

# SENATE . . . . . No. 2241

Senate, June 1, 2014– Text of the Senate amendment to the House Bill promoting economic growth across the Commonwealth (House, No. 4181) (being the text of Senate, No. 2131, printed as amended)

## The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

1 SECTION 1. To provide for certain unanticipated obligations of the commonwealth, to  
2 provide for alterations of purposes for current appropriations and to meet certain requirements of  
3 law, the sums set forth in this section are hereby appropriated from the General Fund, unless  
4 specifically designated otherwise in this section, for the several purposes and subject to the  
5 conditions specified in this section and subject to the laws regulating the disbursement of public  
6 funds for the fiscal year ending June 30, 2015. These sums shall be in addition to any amounts  
7 previously appropriated and made available for the purposes of those items. Unexpended  
8 balances of appropriations in section 2A shall be made available for expenditure in fiscal years  
9 2016 and 2017.

### SECTION 2A. EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

10 Reserves.

11 1599-0026 For municipal improvements; provided, that not less than \$100,000  
12 shall be expended to commission a study of economic development  
13 and feasibility on the Monson Developmental Center located at 200  
14 State avenue in the town of Monson; provided further, that not less  
15 than \$100,000 shall be expended to commission a study of economic  
16 development and feasibility on state highway route 32, Thorndike  
17 street, in the town of Palmer; and provided further, that not less than  
18 \$1,000,000 shall be expended for the continued construction and  
19 development at the North Quabbin Business Park .....\$1,200,000

*Information Technology Division.*

20 1750-0500 For the development of the online business portal as required by  
21 section 107 ..... \$100,000

EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

*Office of the Secretary.*

22 7002-0035 For a reserve to support the commonwealth's defense sector  
23 initiatives; provided, that the executive office may allocate funds to  
24 the Massachusetts Development and Finance Agency for this  
25 purpose; and provided further that \$350,000 shall be expended for  
26 education and training programs for workforce training ..... \$700,000

27 7002-1503 For the operations of the John Adams Innovation Institute within the  
28 Massachusetts Technology Park Corporation established in section  
29 6A of chapter 40J of the General Laws and doing business as the  
30 Massachusetts Technology Collaborative; provided, that funds in  
31 this item shall be available for expenditure until June 30, 2018 .....\$2,000,000

32 7002-1504 For the Massachusetts Technology Park Corporation established in  
33 section 3 of chapter 40J of the General Laws and doing business as  
34 the Massachusetts Technology Collaborative, to establish programs  
35 that provide advice and training from successful, experienced  
36 entrepreneurs for start-up enterprises and that create a talent pipeline  
37 to technology startups and innovation companies; provided, that  
38 \$1,000,000 shall be expended to establish an entrepreneur and  
39 startup mentoring program, in consultation with the Massachusetts  
40 Technology Development Corporation established in section 2 of  
41 chapter 40G and doing business as MassVentures, to provide  
42 assistance, mentoring and advice to startups and innovation  
43 companies by connecting early-stage entrepreneurs, technology  
44 startups, and small businesses with successful, experienced business  
45 enterprises and capital financing; provided further, that \$1,000,000  
46 shall be expended to fund paid internships for students seeking  
47 careers in technology and innovation industries to work with  
48 companies competing actively in those fields; provided further, that  
49 in the design and implementation of these programs, the  
50 Massachusetts Technology Collaborative shall consult with and  
51 review the talent pipeline and mentoring programs that are  
52 administered by the Venture Development Center at the University  
53 of Massachusetts at Boston established pursuant to chapter 123 of  
54 the acts of 2006 in order to model and bring to scale successful talent  
55 pipeline programs and practices; provided further, that as a condition  
56 of such grants being awarded, the Massachusetts Technology

57 Collaborative shall reach agreement with the grant recipient on  
 58 performance measures and indicators that shall be used to evaluate  
 59 the performance of the grant recipient in carrying out the activities  
 60 described in the recipient’s application; provided further, that the  
 61 Massachusetts Technology Collaborative shall file annual reports for  
 62 the duration of the programs with the chairs of the senate and house  
 63 committees on ways and means and the senate and house chairs of  
 64 the joint committee on economic development and emerging  
 65 technologies, by January 1; provided further, the paid internship  
 66 program report shall include the number of placements of students in  
 67 paid internships during the academic year, an analysis of the impact  
 68 of the program on the ability of its participants to enter the full-time  
 69 job market in the technology and innovation industries after  
 70 graduation and shall be filed annually by June 15; provided further  
 71 that the entrepreneurship program report shall include an overview  
 72 of the activities of the programs, the number of participants in the  
 73 programs, and an analysis of the impact of the programs on the  
 74 success of the participants’ startup business ventures; and provided  
 75 further, that funds in this item shall be available until June 30, 2018 .....\$2,000,000

76 7002-1506 For the Transformative Development Fund established in section 46  
 77 of chapter 23G of the General Laws; provided, that not more than  
 78 \$2,000,000 shall be used to promote collaborative workspaces;  
 79 provided further, that not less than \$50,000 shall be expended for the  
 80 start-up operational costs for the life sciences, education and training  
 81 center at the former Paul A. Dever State School in the city of  
 82 Taunton, established pursuant to chapter 130 of the acts 2008; and  
 83 provided further, not less than \$1,000,000 shall be expended for the  
 84 restoration, renovation and design of the Pynchon building located in  
 85 the city of Springfield ..... \$11,050,000

86 7002-1507 For the purpose of the Brownfields Redevelopment Fund established  
 87 in section 29A of chapter 23G of the General Laws.....\$10,000,000

88 7002-1508 For the manufacturing and information technology workforce  
 89 training program established in section 2LLLL of chapter 29 of the  
 90 General Laws; provided, that the fund shall be used to establish and  
 91 support training and education programs that address the workforce  
 92 shortages of the advanced manufacturing and information  
 93 technology industries with the goal of training 4,000 workers in 4  
 94 years to help meet the workforce and talent pipeline needs of  
 95 employers; and provided further, that not less than \$300,000 shall be  
 96 expended for a coordinated program between the regional  
 97 employment board of Hampden county and the school districts of  
 98 West Springfield, Ludlow, Longmeadow, East Longmeadow,  
 99 Agawam, Hampden-Wilbraham, Southwick-Tolland Granville .....\$10,300,000

100 7002-1509 For the Massachusetts Technology Park Corporation doing business  
101 as the Massachusetts Technology Collaborative for a 3-year pilot  
102 program in collaboration with the Massachusetts Medical Device  
103 Development Center and the Innovation Hub at the University of  
104 Massachusetts at Lowell and the Venture Development Center at the  
105 University of Massachusetts at Boston, established under chapter  
106 123 of the acts of 2006, to offer candidates on nonimmigrant visas  
107 the opportunity to remain in the commonwealth to pursue practical  
108 training in entrepreneurship .....\$3,000,000

109 7002-1510 For competitive technical assistance grants to be administered by  
110 the executive office of housing and economic development, in  
111 coordination with the Federal Reserve Bank of Boston, to provide  
112 multi-year support to initiatives that advance cross-sector  
113 collaboration among the public, private and non-profit sectors;  
114 provided, that in order to qualify for funding, a project proposal shall  
115 catalyze and accelerate initiatives that create new or stronger  
116 working relationships between key institutions, agencies,  
117 organizations and businesses within municipalities with: (i) a  
118 population of greater than 30,000 and less than 250,000; (ii) a  
119 median family income that is below the median of those similarly-  
120 sized municipalities; and (iii) a median poverty rate that is above the  
121 median for those similarly-sized municipalities; provided further,  
122 that the Federal Reserve Bank of Boston shall identify additional  
123 program eligibility requirements; and provided further, that the  
124 private sector and other institutions shall contribute to this program  
125 an amount that is at least equal to the total appropriation for the  
126 program; provided further, that not less than \$125,000 shall be  
127 expended for a study to be conducted by the Seaport Advisory  
128 Council to recommend a plan to provide water transportation  
129 alternatives to enable water transportation options in and out of the  
130 Boston Convention and Exposition Center to various seaport  
131 districts; provided further, that not less than \$75,000 shall be  
132 expended for the development, outreach and coordination of  
133 employer partnerships in the city of Worcester; provided further, that  
134 \$50,000 shall be expended for the Lawrence Partnership Inc. to  
135 provide support for public and private sector collaboration for  
136 economic development in the city of Lawrence; and provided  
137 further, that not less than \$ 100,000 shall be expended for AHA!  
138 Arts, History & Architecture, New Bedford and Zeiterion Theatre,  
139 Inc. in consultation with the New Bedford Whaling Museum and  
140 New Bedford Art Museum/Art Works to foster economic  
141 development in the fields of arts and culture in the downtown,  
142 seaport cultural district of New Bedford to plan, promote and host a  
143 performance of the Boston Pops Orchestra in the city of New

144 Bedford, or other significant civic events, to advance economic  
145 development and tourism in the downtown, seaport cultural district ..... \$1,850,000

146 7002-1511 For the Massachusetts Technology Park Corporation established in  
147 section 3 of chapter 40J of the General Laws and doing business as  
148 the Massachusetts Technology Collaborative to identify and promote  
149 the growth and development of companies and organizations that are  
150 engaged in the development of emerging new technologies  
151 associated with health information technology including web-based  
152 and personalized care delivery as provided in subsection (f) of  
153 section 6D of chapter 40J of the General Laws .....\$1,000,000

154 7002-1512 For the Big Data Innovation and Workforce Fund established in  
155 section 6H of chapter 40J of the General Laws; provided, that  
156 \$150,000 shall be expended for the Venture Development Center at  
157 the University of Massachusetts at Boston .....\$2,000,000

*Massachusetts Office of Business Development.*

158 7007-1202 For the Massachusetts Technology Park Corporation established in  
159 section 3 of chapter 40J of the General Laws and doing business as  
160 the Massachusetts Technology Collaborative, to develop and  
161 implement a plan to promote and establish computer science  
162 education in public schools as required by section 68; provided  
163 further, that the Massachusetts Technology Collaborative shall seek  
164 private funds necessary to match contributions equal to \$1 for every  
165 \$1 contributed by the collaborative; provided further, that the  
166 Massachusetts technology collaborative shall file an annual report by  
167 September 30 for the duration of the program; provided further, that  
168 the report shall be filed with the chairs of the senate and house  
169 committees on ways and means and the senate and house chairs of  
170 the joint committee on economic development and emerging  
171 technologies that includes a 3-year strategic plan and annual goals  
172 and progress in achieving those goals; and provided further, that the  
173 reports shall be made available on the Massachusetts Technology  
174 Collaborative’s website.....\$1,500,000

175 7007-1641 For a grant for the Smaller Business Association of New England for  
176 the layoff aversion through management assistance program for  
177 consultant and technical assistance to manufacturing companies to  
178 prevent business closure and employee displacement; provided, that  
179 the expenditure of the layoff aversion through management  
180 assistance program shall leverage at least \$1 in matching funds for  
181 every \$1 granted pursuant to this item; and provided further, that the  
182 president of the Smaller Business Association of New England shall

183 file a quarterly report with the house and senate committees on ways  
184 and means, the joint committee on economic development and  
185 emerging technologies and the joint committee on labor and  
186 workforce development on the number of employees and  
187 manufacturing companies that have received financial assistance  
188 through this item, a detailed description of the services provided to  
189 manufacturing companies through the layoff aversion through  
190 management assistance program and a detailed account of the  
191 expenditures of the layoff aversion through management assistance  
192 program, including administrative costs .....\$250,000

193 7008-0905 For the marketing and assisting of businesses in the commercial  
194 fishing industry to market the value added of the use of cod and  
195 other fish .....\$100,000

196 7008-0900 For support of municipal theatres and festivals; provided, that not  
197 less than \$50,000 shall be expended for the Berkshire Theatre Group  
198 to complete renovations to the warehouse space adjacent to the  
199 Colonial Theatre in the city of Pittsfield to establish a meeting and  
200 convention center; provided further, that not less than \$500,000 shall  
201 be expended for the Outside the Box festival in the city of Boston;  
202 and provided further, that \$215,000 shall be expended to the Pilgrim  
203 Hall Museum in the town of Plymouth for the restoration of the  
204 Landing of the Pilgrims painting by Henry Sargent .....\$765,000

205 7008-0952 For a competitive grant program for zoos not operated by the  
206 Commonwealth Zoological Corporation; provided, that in awarding  
207 such grants, the Massachusetts office of business development shall  
208 ensure that all zoos that received funding in fiscal year 2014 shall  
209 receive funding in fiscal year 2015 and shall award such grants to  
210 zoos in equal amounts to all grant recipients .....\$150,000

*Massachusetts Marketing Partnership.*

211 7008-1015 For the Massachusetts office of travel and tourism; provided, that  
212 with a focus on increasing visitation and spending from countries,  
213 the office shall expend funds for marketing the commonwealth in  
214 international markets to travelers; provided further, that no funds  
215 from this item shall supplant the funding appropriated in 7008-0900;  
216 provided further, that the office shall submit an annual report not  
217 later than March 1 on the effectiveness of the international marketing  
218 plan including, but not limited to, the following information: (i) the  
219 projects and amounts expended by location; (ii) the plan to expand to  
220 emerging international markets by location; (iii) barriers to  
221 expanding to emerging international markets by location; (iv) the per

222 cent change in tourism revenue following implementation of the  
 223 marketing plan; and (v) a cost-benefit analysis of the marketing plan  
 224 to the clerks of the senate and house of representatives and to the  
 225 senate and house chairs of the joint committee on tourism, arts and  
 226 cultural development; and provided further, that all reports shall be  
 227 made available on the office's website ..... \$5,000,000

EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT

*Department of Career Services.*

228 7002-1704 For the Workforce Competitiveness Trust Fund established in  
 229 section 2WWW of chapter 29 of the General Laws; provided, that  
 230 not less than \$1,000,000 shall be transferred to the department of  
 231 higher education to develop, implement and promote stackable  
 232 credentials programs at public higher education institutions as  
 233 required by section 15G of chapter 15A of the General Laws .....\$2,000,000

234 7003-0606 For the commonwealth corporation for an employment training  
 235 program for unemployed young adults with disabilities; provided,  
 236 that funds shall be awarded competitively by the commonwealth  
 237 corporation to community-based organizations with recognized  
 238 success in creating strong collaborations with employers to consider  
 239 young adults with disabilities; provided further, that a community-  
 240 based organization that receives funding under this item shall  
 241 provide extensive training and internship programming and ongoing  
 242 post-placement support for participants and employers .....\$150,000

EXECUTIVE OFFICE OF EDUCATION.

