, hereinafter called fund, to be administered by the drinking water protection commission in each such district.

Said drinking water protection commission shall be eligible to apply for state funding available to a city or town. Upon receipt, such funds shall be deposited in the fund. Contributions, whether public or private, shall also be deposited in the fund for the purposes set forth herein.

Commission members shall serve without compensation. The commission shall elect a chairperson and such officers as it may by rule provide, and may make by majority vote such other rules and regulations consistent with the provisions of this section. The commission may, by majority vote of its members, hire such staff as is necessary to further the purposes of the commission.

A commission may issue bonds as provided herein. The chairperson of any such commission is hereby authorized and empowered in connection with any borrowing under this section to enter into one or more trust or security agreements between such commission and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the commonwealth, or directly between such commission and the lenders on the debt obligations, necessary to effectuate and to secure such borrowing. Such agreements may pledge or assign, and create a security interest in, in whole or in part, the revenues and other money held or to be received by the commission from any

project being financed or from any fees or charges imposed by such commission relating to the powers of commissions as provided in subsection (c), whether then existing or thereafter coming into existence and whether then held or thereafter acquired by the commission and the proceeds thereof. Such agreements may contain provisions for protecting and enforcing the rights, security and remedies of the holders of such debt obligations, including without limiting the generality of the foregoing, provisions defining defaults and providing for remedies in the event thereof, which may include the acceleration of maturities and covenants setting forth the duties of, and limitations on, the commission in relation to the functioning of the project being financed by such debt obligations, the custody, safeguarding, investment and application of money, the issuance of additional debt obligations, the fixing, revision and collection of fees or other charges relating to water supply protection, the use of any surplus proceeds of the borrowing, including any investment earnings thereon, the establishment of special funds and reserves and the making and amending of contracts relating to such project.

The pledge on any such agreement shall be valid and binding and shall be deemed continuously perfected for the purposes of chapter one hundred and six and any other law from the time when the pledge is made and shall be supported by the full faith and credit of member municipalities. The revenues, money, rights and proceeds so pledged and then held or thereafter acquired or received without any physical delivery or segregation thereof or further act, and the lien of any such pledge, shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the commission, irrespective of whether such parties have notice thereof. No document by which a pledge is created need be filed or recorded except in the records of a city or town and no filing need be made under the provisions of said chapter one hundred and six.

Any such trust agreement may provide that any money received thereunder may be deposited or invested, pending the disbursement thereof, in any deposits or investments which are lawful for the funds of cities or towns pursuant to section fifty-five of chapter forty-four, and shall provide that any officer with whom or any bank or trust company with such money shall be deposited shall act as trustee of such money and shall hold and apply the same for the purposes hereof and thereof, subject to such regulation or limitation as this section or such agreement may provide.

It shall be lawful for any bank or trust company to act as depository or trustee of the proceeds of debt obligations, revenues or other money pledged under any such agreement and to furnish such indemnifying bonds or to pledge such security and issue such letters or lines of credit or other credit facilities as may be required by the commission. Any agreement entered into pursuant to this section may set forth the rights and remedies of the holders of any debt obligations and of the trustee and may restrict the individual right of action by any such holders. In addition to the foregoing, any such agreement may contain such other provisions

as the commission may deem reasonable and proper. All expenses incurred in carrying out the provisions of such agreement may be treated as a cost of issuance hereunder. In addition to the foregoing, any such agreement may contain such other provisions as the commission may deem reasonable and proper. All expenses incurred in carrying out the provisions of such agreement may be treated as a cost of issuance thereunder. In addition to other security provided by a commission, such debt obligations may be secured, in whole or in part, by insurance or by letters or lines of credit or other credit or other credit facilities issued to the commission by any bank, trust company or other financial institution, within or without the commonwealth, and the commission may pledge or assign any of its revenues and other money held or to be received by the commission from the project being financed or from any fees or charges imposed by such commission relating to water supply protection as security for the reimbursement by the commission to the issuers of such letters of credit, insurance or credit facilities of any payments made thereunder.

Any holder of a debt obligation issued by a commission under the provisions of this section or of any of the coupons appertaining thereto or any trustee under an agreement securing the same, except to the extent the rights herein given may be restricted by such agreement, may bring suit upon the debt obligations or coupons and may, either at law or in equity, by suit, action, mandamus, or other proceeding for legal or equitable relief, including proceedings for the appointment of a receiver to take possession and control of the facilities financed by such debt obligations to operate and maintain the same, to make any necessary repairs, renewals and replacements in respect thereof and to fix, revise and collect fees and charges, protect and enforce any and all rights under the laws of the commonwealth or granted hereunder or under such agreement or other agreement, and may enforce and compel the performance of all duties required by this section or by such agreements to be performed by the commission by any officer thereof.

