

**HOUSE . . . . . No. 396**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Bruce J. Ayers*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act establishing a revolving fund to supplement the funding of waterway projects and coastal protection initiatives.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

*Bruce J. Ayers*

*1st Norfolk*

*James M. Murphy*

*4th Norfolk*

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By Mr. Ayers of Quincy, a petition (accompanied by bill, House, No. 396) of Bruce J. Ayers and James M. Murphy relative to the funding of waterway projects and coastal protection initiatives. Environment, Natural Resources and Agriculture.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 618 OF 2015-2016.]

**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninetieth General Court  
(2017-2018)**  
\_\_\_\_\_

An Act establishing a revolving fund to supplement the funding of waterway projects and coastal protection initiatives.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. Chapter 91 of the General Laws, as appearing in the 2008 Official Edition,  
2 is hereby amended by inserting the following new section after section 10A1/2:—Section  
3 10A3/4. There is hereby established a fund to be known as the Coastal Protection and Harbor  
4 Maintenance Revolving Fund to which shall be credited such sums as may from time to time be  
5 provided by appropriation. Notwithstanding the provisions of any general or special law to the  
6 contrary, the department of environmental management is hereby authorized and directed to  
7 utilize the appropriations credited to this fund for providing financial assistance to local  
8 government units to meet debt service obligations or bonds incurred by such local government  
9 units after January 1, 2015, to finance costs of coastal protection and harbor maintenance  
10 projects, or portions thereof, which have been approved by the department.As used in this

11 section, the term “coastal protection and harbor maintenance project” shall mean the planning,  
12 including study, professional consultation, engineering, evaluation, preliminary and final design  
13 and pre-construction activity, including construction, supervision and purchase of equipment for  
14 post-construction maintenance for projects approved by the department that increase or maintain  
15 harbor access and maintain or augment structures that provide protection to the coastline and  
16 development along the same. The department shall promulgate regulations to define typical  
17 projects that are approved for assistance and shall therein provide a process for municipalities to  
18 submit additional proposals for consideration should a municipality believe that a project meets  
19 the criteria for a coastal protection or harbor maintenance project but is not specifically defined  
20 as such in the regulations. Subject to appropriation, the department shall provide financial  
21 assistance for each coastal protection and harbor maintenance project or portion thereof  
22 authorized by this section in such manner and under such terms and conditions as defined under  
23 regulations to be promulgated by the department, including zero or low-interest loans to the  
24 municipality, in an aggregate amount equal to 50 percent percent of the approved costs of such  
25 project or portion thereof approved by the department of environmental management. This  
26 assistance shall not be construed as a replacement and shall not be used in lieu of any other form  
27 of grant or other assistance available through the department, but shall assist municipalities in  
28 affording and financing their portion of approved and necessary projects.

29         The state treasurer shall enter into an agreement with the department to provide contract  
30 assistance to the department in whatever maximum amount is appropriated by the  
31 commonwealth per fiscal year. Subject to appropriation, the department is hereby authorized and  
32 directed to report the total annual amount of assistance authorized in each current and subsequent  
33 year to meet the provisions of this section and shall file the same with the house and senate

34 committees on ways and means no later than February first of each year, such report shall also  
35 detail the number and aggregate amount of requests for assistance the department has received  
36 and is unable to provide from this account due to exhaustion of available appropriations.

37 SECTION 2. This act shall take effect upon passage and the department of environmental  
38 management is directed to promulgate the rules and regulations required under this act within 90  
39 days after the effective date of this act.