*Office of the Secretary.*

243 7009-6406 For competitive grants to cities, towns, regional school districts and  
 244 institutions of public higher education for the establishment and  
 245 implementation of early college high school programs; provided, that  
 246 the programs shall support students who work simultaneously on the  
 247 completion of a high school diploma from the partnering school  
 248 district while also earning free college credits towards an associate  
 249 degree or certificate at the partnering institution of higher education;  
 250 provided further, that the programs shall provide full access to  
 251 college support services, student activities and tutoring and shall  
 252 ensure holistic wrap-around support which meets the academic,  
 253 social and emotional needs of the student and shall ensure full access  
 254 to the same for students with physical or learning disabilities;  
 255 provided further, that in awarding these grants, preference shall be  
 256 given to innovative joint proposals, developed by partnering school

257 districts, colleges and local and regional nonprofits where  
258 appropriate; and provided further, that the grants shall be awarded, to  
259 the extent feasible, in a manner that reflects geographic and  
260 demographic diversity.....\$750,000

261 7061-9406 For a statewide college and career readiness program to be  
262 implemented by JFYNetworks, A Nonprofit Corporation, to reduce  
263 the number of remedial developmental courses students are required  
264 to take at community colleges; provided, that JFYNetworks shall (i)  
265 establish the JFYNet college and career readiness program to  
266 administer the Accuplacer Diagnostic and College Placement tests in  
267 high schools; (ii) provide individualized online instructional  
268 curricula to strengthen the skills measured by the tests; and (iii)  
269 administer final Accuplacer Placement tests to measure student  
270 progress and program outcomes; provided further, that passing  
271 scores shall be reported to community colleges ensuring student  
272 placement in credit-earning courses; provided further, that  
273 JFYNetworks shall coordinate with the 15 community colleges to  
274 identify not more than 5 high schools per community college that  
275 shall send students to the program; and provided further, that the  
276 program shall not exceed 7,500 students statewide .....\$1,000,000.

*University of Massachusetts.*

277 7118-0100 For marine hydrokinetic research at the Massachusetts Maritime  
278 Academy; provided, that the Massachusetts Maritime Academy shall  
279 expend funds to collaborate with the University of Massachusetts at  
280 Dartmouth, Bristol Community College and other appropriate  
281 institutions in the area of marine hydrokinetic research; provided  
282 further, that not more than \$150,000 shall be expended for the  
283 purchase of a tidal generator marine hydrokinetic turbine; provided  
284 further, that the Massachusetts Maritime Academy shall permit  
285 colleges and universities to conduct research and training involving  
286 tidal turbine devices; provided further, that the Massachusetts  
287 Maritime Academy shall develop course work offering access to a  
288 turbine prototype for students enrolled in majors including, but not  
289 limited to, engineering, power plant management and design and  
290 physical and biological oceanography; provided further, that funds  
291 shall be expended on research internships; provided further, that the  
292 Massachusetts Maritime Academy shall facilitate internships or  
293 cooperatives that carry academic credit with private sector  
294 companies in the area of marine hydrokinetic research; and provided  
295 further, that the Massachusetts Maritime Academy shall develop a  
296 program to provide access for private sector companies through  
297 public and private partnerships to test marine hydrokinetics and  
298 related products, including integration with the regional power grid.....\$1,000,000

299	7100-0801	For the Innovation Commercialization Seed Fund established in	
300		section 45B of chapter 75 of the General Laws .....	\$2,000,000
301	7100-0802	For the University of Massachusetts at Lowell for technical	
302		assistance, mentoring, product development and manufacturing	
303		referral services for medical device, manufacturing and technology-	
304		based startups and to promote partnerships with the Massachusetts	
305		advanced manufacturing collaborative's supply chain; provided, that	
306		\$150,000 shall be expended for the Innovation Hub New Venture	
307		Competition; and provided further, that \$500,000 shall be expended	
308		for the Massachusetts Medical Device Development Center at the	
309		University of Massachusetts at Lowell .....	\$1,500,000

310 SECTION 3. Section 3A of chapter 23A of the General Laws, as appearing in the 2012  
311 Official Edition, is hereby amended by striking out, in line 139, the figure "35,000" and inserting  
312 in place thereof the following figure:- 20,000.

313 SECTION 3A. Section 16G of chapter 6A of the General Laws, as so appearing, is  
314 hereby amended by adding the following subsection:-

315 (m) Annually, the secretary of housing and economic development shall prepare a  
316 strategic report in conjunction with the secretary of energy and environmental affairs for the  
317 commonwealth's commercial fishing and shellfish industry. The secretary of housing and  
318 economic development shall annually evaluate the status of the commercial fishing industry and  
319 it shall be accompanied by recommendations for appropriate actions to be taken to maintain and  
320 revitalize the commercial fishing, shellfish and seafood industry.

321 In carrying out this chapter, the secretaries may, and are encouraged to, seek the  
322 laboratory, technical, education and research skills and facilities of public institutions of higher  
323 education.

324 SECTION 4. Chapter 7 of the General Laws is hereby amended by inserting after section  
325 22O the following section:-

326 Section 22P. A state department, office, commission, institution or regional authority  
327 contracting for cleaning, maintenance or security guard services in any building shall comply  
328 with section 27H of chapter 149. A procurement bid with the operational services division or  
329 other state procurement agent that fails to follow the requirements of this section shall be  
330 considered a nonresponsive bid. A contract entered into by a department, office, commission,  
331 institution or regional authority shall be void if the contract fails to comply with this section and  
332 said section 27H of said chapter 149.

333 SECTION 5. Section 35J of chapter 10 of the General Laws is hereby repealed.

334 SECTION 6. The first paragraph of section 52 of said chapter 10, as appearing in the  
335 2012 Official Edition, is hereby amended by striking out the eighth sentence and inserting in  
336 place thereof the following sentence:- The council shall include at least 1 member residing in  
337 each of the 14 counties and not more than 3 members residing in any 1 county.

338 SECTION 7. Chapter 15A of the General Laws is hereby amended by inserting after  
339 section 15F the following section:-

340 Section 15G. (a) The department of higher education shall assess stackable credentials  
341 offered at community colleges, state universities and the University of Massachusetts campuses  
342 and, in collaboration with the public higher education institutions and regional workforce  
343 organizations, shall: (i) identify best practices to be shared and replicated across campuses to  
344 provide a clear and accessible path for students seeking to advance their education through  
345 workforce training and preparation; (ii) establish guidelines and standards for earning stackable  
346 credentials through workforce development or career and technical education; (iii) identify and  
347 implement stackable programs on campuses where further needs exist; and (iv) disseminate  
348 information on stackable education pathway opportunities with regional workforce agencies. For

349 the purposes of this section, "stackable credential" shall mean a credential earned through an  
350 education, training or apprenticeship program while attending an institution of higher education  
351 which is designed to be part of a pathway for students that, along with other stackable  
352 credentials, cumulatively leads to a degree or industry specific skills certification. The  
353 department shall prioritize this effort in the areas of advanced manufacturing and information  
354 technology. The department may base credentials on competency, workforce or apprentice  
355 experience or workforce preparation. In developing criteria for credentials, the department shall  
356 consult with regional employment boards, career and technical education entities, community  
357 colleges, state universities, the University of Massachusetts, chambers of commerce, the  
358 Massachusetts Technology Park Corporation doing business as the Massachusetts Technology  
359 Collaborative, the Massachusetts Life Sciences Center and trade associations.

360 (b) Stackable credentials shall be available across the commonwealth and administered  
361 through public higher education institutions; provided, however, that public higher education  
362 institutions shall: (i) develop programs responsive to industry needs based on current regional  
363 labor market data; (ii) implement the programs in a manner that ensures interconnection of  
364 competencies offered in specialized training programs; and (iii) determine transferability of  
365 credentials for college credit.

366 (c) For the purposes of this section "public higher education institutions" shall include  
367 Quincy College.

368 SECTION 8. Chapter 20 of the General Laws is hereby amended by striking out section  
369 1, as appearing in the 2012 Official Edition, and inserting in place thereof the following section:-

370           Section 1. There shall be a department of agricultural resources under the supervision and  
371 control of a board of agriculture. The board shall consist of 13 members to be appointed by the  
372 governor, who shall be from diverse geographic regions of the commonwealth and shall  
373 represent diverse agricultural operations within the commonwealth.

374           At least 9 members of the board shall be farmers whose principal vocation is the  
375 production of food and fiber. Members shall be appointed for terms of 3 years and no member  
376 shall serve for more than 2 consecutive terms.

377           The board shall meet at the call of the chair but not fewer than 6 times annually or at the  
378 call of the chairman and at such times as shall be determined by its rules or at the request of the  
379 commissioner or the call of any 3 members. The chairman shall be annually appointed by a  
380 majority of the board present and voting thereon. Board members shall receive \$50 for each day  
381 or portion thereof spent in the discharge of their official duties not to exceed \$600 per year and  
382 shall be reimbursed for the travel to and from official board meetings and other expenses  
383 necessary to conduct such meetings.

384           There shall be a commissioner of agricultural resources who shall be appointed and may  
385 be removed by the secretary of environmental affairs, with the approval of the governor. The  
386 commissioner shall have charge of the administration of the department. The department may  
387 expend for traveling expenses of its employees incurred in the performance of their official  
388 duties and for other necessary expenses of the department, such sums as may be appropriated.

389           SECTION 9. Chapter 21A of the General Laws is hereby amended by adding the  
390 following section:-

391 Section 24. (a) There shall be within the division of marine fisheries a coordinated  
392 program to market seafood landed in the commonwealth and to take other actions to increase  
393 consumer demand and preference for local seafood products, to support the commonwealth's  
394 fishing and seafood industry and the residents and communities that benefit from these activities.

395 The objectives of the program may include, but shall not be limited to:

396 (i) increasing the public's knowledge about the health benefits of consuming  
397 seafood and the economic importance of the commonwealth's fishing industry to the local  
398 economy and communities;

399 (ii) educating the public on fisheries' resources, fisheries' management and  
400 commercial fishing to build consumer confidence in the sustainable basis for commercial fishing  
401 in the commonwealth;

402 (iii) creating name recognition and increasing consumer demand and preference  
403 for the commonwealth's seafood products, including through the use of brand name, logo or  
404 other actions to differentiate them from other seafood products;

405 (iv) stabilizing market prices through the promotion of the commonwealth's  
406 seafood products in low consumer demand or when the supply of those products is high;

407 (v) developing a variety of promotional and educational tools and strategies to  
408 achieve the program's purpose and objectives, including employing market research and social  
409 media; and

410 (vi) identifying a range of sources and mechanisms to fund program activities and  
411 to increase the scope of program outreach to the public and other stakeholders.

412 (b) The director of marine fisheries shall appoint a permanent steering committee to  
413 assist the division in the administration of its seafood marketing program, including in the areas

414 of strategic planning, financial management, prioritization of programmatic initiatives and in  
415 pursuing funding for program activities from outside sources such governments,  
416 nongovernmental organizations, industry stakeholders and other private parties. The steering  
417 committee shall consist of the director of marine fisheries or a designee who shall serve as chair,  
418 the commissioner of fish and game or a designee, the commissioner of agricultural resources or a  
419 designee, 2 members of the senate, 1 of whom shall be the chair of the joint committee on  
420 environment, natural resources and agriculture and 1 of whom shall be appointed by the minority  
421 leader, 2 members from the house of representatives, 1 of whom shall be the chair of the joint  
422 committee on environment, natural resources and agriculture and 1 of whom shall be appointed  
423 by the minority leader, and 12 persons to be appointed by the governor, 1 of whom shall be a  
424 representative of wholesale seafood dealers, 1 of whom shall be a representative of the seafood  
425 retail business, 1 of whom shall be a representative of the seafood restaurant business, 2 of whom  
426 shall be representatives of fishing industry advocacy organizations, 4 of whom shall be  
427 representatives from the commercial fishing and harvesting industry, 1 of whom shall be a  
428 representative of the lobster industry, 1 of whom shall be a representative of the scallop industry  
429 and 1 of whom shall be a representative of the wild caught shellfish industry.

430 SECTION 10. Section 3A of chapter 23A of the General Laws, as appearing in the 2012  
431 Official Edition, is hereby amended by striking out the definition of "Certified project" and  
432 inserting in place thereof the following definition:-

433 "Certified project", an expansion project, enhanced expansion project, job creation  
434 project or manufacturing retention project approved by the economic assistance coordinating  
435 council for participation in the economic development incentive program pursuant to section 3F.

436 SECTION 11. Said section 3A of said chapter 23A, as so appearing, is hereby further  
437 amended by striking out the definition of "Economic development incentive program" and  
438 inserting in place thereof the following 2 definitions:-

439 "Economic benefit", an award of any tax credit approved under this chapter, any tax  
440 increment financing approved under section 3F of this chapter or section 59 of chapter 40 or a  
441 special tax assessment approved under said section 3F.

442 "Economic development incentive program" or "EDIP", a program designed to promote  
443 increased business development and expansion to be administered by the EACC.

444 SECTION 12. Said section 3A of said chapter 23A, as so appearing, is hereby further  
445 amended by striking out the definition of "Enhanced expansion project" and inserting in place  
446 thereof the following definition:-

447 "Enhanced expansion project", a facility that, in its entirety and as of the project proposal  
448 date: (i) is located or shall be located within the commonwealth; (ii) generates substantial sales  
449 from outside of the commonwealth; and (iii) generates a net increase of at least 100 full-time  
450 employees within 2 years after project certification and which shall be maintained for not less  
451 than 5 years; provided, however, that in the case of a facility that as of the project proposal date  
452 is already located in the commonwealth, "enhanced expansion project" shall refer only to a  
453 facility at which the controlling business has expanded or proposed to expand the number of  
454 permanent full-time employees at such facility and the expansion shall: (1) represent an increase  
455 in the number of permanent full-time employees employed by the controlling business within the  
456 commonwealth; and (2) not be a replacement or relocation of permanent full-time employees  
457 employed by the controlling business at any other facility located within the commonwealth;  
458 provided further, that in the case of a facility to be located within the commonwealth after the

459 project proposal date, “enhanced expansion project” shall refer only to a facility that is: (a) the  
460 first facility of the controlling business to be located within the commonwealth; (b) a new facility  
461 of such controlling business and not a replacement or relocation of an existing facility of such  
462 controlling business located within the commonwealth; or (c) an expansion of an existing facility  
463 of the controlling business that results in an increase in the number of permanent full-time  
464 employees.