A pledge of revenue in accordance with the provisions of this section shall constitute a sufficient appropriation thereof for the purposes of any provision for appropriation for so long as such pledge shall be in effect and, notwithstanding any other general or special law to the contrary, such revenues may be applied as required by the pledge and the agreement evidencing the same without further appropriation. Prior to issuing bonds, said commission shall obtain appropriate bonding authorization from a majority of member municipalities.

No appointments shall be made and no money expended hereunder except by the affirmative vote of a majority of the members of said commission. The commission shall maintain accurate records of its meetings, actions and financial transactions and shall file an annual report which shall be printed in the annual report of each member town. The commission shall prepare an annual budget which shall be subject to approval by a majority of the members of said commission. The provisions of chapter forty-four, not inconsistent with the

provisions of this section, shall apply to a drinking water protection district.

(c) The commission shall, subject to the provisions of this section have the power and authority to:

(1) assist municipalities in identification and protection of recharge and watershed areas for existing water supplies and locate and identify future drinking water supplies;

(2) assist municipalities by providing technical assistance for long-term planning to design and propose regional land use management efforts of drinking water resources that cut across town or water district boundaries;

(3) provide funds to assist municipal efforts to acquire land in fee simple, through easements, restrictions or other interests, buy development rights, or manage lands identified as important to drinking water resource supply and protection;

(4) provide for public education regarding water conservation, proper waste disposal and land use in recharge or watershed areas;

(5) supplement local emergency response systems in cooperation with the department of environmental quality engineering incidence response division, which teams shall be available to respond and assist where hazardous waste or chemical spills occur within a recharge or watershed area;

(6) coordinate, educate and disseminate information to the public regarding state and federal programs and monies available for drinking water resource projects;

(7) review and comment on proposed land use which may have an impact on resources of concern to the commission; and

(8) make available to private property owners grants for the removal of underground storage tanks considered by said commission to be a threat to the drinking water resource.

The commission shall not have authority to buy, sell or hold title to land, nor to take property by eminent domain, but may allocate funds to a member town with the stipulation that such funds be applied to the purchase of a specific parcel of land or development rights for a specific parcel of land by the member town to be used only for purposes consistent with the provisions of this section.

A city, by majority vote of city council, or a town, by majority vote at an annual town meeting or town council, may cease to be a member of said district subject to said city or town's share of bonding obligations incurred prior to such vote to withdraw. Said vote shall become effective six months after being certified by the city or town clerk and all funds collected prior to the effective date of withdrawal shall remain the property of the drinking water protection commission; provided, however that in the event that such withdrawal reduces commission membership to less than two municipalities, all funds collected prior to the date of dissolution not necessary to pay all existing obligations of the commission shall revert to the member municipalities on a pro rata basis to be used only for purposes consistent

with the protection and enhancement of water supplies.

Approved September 19, 1989.

## **Chapter 362. AN ACT RELATIVE TO VICTIM ASSISTANCE.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for increased funds for the victims and witness assistance programs, 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 8 of chapter 258B of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

The court shall impose an assessment of no less than fifty dollars against any person who has attained the age of seventeen years and who is convicted of a felony or against whom a finding of sufficient facts for a conviction is made on a complaint charging a felony. The court shall impose an assessment of thirty dollars against any person who has attained the age of seventeen and who is convicted of a misdemeanor or against whom a finding of sufficient facts for a conviction is made on a complaint charging a misdemeanor. The court shall impose an assessment of thirty dollars against any person who has attained the age of fourteen years and who is adjudicated a delinquent child or against whom a finding of sufficient facts for a finding of delinquency is made. The court, including the clerk-magistrate, shall impose an assessment of thirty dollars against any person who fails to pay the scheduled civil assessment for a civil motor vehicle infraction or to request a hearing within the twenty day period provided for in subsection (A) of section three of chapter ninety C, except where the person is required by law to exercise the right to pay before a justice. When multiple criminal offenses arising from a single incident are charged, or when multiple civil motor vehicle infractions arising from a single incident are charged, or when one or more criminal offenses and one or more civil motor vehicle infractions arising from a single incident are charged, the total assessment shall not exceed fifty dollars; provided, however, that the total assessment against a person who has not attained seventeen years shall not exceed thirty dollars. In the discretion of the court, including the clerk-magistrate in the case of a civil motor vehicle infraction that has not been heard by or brought before a justice, any assessment imposed pursuant to this section which would cause the person against whom the assessment is imposed severe financial hardship, may be reduced or waived.

**SECTION 2.** Section 9 of said chapter 258B, as so appearing, is hereby