

**HOUSE . . . . . No. 693**

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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 passage of the accompanying bill:

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

PETITION OF:

NAME:

Bruce J. Ayers

DISTRICT/ADDRESS:

1st Norfolk

[SIMILAR MATTER FILED IN PREVIOUS SESSION

SEE HOUSE, NO. 630 OF 2007-2008.]

## The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine  
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### 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 2004 Official Edition, is  
2 hereby amended by inserting the following new section after section 10A1/2:—  
3 Section 10A3/4. There is hereby established a fund to be known as the Coastal Protection and  
4 Harbor Maintenance Revolving Fund to which shall be credited such sums as may from time to  
5 time be provided by appropriation. Notwithstanding the provisions of any general or special law  
6 to the contrary, the department of environmental management is hereby authorized and directed  
7 to 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, 2009, to finance costs of coastal protection and harbor maintenance  
10 projects, or portions thereof, which have been approved by the department.  
11 As used in this section, the term “coastal protection and harbor maintenance project” shall mean  
12 the planning, including study, professional consultation, engineering, evaluation, preliminary and  
13 final design and pre-construction activity, including construction, supervision and purchase of  
14 equipment for post-construction maintenance for projects approved by the department that  
15 increase or maintain harbor access and maintain or augment structures that provide protection to  
16 the coastline and development along the same. The department shall promulgate regulations to  
17 define typical projects that are approved for assistance and shall therein provide a process for  
18 municipalities to submit additional proposals for consideration should a municipality believe that  
19 a project meets the criteria for a coastal protection or harbor maintenance project but is not  
20 specifically defined as such in the regulations.  
21 Subject to appropriation, the department shall provide financial assistance for each coastal  
22 protection and harbor maintenance project or portion thereof authorized by this section in such  
23 manner and under such terms and conditions as defined under regulations to be promulgated by  
24 the department, including zero or low-interest loans to the municipality, in an aggregate amount  
25 equal to 50 percent percent of the approved costs of such project or portion thereof approved by

26 the department of environmental management. This assistance shall not be construed as a  
27 replacement and shall not be used in lieu of any other form of grant or other assistance available  
28 through the department, but shall assist municipalities in affording and financing their portion of  
29 approved and necessary projects.

30 The state treasurer shall enter into an agreement with the department to provide contract  
31 assistance to the department in whatever maximum amount is appropriated by the  
32 commonwealth per fiscal year. Subject to appropriation, the department is hereby authorized and  
33 directed to report the total annual amount of assistance authorized in each current and subsequent  
34 year to meet the provisions of this section and shall file the same with the house and senate  
35 committees on ways and means no later than February first of each year, such report shall also  
36 detail the number and aggregate amount of requests for assistance the department has received  
37 and is unable to provide from this account due to exhaustion of available appropriations.

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