465 SECTION 13. Said section 3A of said chapter 23A, as so appearing, is hereby further  
466 amended by striking out the definitions of “Expansion project”, “Expansion project EOA”,  
467 “Expansion project ETA” and “Expansion project proposal” and inserting in place thereof the  
468 following 2 definitions:-

469 “Expansion project”, a facility that, in its entirety and as of the project proposal date: (i)  
470 generates substantial sales from outside of the commonwealth; and (ii) generates a net increase  
471 of full-time employees within 2 years after project certification, and which shall be maintained  
472 for a period of not less than 5 years; provided, however, that in the case of a facility that as of the  
473 project proposal date is already in existence, “expansion project” shall refer only to a facility at  
474 which the controlling business has proposed to expand the number of permanent full-time  
475 employees at such facility to occur after the project proposal date and the expansion shall: (1)  
476 represent an increase in the number of permanent full-time employees employed by the  
477 controlling business within the commonwealth; and (2) not be a replacement or relocation of  
478 permanent full-time employees employed by the controlling business at any other facility located  
479 within the commonwealth; and provided further, that in the case of a facility to be constructed or  
480 relocated after the project proposal date, “expansion project” shall refer only to a facility which  
481 is: (a) the first facility of the controlling business to be located within the commonwealth; (b) a

482 new facility of such business and not a replacement or relocation of an existing facility of such  
483 controlling business located within the commonwealth; or (c) an expansion of an existing facility  
484 of the controlling business that results in an increase in permanent full-time employees.

485 "Expansion project proposal", a proposal submitted by a controlling business to the  
486 EACC pursuant to section 3F for designation of a project as a certified expansion project if: (i)  
487 the proposal has been submitted in a timely manner, in such form and with such information as is  
488 prescribed by the EACC, supported by independently verifiable information and signed under  
489 the penalties of perjury by a person authorized to bind the controlling business; (ii) the proposal  
490 includes specific targets by year for the subsequent 5-calendar-year period relative to the  
491 projected increase in the number of permanent full-time employees of the controlling business to  
492 be employed by and at the project from among residents of the commonwealth; provided,  
493 however, that in the case of a project that is already in existence as of the project proposal date,  
494 such projected increase shall not be less than 25 per cent over the subsequent 5-year period; and  
495 (iii) in the case of a project that is a new facility within the meaning of clause (b) of the  
496 definition of expansion project, the proposal includes the number of permanent full-time  
497 employees employed by the controlling business at other facilities located in the commonwealth.

498 SECTION 14. Said section 3A of said chapter 23A, as so appearing, is hereby further  
499 amended by inserting after the definition of "Gateway municipality" the following 2 definitions:-

500 "Job creation project", a project or investment by a controlling business that: (i) is located  
501 or shall be located within the commonwealth; (ii) generates substantial sales from outside of the  
502 commonwealth; (iii) does not involve a significant investment in the construction or expansion  
503 of an existing facility or otherwise result in an increase in the value of the real property where  
504 new jobs shall be located; and (iv) generates a net increase of at least 100 permanent full-time

505 employees within 2 years after project certification and which shall be maintained for a period of  
506 not less than 5 years; provided, however, that in the case of a facility that as of the project  
507 proposal date is already located in the commonwealth, "job creation project" shall refer only to a  
508 facility at which the controlling business has expanded or proposed to expand the number of  
509 permanent full-time employees at such facility and the expansion shall: (1) represent an increase  
510 in the number of permanent full-time employees employed by the controlling business within the  
511 commonwealth; and (2) not be a replacement or relocation of permanent full-time employees  
512 employed by the controlling business at any other facility located within the commonwealth;  
513 provided further, that in the case of a facility to be located within the commonwealth after the  
514 project proposal date, "job creation project" shall refer only to a facility that is: (a) the first  
515 facility of the controlling business to be located within the commonwealth; (b) a new facility of  
516 such business and not a replacement or relocation of an existing facility of such controlling  
517 business located within the commonwealth; or (c) an expansion of an existing facility of the  
518 controlling business that results in an increase in permanent full-time employees.

519 "Job creation project proposal", a proposal submitted by a controlling business to the  
520 EACC pursuant to section 3F for designation of a project as an job creation certified project if:  
521 (i) the proposal has been submitted in a timely manner, in such form and with such information  
522 as is prescribed by the EACC, supported by independently verifiable information and signed  
523 under the penalties of perjury by a person authorized to bind the controlling business; (ii) the  
524 proposal includes specific targets by year for the subsequent 5 calendar year period relative to  
525 the projected increase in the number of permanent full-time employees of the controlling  
526 business to be employed by and at the project from among residents of the commonwealth;  
527 provided, however, that in the case of a project that is a new facility within the meaning of clause

528 (b) of the definition of job creation project, such proposal includes the number of permanent full-  
529 time employees employed by the controlling business at other facilities located in the  
530 commonwealth.

531 SECTION 15. Said section 3A of said chapter 23A, as so appearing, is hereby further  
532 amended by inserting after the definition of "Municipal application" the following definition:-

533 "Municipal project endorsement", the endorsement by the municipalities in which a  
534 proposed project shall be located pursuant to clause (ii) of paragraph (1) of subsection (a) of  
535 section 3F.

536 SECTION 16. Said section 3A of said chapter 23A, as so appearing, is hereby further  
537 amended by striking out the definitions of "Project" and "Project proposal" inserting in place  
538 thereof the following 2 definitions:-

539 "Project", an expansion project, an enhanced expansion project, a job creation project or  
540 a manufacturing retention project.

541 "Project proposal", a proposal submitted by a controlling business to the EACC pursuant  
542 to section 3F for designation as a certified expansion project, an enhanced expansion project, a  
543 job creation project or a manufacturing retention project.

544 SECTION 17. Said section 3A of said chapter 23A, as so appearing, is hereby further  
545 amended by adding the following 2 definitions:-

546 "Special tax assessment", a binding agreement between a municipality and a controlling  
547 business consistent with the requirements of subsection (g) of section 3F.

548 "Tax increment financing agreement", a binding agreement between a municipality and a  
549 controlling business consistent with the requirements of subsection (6) of section 3F of this  
550 section and section 59 of chapter 40.

551 SECTION 18. Said chapter 23A is hereby further amended by striking out section 3B, as  
552 so appearing, and inserting in place thereof the following section:-

553 Section 3B. There shall be an economic assistance coordinating council established  
554 within MOBD. The council shall consist of the director of business development or a designee  
555 who shall serve as co-chairperson, the director of housing and community development or a  
556 designee who shall serve as co-chairperson, the director of career services or a designee, the  
557 secretary of labor and workforce development or a designee, 2 persons from MOBD who shall  
558 be designated by the director of business development, the president of the Commonwealth  
559 Corporation or a designee and 8 persons to be appointed by the governor, 1 of whom shall be  
560 from the western region of the commonwealth, 1 of whom shall be from the metro west region of  
561 the commonwealth, 1 of whom shall be from the central region of the commonwealth, 1 of  
562 whom shall be from the eastern region of the commonwealth, 1 of whom shall be from the  
563 southeastern region of the commonwealth, 1 of whom shall be from Cape Cod or the Islands, 1  
564 of whom shall be a representative of a higher educational institution within the commonwealth  
565 and 1 of whom shall be from the Merrimack Valley. At least 1 of the 8 persons appointed by the  
566 governor shall be a municipal official. All persons appointed by the governor shall have  
567 expertise in issues pertaining to training, business relocation and inner-city and rural  
568 development and shall be knowledgeable in public policy and international and state economic  
569 and industrial trends. Members appointed by the governor shall serve at the pleasure of the  
570 governor. The council shall adopt by-laws to govern its affairs.

571 SECTION 19. Subsection (1) of section 3C of said chapter 23A, as so appearing, is  
572 hereby amended by striking out clauses (d) to (h), inclusive, and inserting in place thereof the  
573 following 4 clauses:-

574 (d) certify and approve tax increment financing agreements and special tax assessments  
575 pursuant to section 3F of this chapter and clause (vii) of section 59 of chapter 40.

576 (e) assist municipalities in obtaining state and federal resources and assistance for  
577 certified projects and other job creation and retention opportunities;

578 (f) provide appropriate coordination with other state programs, agencies, authorities and  
579 public instrumentalities to enable certified projects and other job creation and retention  
580 opportunities to be more effectively promoted by the commonwealth; and

581 (g) monitor the implementation and operation of the economic development incentive  
582 program.

583 SECTION 20. Section 3D of said chapter 23A, as so appearing, is hereby amended by  
584 striking out, in line 1, the word “The” and inserting in place thereof the following word:- (1)  
585 The.

586 SECTION 21. Said section 3D of said chapter 23A, as so appearing, is hereby further  
587 amended by adding the following subsection:-

588 (2) The EACC may amend the boundaries of an ETA to address situations in which a  
589 commercial or industrial facility that is a prospective certified expansion project candidate is  
590 located within the boundaries of 2 or more municipalities with at least 1 of the municipalities in  
591 an existing ETA. Under such circumstances, if all of the municipalities involved wish to certify  
592 the proposed project, the boundaries of the ETA may deviate from census tract boundaries to  
593 include any parcels occupied by the commercial or industrial facility. The EACC may consider  
594 such an application for amending the boundaries of an ETA if:

595 (a) inclusion of the facility and underlying parcels in the pre-existing contiguous  
596 ETA does not alter the eligibility of the ETA as determined pursuant to subclause (ii) of clause  
597 (a) of subsection (1);

598 (b) evidence that the commercial or industrial facility is physically located in 2 or  
599 more municipalities can be provided;

600 (c) the amended ETA application is jointly filed by the municipalities in which  
601 the facility and parcels are located and the EACC approves the amended ETA application; and

602 (d) the filing municipalities represent in their joint application that a certified  
603 project application shall be submitted to the EACC within a reasonable period of time for the  
604 project proposing to occupy the facility and parcels.

605 SECTION 22. Section 3E of said chapter 23A, as so appearing, is hereby amended by  
606 inserting after the word “designation”, in line 58, the following words:- , if applicable.

607 SECTION 23. Said section 3E of said chapter 23A, as so appearing, is hereby further  
608 amended by striking out paragraph (3) and inserting in place thereof the following paragraph:-

609 (3) receipt with the municipal application of a binding written offer from the  
610 municipality, subject only to acceptance by the EACC through designation of the area proposed  
611 therefor, in the municipal application as an EOA, to provide to certified projects within the  
612 project EOA and pursuant to section 59 of chapter 40 either tax increment financing or a special  
613 tax assessment consistent with subsection (f) or (g) of section 3F.

614 SECTION 24. Clause (d) of paragraph (4) of said section 3E of said chapter 23A, as so  
615 appearing, is hereby amended by striking out the second paragraph and inserting in place thereof  
616 the following paragraph:-

617           An EOA shall retain its designation for at least 5 years and not more than 20 years from  
618 the date it is so designated, as determined by the EACC, unless such designation is revoked prior  
619 to the expiration of the specified period; provided, however, that the EACC shall not specify a  
620 duration in excess of that requested in the municipal application. Only the EACC may revoke the  
621 designation of an EOA and only upon the following grounds: (a) upon the petition of the  
622 municipality which requested the designation which petition satisfies the authorization  
623 requirements for a municipal application and which petition shall be granted as a matter of  
624 course; or (b) if the EACC determines, based on its own investigation, that plans and  
625 commitments incorporated with the municipal application for such designation are materially at  
626 variance with the conduct of the municipality subsequent to the designation and such variance is  
627 found to frustrate the public purpose which such designation was intended to advance. Any such  
628 revocation of an EOA designation shall only be applied prospectively to deny certification to any  
629 projects located or to be located in such EOA and not certified prior to such revocation and shall  
630 not apply to, nor revoke any benefits due to or which may become due to, any certified project  
631 already in existence in the EOA including, but not limited to, any benefits included in any plans  
632 and commitments incorporated with the municipal application for such designation; provided,  
633 however, that in no event shall a certified project receive any benefits arising from its status as a  
634 certified project for a period of longer than that specified by the EACC in its certification  
635 designation, including any renewals thereof, or 20 years, whichever period is of shorter duration.  
636 No designation of an area as an EOA shall be renewed or extended except pursuant to paragraphs  
637 (1) to (4), inclusive.

638           SECTION 25. Said section 3E of said chapter 23A, as so appearing, is hereby further  
639 amended by adding the following paragraph:-

640 (6) Upon application from a city or town, the EACC may from time to time designate any  
641 area of a city or town as an area presenting exceptional opportunities for increased economic  
642 development. In making such designation, the EACC shall consider whether there is a strong  
643 likelihood that any of the following will occur within the area in question within a specific and  
644 reasonably proximate period of time:

- 645 (i) a significant influx or growth in business activity;
- 646 (ii) the creation of a significant number of new jobs and not merely a replacement  
647 or relocation of current jobs within the commonwealth; or
- 648 (iii) a private project or investment that will contribute significantly to the  
649 resiliency of the local economy.

650 SECTION 26. Said chapter 23A is hereby further amended by striking out section 3F, as  
651 so appearing, and inserting in place thereof the following section:-

652 Section 3F. (a)(1) The EACC may from time to time designate a project as a certified  
653 expansion project, a certified enhanced expansion project, a certified job creation project or a  
654 certified manufacturing retention project and take all actions necessary or appropriate thereto,  
655 upon:

- 656 (i) receipt of a project proposal therefor requesting such designation from the  
657 controlling business;
- 658 (ii) receipt of a municipal project endorsement which shall include the following  
659 findings based on the information submitted with the project proposal and such additional  
660 investigation as the municipality shall make:

- 661 (A) the project proposal complies with the definition of a project proposal  
662 set forth in section 3A;

663 (B) in the case of an expansion project proposal, the expansion project is  
664 consistent with and can reasonably be expected to benefit from the municipality's plans relative  
665 to the project EOA, if applicable;

666 (C) together with all other projects previously certified and located in the  
667 same municipality, will not overburden the municipality's supporting resources including, but  
668 not limited to, those set forth in clause (f) of paragraph (2) of section 3E;

669 (D) the project proposal includes a workable plan, with precise goals and  
670 objectives, by which the controlling business proposes to realize the increased employment  
671 objectives for the project and the business' plan to employ aggressive affirmative action goals,  
672 objectives and identification and recruitment techniques and, in the case of an expansion project,  
673 the plan for increased employment from among residents of the expansion project ETA, if  
674 applicable;

675 (E) the project proposal contains documentation regarding an agreement,  
676 if any, between the controlling business and area banking institutions by which the controlling  
677 business agrees to establish accounts in those banks and those banks agree to commit a specified  
678 percentage of the funds deposited in the accounts for loans made to businesses located within the  
679 expansion project area pursuant to the small business capital access program established pursuant  
680 to section 57 of chapter 23A;

681 (F) the project as described in the proposal, together with the municipal  
682 resources committed to the project, will, if certified, have a reasonable chance of increasing or  
683 retaining employment opportunities as advanced in the proposal; and

684 (G) in the case of an expansion project, any municipality in which the  
685 expansion project is located or shall be located has offered to enter into a tax increment financing

686 agreement meeting the requirements of subsection (f) or (g) or to provide a special tax  
687 assessment meeting the requirements of said subsection (g);

688 (iii) receipt with the municipal project endorsement of a request by the  
689 municipality for a designation of the project as a certified project for a specified number of years  
690 which shall be not less than 5 years nor more than 20 years; and

691 (iv) the following findings are made by the EACC, based on the project proposal,  
692 documents submitted therewith, the municipal project endorsement, and such additional  
693 investigation as the EACC shall make and incorporate in its minutes, that:

694 (A) the project proposal complies with the definition of a project proposal  
695 set forth in section 3A, with all other applicable statutory requirements and with such other  
696 criteria that EACC may prescribe; and

697 (B) the project as described in the proposal, and as further described in the  
698 written determination of the municipality made pursuant to clause (ii) will, if certified, have a  
699 reasonable chance of increasing or retaining employment opportunities for residents of the ETA  
700 or municipality, as applicable; and

701 (2) Notwithstanding sections 3 to 3H, inclusive, no certified expansion project shall be  
702 required to be located within an ETA or an EOA; provided, however, that an expansion project  
703 proposal shall be accompanied by a municipal project endorsement that meets the requirements  
704 of clause (ii) of subsection (a).

705 (b) A certified project shall retain its certification for the period specified by the EACC in  
706 its certification decision; provided, however, that such specified period shall be not less than 5  
707 years from the date of certification nor more than: (i) 20 years from such date; or (ii) the number  
708 of years requested by the municipality approving the project proposal, whichever is lesser, unless

709 such certification is revoked prior to the expiration of the specified period. The certification of a  
710 project shall be revoked only by the EACC and only upon: (1) the petition of the municipality  
711 that approved the project proposal, if applicable, if the petition satisfies the authorization  
712 requirements for a municipal application or the petition of the director of economic development;  
713 and (2) the independent investigation and determination of the EACC that representations made  
714 by the controlling business in its project proposal are materially at variance with the conduct of  
715 the controlling business subsequent to the certification and such variance is found to frustrate the  
716 public purpose that such certification was intended to advance; provided, however, that for an  
717 expansion project where the actual number of permanent full-time employees employed by the  
718 controlling business at the project is less than 50 per cent of the number of such permanent full-  
719 time employees projected in the project proposal, this shall be deemed a material variance for the  
720 purpose of a revocation determination. Upon such a revocation, all tax credits available to the  
721 controlling business as a result of project certification shall be revoked and forfeited for the year  
722 in which revocation occurred and all subsequent years, and the commonwealth, and the  
723 municipality, in the case of a certified expansion project, shall have causes of action against the  
724 controlling business for the value of any economic benefit received by the controlling business  
725 prior or subsequent to such revocation.

726           Revocation shall take effect on the first day of the tax year in which the material variance  
727 occurred, as determined by the EACC.

728           The revocation of a project certification shall not revoke any benefits due to the project  
729 that relate to years prior to the year in which the revocation determination has been made unless  
730 the controlling business has not proceeded with the certified project or unless EACC determines  
731 that the controlling business made a material misrepresentation in its project proposal, or failed

732 to act in good faith to create and maintain the jobs described in its project proposal. In any such  
733 case, both the commonwealth and the municipality shall have causes of action against the  
734 controlling business for the value of any economic benefits received subsequent to the date on  
735 which the material misrepresentation was made. The commissioner of revenue may, consistent  
736 with this paragraph, disallow or recapture any credits, exemptions or other tax benefits allowed  
737 by the original certification under this section. The department of revenue shall issue regulations  
738 to recapture the value of any credits, exemptions or other tax benefits allowed by the certification  
739 under this section.

740           Annually, not later than the first Wednesday in December, the EACC shall file a report  
741 detailing its findings of the review of all certified projects that it evaluated in the prior fiscal year  
742 to the commissioner of revenue, to the senate and house chairs of the joint committee on revenue  
743 and the senate and house chairs of the joint committee on economic development and emerging  
744 technologies.

745           (c) The EACC shall evaluate and either grant or deny a project proposal within 90 days  
746 after its project proposal date and failure to do so by the EACC shall result in approval of the  
747 project for a term of 5 years. Approval of a project under this section shall not constitute an  
748 approval by the EACC of any tax incentives provided for under chapters 62 and 63.

749           (d) The EACC may award to a certified project tax credits available under subsection (g)  
750 of section 6 of chapter 62 and section 38N of chapter 63. The amount and duration of any such  
751 credits awarded shall be based on the following factors:

752                   (i) for expansion projects:

753 (A) the degree to which the project is expected to generate net new  
754 economic activity within the commonwealth by generating substantial sales from outside of the  
755 commonwealth, or otherwise;

756 (B) the degree to which the project is expected to increase employment  
757 opportunities for residents of the project ETA, if applicable, and of the commonwealth; and

758 (C) the economic need of the project ETA as measured by the income and  
759 employment levels of the ETA, if applicable;

760 (ii) for enhanced expansion projects:

761 (A) the degree to which the project is expected to generate net economic  
762 activity within the commonwealth by generating substantial sales from outside of the  
763 commonwealth, or otherwise; and

764 (B) the degree to which the project is expected to increase employment  
765 opportunities for residents of the commonwealth;

766 (iii) for manufacturing retention projects:

767 (A) the degree to which the project is expected to generate economic  
768 activity within the commonwealth by generating substantial sales from outside of the  
769 commonwealth, or otherwise; and

770 (B) the degree to which the project is expected to retain or increase  
771 manufacturing employment opportunities for residents in the project gateway municipality and  
772 the commonwealth.

773 (iv) for job creation projects:

774 (A) the degree to which the project is expected to generate net economic  
775 activity within the commonwealth by generating substantial sales from outside of the  
776 commonwealth, or otherwise;

777 (B) the degree to which the project is expected to increase employment  
778 opportunities for residents of the commonwealth; and

779 (C) the degree to which the project qualifies for certification as an  
780 expansion project, an enhanced expansion project or a manufacturing retention project, with the  
781 expectation that the EACC will certify a proposed project as a job creation project only if the  
782 proposed project does not otherwise qualify for certification.

783 (e) The EACC may limit any incentive or credit available to a project pursuant to  
784 subsection (g) of section 6 of chapter 62 and section 38N of chapter 63 to a specific dollar  
785 amount or time duration or in any other manner deemed appropriate by EACC, including limits  
786 or restrictions on the right of the controlling business to carry unused credits forward to future  
787 tax years.

788 (f) If a municipal project endorsement includes an offer by a municipality to provide the  
789 certified project with tax increment financing, said binding written offer shall contain a tax  
790 increment financing agreement adopted in accordance with section 59 of chapter 40. The EACC  
791 may approve such tax increment financing plan pursuant to regulations adopted by the EACC.  
792 Any such approval shall include a finding, reflected in the EACC's minutes, that the tax  
793 increment financing plan complies with said section 59 of chapter 40 and will further the public  
794 purpose of encouraging increased industrial and commercial activity in the commonwealth.

795 (g)(1) If a municipal project endorsement includes an offer by the municipality to provide  
796 the certified project with a special tax assessment, the municipal project endorsement shall

797 include a binding written offer setting forth the following assessment schedule for each parcel of  
798 real property in and on which is located and which is otherwise a part of a certified project:

799 (i) in the first year, an assessment of 0 per cent of the actual assessed valuation of  
800 the parcel; provided, however, that such assessment shall be granted for the year designated in  
801 the binding written offer;

802 (ii) in the second year, an assessment of up to 25 per cent of the actual assessed  
803 valuation of the parcel;

804 (iii) in the third year, an assessment of up to 50 per cent of the actual assessed  
805 valuation of the parcel;

806 (iv) in the fourth year, an assessment of up to 75 per cent of the actual assessed  
807 valuation of the parcel; and

808 (v) in subsequent years, assessment of up to 100 per cent of the actual assessed  
809 valuation of the parcel.

810 (2) For the purposes of this subsection, the “municipality’s fiscal year” shall refer to a  
811 period of 365 days beginning, in the first instance, with the calendar year in which the assessed  
812 property is purchased or acquired by the controlling business or the calendar year in which the  
813 assessed property becomes part of a certified project, whichever last occurs; provided, however,  
814 that no such written offer from a municipality shall be considered to be binding as aforesaid until  
815 it is authorized.

816 (3) Notwithstanding any provision of this section to the contrary, a municipality may  
817 offer a special tax assessment to a controlling business without a certified project if: (i) the  
818 municipality makes a formal determination that the controlling business is making an investment  
819 that will contribute to economic revitalization of the municipality and will significantly increase

820 employment opportunities for residents of the municipality; (ii) the municipality applies to the  
821 EACC for approval of the special tax assessment; and (iii) the EACC makes a formal finding,  
822 based on information presented by the municipality and incorporated into its minutes, that the  
823 special tax assessment is reasonably necessary to enable the controlling business's investment  
824 and will further the public purpose of encouraging increased industrial and commercial activity  
825 in the commonwealth.

826 SECTION 27. Said chapter 23A is hereby further amended by striking out section 13J, as  
827 so appearing, and inserting in place thereof the following section:-

828 Section 13J. (a) The following offices shall be within the office of travel and tourism: the  
829 Massachusetts film office, which shall be the official and lead agency to facilitate motion picture  
830 production and development in the commonwealth, and the Massachusetts sports partnership,  
831 which shall be the official and lead agency to facilitate and attract major sports events and  
832 championships in the commonwealth. All reports shall be made available on the office of travel  
833 and tourism's website.

834 (b) The Massachusetts sports partnership shall meet on a quarterly basis and shall  
835 annually, not later than March 1, report the results of its findings and activities for the preceding  
836 year and its recommendations to the clerks of the senate and house of representatives and to the  
837 senate and house chairs of the joint committee on tourism, arts and cultural development.

838 SECTION 28. Said chapter 23A is hereby further amended by inserting after section 13S  
839 the following section:-

840 Section 13T. (a) There shall be a Massachusetts Tourism Trust Fund which shall be  
841 administered by the Massachusetts marketing partnership established in section 13A and held by  
842 the partnership separate and apart from its other funds. The fund shall be credited in the

843 following phased-in scale:

844 (i) for fiscal year 2016, 1.25 cents of the 5.7 per cent of the room occupancy  
845 excise imposed by section 3 of chapter 64G and section 22 of chapter 546 of the acts of 1969;

846 (ii) for fiscal year 2017, 1.5 cents of the 5.7 per cent of the room occupancy  
847 excise imposed by said section 3 of said chapter 64G and said section 22 of said chapter 546;

848 (iii) for fiscal year 2018, 1.75 cents of the 5.7 per cent of the room occupancy  
849 excise imposed by said section 3 of said chapter 64G and said section 22 of said chapter 546; and

850 (iv) for fiscal year 2019, 2 cents of the 5.7 per cent of the room occupancy excise  
851 imposed by said section 3 of said chapter 64G and said section 22 of said chapter 546.

852 (b) In addition, the fund shall be credited all revenue as designated under the Gaming  
853 Licensing Fund required under clause (6) of subsection (a) of section 93 of chapter 194 of the  
854 acts of 2011 and the Gaming Revenue Fund as required by subclause (b) of clause (2) of section  
855 59 of chapter 23K.

856 (c) All available monies in the fund that are unexpended at the end of each fiscal year  
857 shall not revert to the General Fund and shall be available for expenditure by the fund in the  
858 subsequent fiscal year.

859 (d) Monies in the fund shall be applied as follows:

860 (i) 70 per cent to the Massachusetts marketing partnership; and

861 (ii) 30 per cent to regional tourism councils.

862 (e) The partnership shall submit a report annually not later than December 31 on the cost-  
863 effectiveness of the fund to the clerks of the senate and house of representatives and the joint  
864 committee on tourism, arts and cultural development. All reports shall be made available on the  
865 office of travel and tourism's website. The report shall include: (i) expenditures made by the

866 partnership from monies out of the fund to promote tourism; (ii) expenditures made by the  
867 partnership on administrative costs in administering the fund; (iii) expenditures made by the  
868 regional tourism councils to promote tourism; and (iv) expenditures made by the regional  
869 tourism councils on administrative costs.

870 SECTION 29. Section 63 of said chapter 23A is hereby amended by striking out  
871 subsections (a) and (b), as most recently amended by section 4 of chapter 129 of the acts of 2013,  
872 and inserting in place thereof the following 2 subsections:-

873 (a) There shall be in the executive office of housing and economic development a  
874 MassWorks infrastructure program: (i) to issue public infrastructure grants to municipalities and  
875 other public instrumentalities for design, construction, building, land acquisition, rehabilitation,  
876 repair and other improvements to publicly-owned infrastructure including, but not limited to,  
877 sewers, utility extensions, streets, roads, curb-cuts, parking, water treatment systems,  
878 telecommunications systems, transit improvements, public parks and spaces within urban  
879 renewal districts and pedestrian and bicycle ways; (ii) for commercial and residential  
880 transportation and infrastructure development, improvements and various capital investment  
881 projects under the growth districts initiative administered by the executive office of housing and  
882 economic development; (iii) to assist municipalities to advance projects that support job creation  
883 and expansion, housing development and rehabilitation, community development projects, and  
884 small town transportation projects authorized under subsection (e); provided, however, that  
885 projects supporting smart growth as defined by the commonwealth's sustainable development  
886 principles shall be preferred; and (iv) to match other public and private funding sources to build  
887 or rehabilitate transit-oriented housing located within .5 miles of a commuter rail station, subway  
888 station, ferry terminal or bus station, at least 25 per cent of which shall be affordable.

889 (b) Eligible public infrastructure projects authorized by clause (i) of subsection (a) shall  
890 be located on public land or on public leasehold, right-of-way or easement. A project that uses  
891 grants to municipalities for public infrastructure provided by this section shall be procured by a  
892 municipality in accordance with chapter 7, section 39M of chapter 30, chapter 30B and chapter  
893 149.

894 SECTION 30. Said chapter 23A is hereby further amended by adding the following  
895 section:-

896 Section 65. (a) The secretary of housing and economic development shall establish a  
897 financial services advisory council in the executive office of housing and economic  
898 development, which shall have the sole purpose of advising the governor or the governor's  
899 designee on policies, strategies and initiatives designed to preserve and advance the  
900 competitiveness and leadership of the commonwealth's financial services industry, including the  
901 banking, investment management and insurance sectors.

902 (b) The council shall be composed of 15 members including: the secretary of housing and  
903 economic development, who shall serve as chair; the house and senate chairs of the joint  
904 committee on economic development and emerging technologies; the house and senate chairs of  
905 the joint committee on financial services; the commissioner of higher education; the executive  
906 director of the Massachusetts international trade office established in section 13K; and 8  
907 representatives of the business community who shall be appointed by the secretary of housing  
908 and economic development, including representatives of business with at least 2 members from  
909 each of the following sectors: banking, investment management and insurance sectors; at 1  
910 business representative shall be from a company whose headquarters is located in Suffolk,  
911 Middlesex, Essex, Norfolk or Worcester county; at least 1 business representative shall be from a

912 company whose headquarters is located in Hampshire, Hampden, Franklin or Berkshire county;  
913 and at least 1 business representative shall be from a company whose headquarters is located in  
914 Bristol, Plymouth, Nantucket, Dukes or Barnstable county. The secretary, in making such  
915 appointments, shall consider the size of the business representative's company, including its  
916 employee base within the commonwealth and the amount of assets under management or  
917 premiums in force. Business representatives shall be appointed for 2-year terms and may be  
918 reappointed without limitation on the number of terms.

919 (c) The council shall convene at least 3 meetings per calendar year to exchange ideas and  
920 develop strategies for business and government to work together to strengthen the financial  
921 services industry in areas such as public policy, workforce development, international trade and  
922 direct foreign investment and industry promotion.

923 SECTION 31. Subsection (a) of section 18 of chapter 23D of the General Laws, as  
924 appearing in the 2012 Official Edition, is hereby amended by adding the following clause:-

925 (15) provision of research, evaluation and promotion of worker-cooperatives as an  
926 alternative means of business ownership.

927 SECTION 32. Section 1 of chapter 23G of the General Laws, as so appearing, is hereby  
928 amended by inserting after the definition of "Economic development project" the following  
929 definition:-

930 "Equity investments", (i) investments that result in the agency holding a controlling  
931 ownership interest in any company; (ii) a membership interest that constitutes controlling voting  
932 rights in a company; (iii) a controlling interest in real estate or other assets; (iv) a transaction  
933 which in substance falls into any of these categories even though it may be structured as some

934 other form of business transaction; and (v) an equity security; provided, however, that “equity  
935 investments” shall not include any of the foregoing if the interest is taken as security for a loan.

936 SECTION 33. Said section 1 of said chapter 23G, as so appearing, is hereby further  
937 amended by inserting after the definition of “Financing document” the following definition:-

938 “Gateway municipality”, a gateway municipality as defined in section 3A of chapter 23A.

939 SECTION 34. Said section 1 of said chapter 23G, as so appearing, is hereby further  
940 amended by inserting after the definition of “Sponsor” the following definition:-

941 “Transformative development”, redevelopment on a scale and character capable of  
942 catalyzing significant follow-on private investment, leading over time to transformation of an  
943 entire downtown or urban neighborhood and consistent with local plans; provided, that  
944 “transformative development” may involve major investment in new construction, rehabilitation  
945 and adaptive reuse or multiple smaller investments on a sustained basis.

946 SECTION 35. Said chapter 23G is hereby further amended by adding the following  
947 section:-

948 Section 46. (a) There shall be established and set up on the books of the commonwealth  
949 a Transformative Development Fund within the Massachusetts Development Finance Agency.  
950 In carrying out its duties under this section, the agency may utilize the fund as provided in this  
951 section to make equity investments and provide technical assistance to revitalize and support  
952 residential, commercial, industrial and institutional development, or any combination thereof,  
953 and to provide financial assistance to promote collaborative workspaces in gateway  
954 municipalities. The fund shall be administered and managed by a fund director who shall be  
955 appointed by the executive director of the agency. The agency may adopt guidelines necessary to

956 implement the program. The fund may coordinate with other agencies and instrumentalities of  
957 the commonwealth to effectuate this section.

958 (b) The liabilities and obligations of the fund shall not extend beyond the monies which  
959 are deposited in the fund and shall not constitute a debt or pledge of the faith and credit of the  
960 commonwealth or any political subdivision of the commonwealth.

961 (c) Monies in or received for the fund may be deposited with and invested by any  
962 institution designated by the treasurer of the agency at the sole discretion of the treasurer and  
963 paid as the fund director shall direct. Any return on investment received by the fund as a result of  
964 the deposits and the agency's equity investments shall be deposited and held for the use and  
965 benefit of the fund. The treasurer may make payments from the deposit accounts for use under  
966 this section. The agency may be reimbursed annually from the fund for all reasonable and  
967 necessary direct costs and expenses incurred with its administration, management and operation  
968 of the fund, including reasonable staff time, out-of-pocket expenses and administrative costs.

969 (d) The fund may apply for and accept subventions, grants, loans, advances and  
970 contributions from any source of money, property, labor or other things of value to be held, used  
971 and applied in furtherance of this section.

972 (e) The agency shall use the fund to make equity investments in property that the agency  
973 has determined has the potential to constitute transformative development in a gateway  
974 municipality. With respect to any property acquired by the fund, the agency may pledge its  
975 ownership interest, physical assets held by the ownership entity or any portion of the anticipated  
976 gross revenue resulting from the equity investments of the fund to secure loans related to  
977 development of the property. The agency may not cross-collateralize the fund's investments in  
978 the property.

979 (f) The fund director shall allocate a portion of the original capitalization of the fund, not  
980 to exceed 20 per cent, to provide technical assistance to revitalize and support development in  
981 gateway municipalities by utilizing any of the following methods of providing technical  
982 assistance: (i) grants to support the hiring of professional staff or professional services by a  
983 gateway municipality or any instrumentality of the gateway municipality; (ii) reimbursement for  
984 professional staff employed by the agency and embedded in a gateway municipality; (iii) grants  
985 to pay for third-party professional services managed by the agency; and (iv) any other variation  
986 on the provision of technical assistance consistent with this section.

987 (g) At its discretion, the agency may allocate the fund's technical assistance through a  
988 competitive process using criteria that include, without limitation, the existence of a long-term  
989 economic development strategy, commitment to effective use of the agency's technical  
990 assistance by the municipality and other local partners and the potential for transformative  
991 development in the gateway municipality.

992 (h) The fund director shall allocate a portion of the original capitalization of the fund to  
993 support the development in gateway municipalities of collaborative workspaces to spur  
994 innovative and creative business growth and economic activity and assist with the redevelopment  
995 of underutilized buildings. The program shall: (i) promote the creation of collaborative  
996 workspaces by providing financial assistance for capital investments in underutilized buildings;  
997 (ii) foster collaboration and linkages among innovative and creative enterprises by providing  
998 central locations for such businesses or individuals to work in an environment designed to  
999 promote sharing of resources, experience and expertise; (iii) support partnerships among  
1000 municipalities, property owners and businesses to establish collaborative workspaces; and (iv)  
1001 require a collaborative workspace to provide shared space which promotes the interaction,

1002 socialization and coordination among tenants through the clustering of multiple businesses or  
1003 individuals within the collaborative workspace. The agency shall, through grants, contracts or  
1004 loans, administer the program for the purpose of facilitating a collaborative and co-working  
1005 space to address a regional market demand for affordable work environments that support  
1006 communication, information sharing and networking opportunities.

1007 (i) Loans or grants made under this program may be made to property owners or  
1008 collaborative workspace operators for building improvements which shall be utilized by the  
1009 collaborative workspace participants provided that the use of the fund results in corresponding  
1010 private investment that matches or exceeds the grants from the fund. In the case of a grant, any  
1011 participating property owner or collaborative workspace operator shall at least match the  
1012 investment of the fund. In the case of a loan, the agency shall reasonably anticipate that its loan  
1013 will leverage additional private investment in the property.

1014 (j) The agency shall solicit applications for financial assistance that promote  
1015 collaborative workspaces through a request for proposals. The agency shall establish criteria for  
1016 the submission of applications; provided, however, that the applications shall include, but need  
1017 not be limited to: (i) a description of the parties involved in the project, including the  
1018 professional expertise and qualifications of the principals; (ii) a description of the scope of work  
1019 that shall be undertaken by each party involved in the project; (iii) the proposed budget,  
1020 including verification of funding from other sources; (iv) a statement of the project objective,  
1021 including specific information on how the project shall promote the use of the space as  
1022 collaborative and shared space; (v) a statement that sets forth the implementation plan, the  
1023 facilities and resources available or needed for the project and the proposed commencement and  
1024 termination dates of the project; (vi) a description of the expected significance of the project,

1025 including a description of the market demand for the type of workspace proposed in the region  
1026 that the space shall be located and the number of businesses or individuals that shall be served as  
1027 a result of the project; and (vii) any other information that the agency shall consider necessary.

1028 The agency shall also establish guidelines for the review and approval of applications that  
1029 include preferences for proposals that: (A) redevelop at least 10,000 square feet in existing  
1030 properties located in the downtown area of a gateway municipality; (ii) dedicate at least 25 per  
1031 cent of accessible space to collaborative use; and (iii) support a cluster of at least 15 separate  
1032 occupants.

1033 (k) The agency shall enter into an agreement with each collaborative workspace operator  
1034 that receives a grant or loan or enters into a contract under this section regarding: (i) performance  
1035 measures and indicators that shall be used to evaluate the performance of the collaborative  
1036 workspace operator in carrying out the activities described in the application; and (ii) any other  
1037 indicators determined to be necessary to evaluate the performance of the eligible entity. Each  
1038 collaborative workspace operator shall submit an annual report for the agency's review for the  
1039 duration of the collaborative workspace operation. The agency shall enter into an agreement with  
1040 each property owner that receives a grant or loan or enters into a contract under this section  
1041 regarding the use of funds and the time frame for the use of funds.

1042 (l) The agency shall identify and maintain a list of redevelopment projects within  
1043 gateway municipalities with the greatest potential to provide substantial local economic growth,  
1044 job creation, neighborhood revitalization or abandoned and underutilized property reuse. In its  
1045 investigation, the agency shall prioritize redevelopment projects that may commence promptly  
1046 after identification. The agency shall outline the economic opportunities at the project sites,  
1047 describe marketable site uses and describe the benefits of investing in the redevelopment project.

1048 The agency shall also describe current impediments facing each identified redevelopment project  
1049 and outline particular policies and programs in place that provide technical assistance, financing  
1050 options, permitting aid or any other incentives to pursue redevelopment options.

1051 (m) The agency shall, in coordination with the executive office of housing and economic  
1052 development, submit an annual report to the clerks of the senate and house of representatives  
1053 who shall forward the report to the house and senate committees on ways and means, the joint  
1054 committee on economic development and emerging technologies and the joint committee on  
1055 labor and workforce development by December 31. The report shall include a current assessment  
1056 of the progress of each project funded through the collaborative workspace program and the  
1057 progress of the participants in the program.

1058 SECTION 36. Section 59 of chapter 23K of the General Laws, as appearing in the 2012  
1059 Official Edition, is hereby amended by striking out, in lines 21 and 22, the words “Fund to fund  
1060 tourist promotion agencies under clause (c) of section 35J of chapter 10” and inserting in place  
1061 thereof the following words:- Trust Fund to fund tourist promotion agencies under subsection (b)  
1062 of section 13T of chapter 23A.

1063 SECTION 37 Chapter 25C of the General Laws is hereby amended by adding the  
1064 following section:-

1065 Section 8. (a) Notwithstanding chapter 159 or any other general or special law to the  
1066 contrary, the department shall have no jurisdiction, general supervision, regulation or control  
1067 over wireless service, including mobile radio telephone service or radio utilities.

1068 (b) Nothing in this section shall be construed to affect or modify:

1069 (i) the authority of the attorney general to apply and enforce chapter 93A and  
1070 other consumer protection laws of general applicability;

1071 (ii) the authority of the department under sections 18B and 18H of chapter 6A  
1072 concerning enhanced 911 service, under section 3 of chapter 40A, under section 15E of chapter  
1073 166 concerning telephone relay service and under 25A of chapter 166, concerning pole  
1074 attachments;

1075 (iii) the rights and obligations of any carrier under 47 U.S.C. § 251 or 47  
1076 U.S.C. §252;

1077 (iv) the authority of the department to administer federal programs  
1078 supported by the federal Universal Service Fund, including Lifeline and Link-up programs, the  
1079 E-rate program or Connect America Fund;

1080 (v) the obligations under state or federal law of a carrier classified as an  
1081 incumbent local exchange carrier, as defined in 47 U.S.C. §251(h), as of January 1, 2014; or

1082 (vi) the authority of the department to receive and refer consumer  
1083 complaints or to perform consumer education activities.

1084 SECTION 38. Chapter 29 of the General Laws is hereby amended by inserting after  
1085 section 2KKKK the following 2 sections:-

1086 Section 2LLLL. (a) There shall be established and set up on the books of the  
1087 commonwealth an Advanced Manufacturing, Technology and Hospitality Training Trust Fund to  
1088 establish and support training and education programs that address the workforce shortages of  
1089 the advanced manufacturing, mechanical and technical skills, hospitality and information  
1090 technology industries, with a goal of training 4000 workers in 4 years to help meet the workforce  
1091 and talent pipeline needs of employers. The fund shall be administered by the commonwealth  
1092 corporation in consultation with the executive office of housing and economic development,  
1093 executive office of labor and workforce development, the department of higher education and the

1094 Massachusetts Technology Park Corporation doing business as the Massachusetts Technology  
1095 Collaborative; provided, however, that the commonwealth corporation shall make expenditures  
1096 from the fund without further appropriation; and provided further, that not more than 10 per cent  
1097 of the amount held in the fund in any 1 year shall be used by the commonwealth corporation for  
1098 the combined cost of program administration, technical assistance to grantees and program  
1099 evaluation.

1100 (b) Monies in the fund shall be expended on programs that have at least 1 of the  
1101 following purposes with a focus on aligning expenditures with industry needs:

1102 (i) identifying, supporting or establishing collaborative regional partnerships including,  
1103 but not limited to, employers, workforce development and education organizations, regional  
1104 economic development organizations established under sections 3J and 3K of chapter 23A and  
1105 economic development officials in every region of the commonwealth where manufacturers have  
1106 a presence or where the mechanical and technical, hospitality or information technology  
1107 industries and related occupations demonstrate demand;

1108 (ii) addressing critical workforce shortages in advanced manufacturing, mechanical and  
1109 technical positions, hospitality or information technology;

1110 (iii) improving employment in the manufacturing, mechanical and technical, hospitality  
1111 or information technology industries for low-income individuals, women and minorities;

1112 (iv) providing training, educational or career ladder services for currently employed or  
1113 unemployed manufacturing and information technology workers who are seeking new positions  
1114 or responsibilities within the manufacturing, mechanical and technical, hospitality or information  
1115 technology industries;

1116 (v) developing strong career awareness and advising programs for kindergarten to grade  
1117 12, inclusive, postsecondary, disconnected youth, underemployed workers and unemployed  
1118 adults;

1119 (vi) increasing support for internship and apprentice training;

1120 (vii) boosting industry-relevant instructor capacity for high school and postsecondary  
1121 programs; or

1122 (viii) directing support for succession planning, worker retention and upskilling strategies  
1123 for older and incumbent workers.

1124 (c) The commonwealth corporation shall establish a competitive grant process for funds  
1125 expended on programs under subsection (b). Eligible applicants shall include: employers and  
1126 employer associations; local workforce investment boards; labor organizations; joint labor-  
1127 management partnerships; community-based organizations; institutions of higher education;  
1128 kindergarten to grade 12, inclusive, and vocational education institutions; private for-profit and  
1129 nonprofit organizations providing education and workforce training, 1-stop career centers; local  
1130 workforce development entities; and any partnership or collaboration between eligible  
1131 applicants. Expenditures from the fund for such purposes shall complement and not replace  
1132 existing local, state, private or federal funding for training and educational programs.

1133 (d) A grant proposal submitted under subsection (c) shall include, but not be limited to:

1134 (i) a plan that defines specific goals for advanced manufacturing, mechanical and  
1135 technical, hospitality or information technology workforce training and educational  
1136 improvements;

1137 (ii) the evidence-based programs the applicant shall use to meet the goals;  
1138 (iii) a budget necessary to implement the plan, including a detailed description of any  
1139 funding or in-kind contributions applicants will be providing in support of the proposal;  
1140 (iv) any other private funding or private sector participation applicants anticipate in  
1141 support of the proposal; and  
1142 (iv) the proposed number of individuals who would be enrolled, complete training and be  
1143 placed into employment in the targeted industries.

1144 (e) The commonwealth corporation shall, in consultation with the executive office of  
1145 housing and economic development, the executive office of labor and workforce development,  
1146 the department of higher education and the Technology Park Corporation doing business as the  
1147 Massachusetts Technology Collaborative, develop guidelines for an annual review of the  
1148 progress being made by each grantee. Each grantee shall participate in any evaluation or  
1149 accountability process implemented by or authorized by the commonwealth corporation. The  
1150 commonwealth corporation shall file annual reports for the duration of the programs with the  
1151 chairs of the house and senate committee on ways and means, the senate and house chairs of the  
1152 joint committee on labor and workforce development and the senate and house chairs of the joint  
1153 committee on economic development and emerging technologies by January 1. The report shall  
1154 include an overview of the activities of the programs, the number of participants in the programs  
1155 and the employment outcomes in the programs.

1156 Section 2MMMM. There shall be established and set up on the books of the  
1157 commonwealth a Massachusetts Seafood Marketing Program Fund which shall be administered  
1158 by the division of marine fisheries. Notwithstanding any general or special law to the contrary,

1159 the following monies shall be credited to the fund: (i) a portion of the monies collected from the  
1160 sale of commercial harvester and dealer permits issued by the division pursuant to chapter 130 in  
1161 an amount to be determined by the director of marine fisheries not to exceed \$250,000 per fiscal  
1162 year; (ii) any appropriations, grants, gifts or other monies authorized by the general court or  
1163 other parties and specifically designated to be credited to the fund; and (iii) any income derived  
1164 from the investment of amounts credited to the fund. All amounts credited to the fund shall be  
1165 used without further appropriation for the purpose of developing and administering the seafood  
1166 marketing program established in section 23 of chapter 21A; provided, however, that program  
1167 expenditures shall be made in consultation with the department of fish and game and the division  
1168 and shall be consistent with any program priorities identified by the steering committee  
1169 established pursuant to said section 23 of said chapter 21A. No expenditure from the fund shall  
1170 cause the fund to be in deficiency at the close of a fiscal year. Monies deposited in the fund that  
1171 are unexpended at the end of the fiscal year shall not revert to the General Fund and shall be  
1172 available for expenditure in the subsequent year. The fund shall be exempt from the indirect and  
1173 fringe benefits that would otherwise be assessed pursuant to chapter 29.

1174 SECTION 39. Section 6D of chapter 40J of the General Laws, as appearing in the 2012  
1175 Official Edition, is hereby amended by adding the following subsection:-

1176 (f) The institute shall identify companies and organizations that are engaged in the  
1177 development of emerging new technologies associated with health information technology,  
1178 including web-based and personalized care delivery. The institute shall promote the growth and  
1179 development of such companies and organizations by supporting the formation of regional health  
1180 information technology clusters, coordinating the promotion and dissemination of information  
1181 regarding such companies and organizations, identifying and addressing obstacles to the growth

1182 of such companies and organizations and helping to identify alternative funding sources for such  
1183 companies and organizations for the implementation of their business and marketing plans.

1184 SECTION 40. Said chapter 40J is hereby further amended by inserting after section  
1185 6E1/2 the following section:-

1186 Section 6H. There shall be established and set up on the books of the corporation a Big  
1187 Data Innovation and Workforce Fund. There shall be credited to the fund the proceeds of any  
1188 bonds or notes of the commonwealth issued for the purpose of the fund and any appropriations  
1189 designated by the general court. The corporation shall hold the fund in an account separate from  
1190 other funds, including other funds established under this chapter. Amounts credited to the fund  
1191 shall be available for expenditure by the corporation without further appropriation for all  
1192 activities consistent with this section and which support the purposes specified in this section as  
1193 the corporation may determine are appropriate including, without limitation, grants, contracts  
1194 and loans. Amounts credited to the fund shall be expended or applied only with the approval of  
1195 the executive director of the corporation upon consultation with the director of the John Adams  
1196 Innovation Institute. Amounts credited to the fund shall be used to promote the use of big data,  
1197 open data and analytics by including, but not limited to: (i) bringing together academia, industry,  
1198 public sector and private sector organizations to make recommendations regarding how to  
1199 educate and prepare a workforce for careers in big data including, but not limited to, through  
1200 continuing education programs, advanced degree programs and community college and science,  
1201 technology, engineering and math, or STEM, courses to close the skills gap; (ii) providing access  
1202 to tools and technology to enable academia and industry to analyze open data sets to help  
1203 identify and solve problems in transportation, public health, energy and other areas of public  
1204 policy concern and to support economic development; (iii) providing challenge grants that enable

1205 departments, agencies and instrumentalities of the commonwealth that utilize big data to solve  
1206 public policy concerns and to support economic development; and (iv) supporting the  
1207 development of big data at the Venture Development Center at the University of Massachusetts  
1208 at Boston. The corporation shall support efforts to develop policies and guidelines to safeguard  
1209 personally identifiable information.

1210 SECTION 41. Subsection (a) of section 4 of chapter 40V of the General Laws, as  
1211 appearing in the 2012 Official Edition, is hereby amended by striking out clause (ii).

1212 SECTION 42. Section 6 of chapter 62 of the General Laws is hereby amended by  
1213 striking out, in line 843, as so appearing, the figure “\$5,000,000” and inserting in place thereof  
1214 the following figure:- \$10,000,000.

1215 SECTION 43. Said section 6 of said chapter 62 is hereby further amended by striking  
1216 out the figure “\$10,000,000”, inserted by section 42, and inserting in place thereof the following  
1217 figure:- \$5,000,000.

1218 SECTION 44. Said section 6 of said chapter 62 is hereby further amended by striking  
1219 out, in line 848, as appearing in the 2012 Official Edition, the figure “\$5,000,000” and inserting  
1220 in place thereof the following figure:- \$10,000,000.

1221 SECTION 45. Said section 6 of said chapter 62 is hereby further amended by striking  
1222 out the figure “\$10,000,000”, inserted by section 44, and inserting in place thereof the following  
1223 figure:- \$5,000,000.

1224 SECTION 46. Said section 6 of said chapter 62, as most recently amended by section 54  
1225 of chapter 38 of the acts of 2013, is hereby further amended by adding the following subsection:-

1226 (s) (1) A taxpayer primarily engaged in agriculture or farming, as defined in section 1A  
1227 of chapter 128, on land zoned pursuant to section 3 of chapter 40A or engaged in commercial

1228 fishing, which shall include only those landing a minimum of 5,000 pounds of fish per year and  
1229 possessing either a state or federal fishing permit shall be allowed a credit as provided in this  
1230 paragraph against the tax liability imposed by this chapter. The amount of the credit shall be 3  
1231 per cent of the cost or other basis for federal income tax purposes of qualifying property  
1232 acquired, constructed, reconstructed or erected during the taxable year after deduction therefrom  
1233 of any federally authorized tax credit taken with respect to the property. “Qualifying property”  
1234 shall be tangible personal property and other tangible property, including buildings and structural  
1235 components of buildings: (i) acquired by purchase as defined in 26 U.S.C. § 179(d), as amended  
1236 and in effect for the taxable year; (ii) used solely in agriculture, farming or fishing; (iii) not  
1237 taxable pursuant to chapter 60A; (iv) used by the taxpayer in the commonwealth; (v) situated in  
1238 the commonwealth on the last day of the taxable year; and (vi) depreciable under 26 U.S.C. §  
1239 167 and with a useful life of at least 4 years.

1240 (2) A taxpayer primarily engaged in agriculture or farming, as defined in said section 1A  
1241 of said chapter 128, on land zoned pursuant to said section 3 of said chapter 40A or in  
1242 commercial fishing, which shall include only those landing a minimum of 5,000 pounds of fish  
1243 per year and possessing either a state or federal fishing permit shall be allowed a credit as  
1244 provided in this paragraph against the tax liability imposed by this chapter. The amount of the  
1245 credit shall be 3 per cent of the lessor's adjusted basis in qualifying property for federal income  
1246 tax purposes at the beginning of the lease term, multiplied by a fraction, the numerator of which  
1247 shall be the number of days of the taxable year during which the lessee leases the qualifying  
1248 property and the denominator of which shall be the number of days in the useful life of the  
1249 property. “Useful life” shall be the same as that used by the lessor for depreciation purposes  
1250 when computing federal income tax liability. “Operating lease” shall be any contract or

1251 agreement to lease or rent or for a license to use qualifying property. “Qualifying property” shall  
1252 be tangible personal property and other personal property, including buildings and structural  
1253 components of buildings: (i) leased, and not a purchase as defined under 26 U.S.C. § 179(d), as  
1254 amended and in effect for the taxable year; (ii) used solely in agriculture, farming or fishing; (iii)  
1255 not taxable under chapter 60A; (iv) used by the lessee in the commonwealth; (v) situated in the  
1256 commonwealth throughout the entire lease term; and (vi) depreciable by the lessor under 26  
1257 U.S.C. § 167 and with a useful life of at least 4 years. The credit shall not be available to a lessee  
1258 if the lessor has previously received a credit with respect to the leased tangible personal property.

1259 (3) The commissioner shall by regulation require documentation of the lessor and lessee  
1260 to substantiate a credit claimed pursuant to paragraph (2).

1261 (4) A taxpayer shall not receive a credit under paragraphs (1) or (2) with respect to  
1262 tangible personal property and other tangible property, including buildings and structural  
1263 components of buildings, which it leases as a lessor. For the purposes of this paragraph, a  
1264 contract or agreement to lease or rent or for a license to use such property shall be considered a  
1265 lease. This paragraph shall not apply to equine-based businesses where care and boarding of  
1266 horses is a function of the agricultural activity.

1267 (5) With respect to property that is disposed of or ceases to be in qualified use prior to the  
1268 end of the taxable year in which the credit is to be taken, the amount of the credit shall be that  
1269 portion of the credit provided for in paragraphs (1) or (2) which represents the ratio which the  
1270 months of qualified use bear to the months of useful life. If property on which credit has been  
1271 taken is disposed of or ceases to be in qualified use prior to the end of its useful life, the  
1272 difference between the credit taken and the credit allowed for actual use must be added back as

1273 additional taxes due in the year of disposition; provided, however, that if the property is disposed  
1274 of or ceases to be in qualified use after it has been in qualified use for more than 12 consecutive  
1275 years, it shall not be necessary to add back the credit as provided in this subsection. The amount  
1276 of credit allowed for actual use shall be determined by multiplying the original credit by the ratio  
1277 which the months of qualified use bear to the months of useful life. For the purposes of this  
1278 subsection, “useful life of property” shall be the same as that used by the individual for  
1279 depreciation purposes.

1280 (6) A taxpayer entitled to a credit for any taxable year in accordance with paragraphs (1)  
1281 to (5), inclusive, may carry over and apply to its tax liability imposed by this chapter for any 1 or  
1282 more of the next succeeding 3 taxable years the portion, as reduced from year to year, of its  
1283 credit which exceeds its tax liability imposed by this chapter for the taxable year.

1284 SECTION 47. Clause (i) of paragraph (1) of subsection (b) of section 6J of said chapter  
1285 62, as appearing in the 2012 Official Edition, is hereby amended by adding the following words:-  
1286 ; provided, however, that the Massachusetts historical commission shall ensure the award of tax  
1287 credits pursuant to this section shall allow a taxpayer that acquires a qualified historic structure  
1288 to receive any tax credits for qualified rehabilitation expenditures previously awarded to the  
1289 transferor of the qualified historic structure if: (A) the rehabilitation was not placed in service by  
1290 the transferor; (B) no credit has been claimed by anyone other than the acquiring taxpayer as  
1291 verified by the department of revenue to the commission; (C) the taxpayer completes the  
1292 rehabilitation and obtains certification as provided in this section; and (D) the taxpayer conforms  
1293 with all other requirements of this section; and provided further, that in the case of a multi-phase  
1294 project, tax credits may be transferred for any phase that meets the criteria in subclauses (A) to  
1295 (D), inclusive.

1296 SECTION 48. Chapter 63 of the General Laws is hereby amended by striking out section  
1297 38M, as so appearing, and inserting in place thereof the following section:-

1298 Section 38M. (a)(1) A business corporation shall be allowed a credit against its excise  
1299 due under this chapter equal to the sum of 10 per cent of the excess, if any, of the qualified  
1300 research expenses for the taxable year over the base amount and 15 per cent of the basic research  
1301 payments determined under subsection (e)(1)(A) of section 41 of the federal Internal Revenue  
1302 Code.

1303 (2) Other than as provided in paragraph (3), “qualified research expenses”, “basic  
1304 research payment”, “credit year” and any other term affecting the calculation of the credit shall,  
1305 unless the context otherwise requires, have the same meanings as under said section 41 of said  
1306 Code as amended and in effect on August 12, 1991; provided, however, that the terms shall only  
1307 apply to expenditures for research conducted in the commonwealth.

1308 (2) For the purposes of this subsection, the “base amount” shall be the product of: (i) the  
1309 average annual gross receipts of the taxpayer for the 4 taxable years preceding the credit year;  
1310 and (ii) a fixed-base ratio and the “fixed base ratio” shall be the percentage which the average  
1311 aggregate qualified research expenses for the taxpayer for the third and fourth taxable years  
1312 preceding the credit year is of the annual average gross receipts for those years; provided,  
1313 however, that the fixed base ratio shall not exceed 16 per cent.

1314 In determining the amount of the credit allowable under this section, the commissioner of  
1315 revenue may aggregate the activities of all corporations that are members of a controlled group  
1316 of corporations as defined by subsection (f)(1)(A) of said section 41 of said Code. The

1317 commissioner also may aggregate the activities of all entities, whether or not incorporated, that  
1318 are under common control as defined by subsection (f)(1)(B) of said section 41 of said Code.

1319 (b) A business corporation may choose to have the credit determined under this  
1320 subsection rather than under subsection (a). At the election of the taxpayer for calendar years  
1321 2015, 2016 and 2017, the amount of the taxpayer's credit shall be equal to 5 per cent of the  
1322 taxpayer's qualified research expenses for the taxable year that exceeds 50 per cent of the  
1323 taxpayer's average qualified research expenses for the 3 taxable years preceding the taxable year  
1324 for which the credit is being determined. At the election of the taxpayer for calendar years 2018,  
1325 2019 and 2020, the amount of the taxpayer's credit shall be equal to 7 ½ per cent of the  
1326 taxpayer's average qualified research expenses for the 3 taxable years preceding the taxable year  
1327 for which the credit is being determined. Beginning in calendar year 2021, the amount of the  
1328 taxpayer's credit shall be equal to 10 per cent. If the taxpayer did not have qualified research  
1329 expenses in any 1 of the 3 taxable years preceding the taxable year for which the credit is being  
1330 determined, the amount of the credit is equal to 5 per cent of the taxpayer's qualified research  
1331 expense for the taxable year. Under this subsection, "qualified research expenses" and any other  
1332 terms affecting the calculation of the credit shall, unless the context otherwise requires, have the  
1333 same meanings as under said section 41 of said Code as amended and in effect on January 1,  
1334 2014; provided, however, that the terms shall only apply to expenditures for research conducted  
1335 in the commonwealth.

1336 (c) For the purposes of section 30, the deduction from gross income that may be taken  
1337 with respect to any expenditures qualifying for a credit under said section 41 of said Code as  
1338 amended and in effect on August 12, 1991 shall be based upon its cost less the credit allowable

1339 under this section; provided, however, that subsection (c) of section 280C of said Code shall not  
1340 apply.

1341 (d) The credit allowed under this section for any taxable year shall not reduce the excise  
1342 to less than the amount due under subsection (b) of section 39, section 67 and under any act in  
1343 addition thereto.

1344 (e) The credit allowed under this section shall be limited to 100 per cent of a  
1345 corporation's first \$25,000 of excise, as determined before the allowance of any credits, plus 75  
1346 per cent of the corporation's excise, as so determined in excess of \$25,000. The commissioner  
1347 shall promulgate regulations similar to those authorized under subsection (c)(2)(B) of section 38  
1348 of said Code for the purposes of apportioning the \$25,000 amount among members of a  
1349 controlled group. Nothing in this section shall alter section 32C as it affects other credits under  
1350 this chapter.

1351 (f) For a corporation filing a combined return of income under section 32B, a credit  
1352 generated by an individual member corporation under this section shall first be applied against  
1353 the excise attributable to the corporation under section 39 subject to the limitations of  
1354 subsections (d) and (e). An member corporation with an excess research and development credit  
1355 may apply its excess credit against the excise of another group member to the extent that the  
1356 other member corporation may use additional credits under the limitations of said subsections (d)  
1357 and (e). Unused and unexpired credits generated by a member corporation shall be carried over  
1358 from year to year by the individual corporation that generated the credit. Nothing in this section  
1359 shall alter paragraph (h) of section 31A.

1360 (g) Any corporation entitled to a credit under this section for any taxable year may carry  
1361 over and apply to its excise for any 1 or more of the next succeeding 15 taxable years the portion,  
1362 as reduced from year to year, of its credit which exceeds its excise for the taxable year. Any  
1363 corporation may carry over and apply to its excise for any subsequent taxable year the portion of  
1364 those credits, as reduced from year to year, which were not allowed by subsection (e).

1365 (h) The commissioner shall promulgate regulations as necessary to implement this  
1366 section.

1367 (i) This section shall apply to expenditures incurred on or after January 1, 1991; provided,  
1368 however, that, in the case of any taxable year which begins before January 1, 1991 and ends  
1369 before December 31, 1991, the base amount and the qualified organization base period amount  
1370 with respect to the taxable year shall be the amount that bears the same ratio to the base amount  
1371 and the qualified organization base period amount for the year, determined without regard to this  
1372 paragraph, as the number of days in the taxable year on or after January 1, 1991 bears to the total  
1373 number of days in that taxable year.

1374 (j)(1) The credit allowed by this section, at the election of the taxpayer in accordance  
1375 with regulations promulgated by the commissioner, may be applied separately with respect to  
1376 the: (i) qualified research expenses and gross receipts of the taxpayer attributable to defense-  
1377 related activities; and (ii) qualified research expenses and gross receipts of the taxpayer  
1378 attributable to other activities.

1379 (2) For the purposes of this subsection, "defense-related activities" shall mean any  
1380 activity carried out in the commonwealth that relates to the business of researching, developing  
1381 and producing for sale, pursuant to a contract or subcontract thereof: (i) any arm, ammunition or

1382 implement of war designated in the munitions list published pursuant to section 38 of the federal  
1383 Arms Export Act, 22 U.S.C. § 2778 to the extent that the property shall be specifically designed,  
1384 modified or equipped for military purposes; and (ii) equipment for the federal National  
1385 Aeronautics and Space Administration.

1386 (3) This paragraph shall apply to taxable years beginning on or after January 1, 1995.

1387 (k)(1) As used in this section, the following words shall have the following meanings  
1388 unless the context clearly requires otherwise:

1389 “Life sciences”, advanced and applied sciences that expand the understanding of human  
1390 physiology and may lead to medical advances or therapeutic applications including, but not  
1391 limited to, agricultural biotechnology, biogenics, bioinformatics, biomedical engineering,  
1392 biopharmaceuticals, biotechnology, chemical synthesis, chemistry technology, diagnostics,  
1393 genomics, image analysis, marine biology, marine technology, medical devices, nanotechnology,  
1394 natural product pharmaceuticals, proteomics, regenerative medicine, RNA interference, stem cell  
1395 research and veterinary science.

1396 “Person”, a natural person, corporation, association, partnership or other legal entity.

1397 “Taxpayer”, a certified life sciences company or person subject to the taxes imposed by  
1398 chapters 62, 63, 64H or 64I.

1399 (2) If a credit claimed under this section by a taxpayer exceeds the amount that may  
1400 otherwise be allowed under this section for a taxable year, 90 per cent of the balance of that  
1401 credit may, at the option of the taxpayer and to the extent authorized pursuant to the life sciences  
1402 tax incentive program established in subsection (d) of section 5 of chapter 23I, be refundable to

1403 the taxpayer for the taxable year. If the credit balance is refunded to the taxpayer, the credit  
1404 carryover provisions of paragraph (f) shall not apply.

1405 SECTION 49. Section 38BB of said chapter 63, as so appearing, is hereby amended by  
1406 striking out, in line 43, the figure “\$5,000,000” and inserting in place thereof the following  
1407 figure:- \$10,000,000.

1408 SECTION 50. Said section 38BB of said chapter 63 is hereby further amended by  
1409 striking out the figure “\$10,000,000”, inserted by section 49, and inserting in place thereof the  
1410 following figure:- \$5,000,000.

1411 SECTION 51. Said section 38BB of said chapter 63, as appearing in the 2012 Official  
1412 Edition, is hereby further amended by striking out, in line 48, the figure “\$5,000,000” and  
1413 inserting in place thereof the following figure:- \$10,000,000.

1414 SECTION 52. Said section 38BB of said chapter 63 is hereby further amended by  
1415 striking out the figure “\$10,000,000”, inserted by section 51, and inserting in place thereof the  
1416 following figure:- \$5,000,000.

1417 SECTION 53. Section 42B of said chapter 63, as appearing in the 2012 Official Edition,  
1418 is hereby amended by adding the following subsection:-

1419 (d) For the purposes of this section, a limited partnership that is not a business  
1420 corporation but that would otherwise qualify as a research and development corporation under  
1421 this section may be considered a research and development corporation when all partners are  
1422 corporations solely for purposes of claiming the exemptions available to research and  
1423 development corporations under chapters 64H and 64I.

1424 SECTION 54. Chapter 75 of the General Laws is hereby amended by inserting after  
1425 section 45A the following section:-

1426 Section 45B. (a) There shall be established and set up on the books of the commonwealth  
1427 an Innovation Commercialization Seed Fund into which shall be credited any appropriations  
1428 designated by the general court to be credited to the fund and any monies generated for the fund  
1429 through corporations or nonprofit entities. The fund shall be administered by the Massachusetts  
1430 Technology Transfer Center established in section 45 which shall make expenditures from the  
1431 fund without further appropriation to provide for an initial investment through a competitive  
1432 grant program to researchers and students at the University of Massachusetts and other public  
1433 and private designated research universities located in the commonwealth who have invented or  
1434 developed concepts, goods or services that have commercial potential but have not reached the  
1435 point of commercialization as determined by the center. The center shall determine guidelines  
1436 for soliciting proposals. Not less than 50 per cent of the funds under this section shall be  
1437 reserved for award over the term of each authorization or appropriation, subject to qualification,  
1438 to the University of Massachusetts. Initial investment grants shall be not be over \$50,000 and  
1439 may be renewed not more than 2 times if necessary as determined by the center. Priority shall be  
1440 given to concepts, goods or services that create jobs and concepts, goods or services in the  
1441 commonwealth submitted from researchers that employ and work with students in the research  
1442 and development of the concept, goods or services. Investments shall be focused on developing  
1443 technologies that benefit industry sectors of strategic importance to the commonwealth, such as  
1444 advanced manufacturing, advanced materials, clean energy, communications, cyber security,  
1445 defense, information technology, life sciences and marine science. The fund shall be used to  
1446 advance the goals of job growth creation, innovation and economic development which may  
1447 include, but shall not be limited to, the construction of prototypes, testing, market research and  
1448 other steps necessary to bring the invention or concept to market in the commonwealth. The fund

1449 shall be available to student-driven invention or concepts as long as the students are advised by a  
1450 member of the faculty at the University of Massachusetts or other research university located in  
1451 the commonwealth.

1452 (b) The center shall annually file a report with the joint committee on higher education  
1453 and the senate and house committees on ways and means detailing the grants awarded under this  
1454 section not later than March 1.

1455 SECTION 55. Section 32J of chapter 90 of the General Laws, as appearing in the 2012  
1456 Official Edition, is hereby amended by striking out, in lines 5 and 6, the words: "a membership  
1457 fee separate from.

1458 SECTION 56. Sections 42 and 42A of chapter 93 of the General Laws are hereby  
1459 repealed.

1460 SECTION 57. The General Laws are hereby amended by inserting after chapter 93K the  
1461 following chapter:-

1462 Chapter 93L.

1463 UNIFORM TRADE SECRETS ACT

1464 Section 1. This chapter shall be known and may be cited as the Uniform Trade Secrets  
1465 Act.

1466 Section 2. As used in this chapter the following words shall have the following meanings  
1467 unless the context clearly requires otherwise:

1468 "Improper means", includes, without limitation, theft, bribery, misrepresentation or  
1469 breach or inducement of a breach of a confidential relationship or other duty to limit acquisition,  
1470 disclosure or use of information.

1471 "Misappropriation", (i) the acquisition of a trade secret of another by a person who knows  
1472 or who has reason to know that the trade secret was acquired by improper means; or

1473 (ii) disclosure or use of a trade secret of another without that person's express or implied  
1474 consent by a person who:

1475 (A) used improper means to acquire knowledge of the trade secret;

1476 (B) knew or had reason to know at the time of the disclosure or use that  
1477 knowledge of the trade secret was derived from or through a person who had utilized improper  
1478 means to acquire it, acquired under circumstances giving rise to a duty to limit its acquisition,  
1479 disclosure or use or derived from or through a person who owed a duty to the person seeking  
1480 relief to limit its acquisition, disclosure or use; or

1481 (C) before a material change of position, knew or had reason to know that it was a  
1482 trade secret and that knowledge of it had been acquired by accident or mistake.

1483 "Person", a natural person, corporation, business trust, estate, trust, partnership,  
1484 association, joint venture, government, governmental subdivision or agency or any other legal or  
1485 commercial entity.

1486 "Trade secret", specified or specifiable information, whether or not fixed in tangible form  
1487 or embodied in any tangible thing including, but not limited to, a formula, pattern, compilation,  
1488 program, device, method, technique, process, business strategy or scientific, technical, financial  
1489 or customer data that: (i) at the time of the alleged misappropriation, derived actual or potential  
1490 economic value from not being generally known to, and not being readily ascertainable by  
1491 proper means by, others who may obtain economic value from its acquisition, disclosure or use;  
1492 and (ii) has at all times been the subject of efforts that are reasonable under the circumstances to  
1493 give notice that it shall not be, and to ensure that it is not, acquired, disclosed or used without the

1494 consent of the person asserting ownership of the trade secret or the person's predecessor in  
1495 interest.

1496           Section 3. (a) Actual or threatened misappropriation may be enjoined upon equity  
1497 principles, including a showing that specific information qualifying as a trade secret has been or  
1498 is threatened to be misappropriated. No injunction shall issue with respect to a trade secret  
1499 unless the trade secret is specified with sufficient particularity so as to reasonably enable the  
1500 respondent to prepare a reasonable defense under the circumstances. Upon application to the  
1501 court, an injunction shall be terminated when the trade secret has ceased to exist, but the  
1502 injunction may be continued for an additional reasonable period of time in order to eliminate  
1503 commercial advantage that otherwise would be derived from misappropriation.

1504           (b) In exceptional circumstances, an injunction may condition future use upon payment  
1505 of a reasonable royalty for not longer than the period of time for which use may have been  
1506 prohibited. Exceptional circumstances shall include, but not be limited to, a material and  
1507 prejudicial change of position prior to acquiring knowledge or reason to know of  
1508 misappropriation that renders a prohibitive injunction inequitable.

1509           (c) In appropriate circumstances, affirmative acts to protect a trade secret may be  
1510 compelled by court order.

1511           Section 4. (a) Except to the extent that a material and prejudicial change of position prior  
1512 to acquiring knowledge or reason to know of misappropriation renders a monetary recovery  
1513 inequitable, a complainant may recover damages for misappropriation of specific information  
1514 qualifying as a trade secret. Damages may include both the actual loss caused by  
1515 misappropriation and the unjust enrichment caused by misappropriation that is not taken into  
1516 account in computing actual loss. In lieu of damages measured by any other methods, the

1517 damages caused by misappropriation may be measured by the imposition of liability for a  
1518 reasonable royalty for a misappropriator's unauthorized disclosure or use of a trade secret.

1519 (b) If willful and malicious misappropriation exists, the court may award exemplary  
1520 damages in an amount not exceeding twice any award made under subsection (a).

1521 Section 5. The court may award reasonable attorneys' fees to the prevailing party if: (i) a  
1522 claim of misappropriation is made or defended in bad faith; (ii) a motion to enter or terminate an  
1523 injunction is made or resisted in bad faith; or (iii) willful and malicious misappropriation exists.

1524 In considering an award of attorneys' fees, the court may take into account the claimant's  
1525 specification of trade secrets and the proof that the alleged trade secrets were misappropriated.

1526 Section 6. (a) In an action under this chapter, a court shall preserve the secrecy of an  
1527 alleged trade secret by reasonable means, which may include granting protective orders in  
1528 connection with discovery proceedings, holding in camera hearings, sealing the records of the  
1529 action and ordering any person involved in the litigation not to disclose an alleged trade secret  
1530 without prior court approval.

1531 (b) In an action under this chapter, averments of trade secrets and misappropriation of  
1532 trade secrets shall be stated with particularity.

1533 Section 7. An action for misappropriation shall be brought within 3 years after the  
1534 misappropriation is discovered or by the exercise of reasonable diligence should have been  
1535 discovered. For the purposes of this section, a continuing misappropriation shall constitute a  
1536 single claim.

1537 Section 8. (a) Except as provided in subsection (b), this chapter shall supersede any  
1538 conflicting laws of the commonwealth providing civil remedies for the misappropriation of a  
1539 trade secret.

1540 (b) This chapter shall not affect:

1541 (i) contractual remedies; provided, however, that, to the extent contractual  
1542 remedies are based on or justified by confidentiality of information, confidentiality shall be  
1543 determined according to the definition of trade secret in section 2;

1544 (ii) remedies based on submissions to governmental units;

1545 (iii) other civil remedies to the extent that they are not based upon  
1546 misappropriation of a trade secret; or

1547 (iv) criminal remedies, whether or not based upon misappropriation of a trade  
1548 secret.

1549 Section 9. This chapter shall be applied and construed to effectuate its general purpose to  
1550 make uniform the law with respect to the subject of this chapter among states enacting it.

1551 SECTION 58. Section 165 of Chapter 112, as appearing in the 2012 Official Edition, is  
1552 hereby amended by striking out the fourth paragraph and inserting in place thereof the following  
1553 paragraph:-

1554 The board may issue a license to an applicant as an applied behavior analyst; provided,  
1555 however, that each applicant, in addition to complying with clauses (1) and (2) of the first  
1556 paragraph shall provide satisfactory evidence to the board that the applicant:

1557 (1) has successfully completed a doctoral degree program from a recognized educational  
1558 institution in which the doctoral program included a minimum of 60 graduate credit hours in  
1559 courses related to the study of behavior analysis or a master's degree program from a recognized  
1560 educational institution wherein the master's program included a minimum of 30 graduate credit  
1561 hours in courses related to the study of behavior analysis, or for individuals with a masters or  
1562 doctoral degree in another field of human services, successful completion of a board-approved

1563 certificate program in behavior analysis from a recognized educational institution combined with  
1564 the successful completion of an approved course sequence formally approved by the board;

1565 (2) has successfully completed a practicum or supervised experience in the practice of  
1566 behavior analysis that meets the standards established by the board; and

1567 (3) has successfully passed a board-approved examination related to the principles and  
1568 independent practice of applied behavior analysis.

1569 SECTION 59. Section 12 of chapter 138 of the General Laws is hereby amended by  
1570 striking out, in lines 63 to 65, inclusive, as appearing in the 2012 Official Edition, the words “,  
1571 notwithstanding any limitation on the number of licenses the city or town is authorized to grant  
1572 in section 17,” and inserting in place thereof the following words:- pursuant to the municipal  
1573 plan as required by section 17.

1574 SECTION 60. Said section 12 of said chapter 138 is hereby further amended by striking  
1575 out, in lines 89 and 90, as so appearing, the words “and irrespective of any limitation of number  
1576 of licenses contained in section seventeen”.

1577 SECTION 61. The sixth paragraph of said section 12 of said chapter 138, as so  
1578 appearing, is hereby amended by striking out the second sentence.

1579 SECTION 62. Said section 12 of said chapter 138 is hereby further amended by inserting  
1580 after the word “antemeridian”, in lines 130, and in line 134, the second time it appears, as so  
1581 appearing, the following words:- , except in a city or town that is serviced by the Massachusetts  
1582 Bay Transportation Authority’s late-night service as authorized by chapter 161A if the local  
1583 governing body of such city or town accepts this provision.

1584 SECTION 63. Said section 12 of said chapter 138, as amended by section 16 of chapter  
1585 36 of the acts of 2013, is hereby further amended by adding the following 4 paragraphs:-

1586 All licenses issued under this section pursuant to a new license application that is filed  
1587 after January 1, 2015 shall be non-transferable and a licensing authority shall not approve the  
1588 transfer of such license.

1589 If the license granted under this section is cancelled, revoked or no longer in use by the  
1590 license holder, the license shall be returned physically, with all of the legal rights, privileges and  
1591 restrictions pertaining thereto to the licensing authority.

1592 If a license holder closes or terminates the license holder's business, or sells or transfers  
1593 the license holder's business, the license holder shall return the license physically, with all of the  
1594 legal rights, privileges and restrictions pertaining thereto to the licensing authority. The  
1595 licensing authority may then in its discretion grant a license to a qualified new applicant at a  
1596 different location according to the standard for a new license.

1597 A license may be re-issued by the licensing authority at the same location only if an  
1598 applicant for the license files with the local licensing authority a letter from the department of  
1599 revenue and any applicable government agency indicating that the license is in good standing  
1600 with the department and agency and that all applicable taxes, payments, assessments and  
1601 contributions for unemployment and health insurance have been paid. If a license is granted  
1602 under this section then cancelled, revoked or no longer in use, and then re-issued to a new  
1603 applicant at the same location and the prior license holder at that location was reported as  
1604 delinquent as specified in section 25, the name of the new license applicant shall appear in the  
1605 place and stead of the former license holder, as of the date of the new license being issued, unless

1606 the alcoholic beverages control commission otherwise orders in writing, for good cause, after a  
1607 hearing with notice to all parties.

1608 SECTION 64. Said chapter 138 is hereby further amended by inserting after section 13  
1609 the following section:-

1610 Section 13A. (a) As used in this section, the following words shall have the following  
1611 meanings unless the context clearly requires otherwise:

1612 "Airline club", an establishment that is not open to the general public and which is  
1613 operated by or for an airline at the airport to provide exclusive or special accommodations to  
1614 members and their guests in accordance with airline policy.

1615 "Airport", the General Edward Lawrence Logan International Airport.

1616 "Passenger terminals", the passenger terminals and designated airline clubs within the  
1617 airport.

1618 "Restricted airport licenses", licenses for: (i) the sale of all alcoholic beverages to be  
1619 drunk on the premises within the passenger terminals; and (ii) the sale of wines and malt  
1620 beverages to be drunk on the premises within the passenger terminals.

1621 (b) The licensing board for the city of Boston may grant restricted airport licenses to  
1622 common victuallers duly licensed under chapter 140 and operating within the passenger  
1623 terminals subject to the approval of the alcoholic beverages control commission. Once issued to  
1624 a licensee within the passenger terminals, the licensing board shall not approve the transfer of a  
1625 restricted airport license to a location outside of the passenger terminals. A restricted airport  
1626 license shall be nontransferable to any other person, corporation or organization operating  
1627 outside the passenger terminals and shall be clearly marked "nontransferable outside the  
1628 passenger terminals at the airport" on its face. A restricted airport license, if revoked or no

1629 longer in use, shall be returned physically, with all of the legal rights and privileges pertaining  
1630 thereto, to the licensing board which may then grant that license to a new applicant operating  
1631 within the passenger terminals, consistent with this section.

1632 SECTION 65. The first paragraph of section 14 of said chapter 138, as so appearing, is  
1633 hereby amended by striking out the first sentence and inserting in place thereof the following  
1634 sentence:- Special licenses for the sale of all alcoholic beverages, wines and malt beverages only  
1635 or either of them may, as determined by the municipality, be issued by the local licensing  
1636 authorities to the responsible manager of any indoor or outdoor activity or enterprise or to the  
1637 responsible manager of any nonprofit organization conducting any indoor or outdoor activity or  
1638 enterprise.

1639 SECTION 66. Section 15 of said chapter 138, as so appearing, is hereby amended by  
1640 inserting after the fourth paragraph the following paragraph:-

1641 Any person or entity who holds licenses under both this section and section 18 or 19,  
1642 which licenses were granted prior to January 1, 2011, may obtain licenses under this section in  
1643 accordance with the other provisions of this section.

1644 SECTION 67. Section 16A of said chapter 138, as so appearing, is hereby amended by  
1645 striking out, in line 11, the word “so” and inserting in place thereof the following words:- as  
1646 determined by a municipality to be.

1647 SECTION 68. Said section 16A of said chapter 138, as so appearing, is hereby further  
1648 amended by striking out, in lines 14 and 15, the words “, to the extent that the same are issuable  
1649 under section seventeen”.

1650 SECTION 69. Said section 16A of said chapter 138, as so appearing, is hereby further  
1651 amended by striking out, in line 18, the words “for the purposes of section seventeen”.

1652 SECTION 70. Said chapter 138 is hereby amended by striking out section 17, as so  
1653 appearing, and inserting in place thereof the following section:-

1654 Section 17. A city or town, except the city of Boston, shall determine the number of all  
1655 alcoholic beverage or wines and malt beverage licenses to be issued by its local licensing  
1656 authority under sections 12, 14 and 15F, including the number of seasonal licenses; provided, that  
1657 for licenses issued under section 15, cities and towns, except the city of Boston, may grant 1 such  
1658 license for each population unit of 5,000 or any additional fraction thereof but may, regardless of  
1659 population, grant at least 2 licenses under section 15.

1660 A city or town, except the city of Boston, that seeks to grant additional licenses on or  
1661 after July 1, 2014 shall adopt a plan that is approved by the mayor, city council or board of  
1662 selectmen. The plan shall determine the process for granting additional licenses; provided,  
1663 however, that: (i) at least 1 public hearing regarding the plan shall be conducted by the city  
1664 council, board of selectmen or governing body of the city or town; and (ii) the city or town shall  
1665 notify the alcoholic beverages control commission of the public hearing.

1666 The governing body of each city or town, except the city of Boston, shall hold a public  
1667 hearing regarding a license application within 30 days of the date of the license application.

1668 Unless expressly authorized by this chapter, a local licensing authority shall not grant  
1669 licenses to any person, firm or corporation under more than 1 section of this chapter.

1670 The licensing board for the city of Boston may grant 692 licenses for the sale of all  
1671 alcoholic beverages under section 12; provided, however, that no further original licenses under  
1672 said section 12 shall be granted until the number of licenses outstanding thereunder shall have  
1673 been reduced to less than 650 by cancellation or revocation or by the failure of holders of such  
1674 licenses to apply for renewals and, thereafter, not more 650 licenses under said section 12 shall

1675 be granted. The board may grant 250 licenses for the sale of all alcoholic beverages under  
1676 section 15. The number of licenses for the sale of wines and malt beverages only, or both, in the  
1677 city under said section 15 shall not exceed 320. The transfer of existing licenses shall be subject  
1678 to a public hearing in the neighborhood in which the license is to be relocated, properly  
1679 advertised and at an appropriate time to afford that neighborhood an opportunity to be present.

1680           The licensing board of the city of Boston may grant up to 45 additional licenses for the  
1681 sale of all alcoholic beverages to be drunk on the premises and up to 35 additional licenses for  
1682 the sale of wines and malt beverages to drunk on the premises. Notwithstanding the first  
1683 sentence, 5 of the additional all alcoholic beverages licenses shall be granted only to innholders  
1684 duly licensed under chapter 140 to conduct a hotel and 10 of the additional all alcoholic  
1685 beverages licenses shall be granted to existing holders of licenses for the sale of wines and malt  
1686 beverages under section 12 provided that those licensees return to the licensing board, the  
1687 licenses that they currently hold. The remaining licenses for the sale of all alcoholic beverages to  
1688 be drunk on the premises and the 35 additional licenses for the sale of wines and malt beverages  
1689 to be drunk on the premises shall be granted in the areas designated by the Boston  
1690 Redevelopment Authority as main street districts, urban renewal areas, empowerment zones or  
1691 municipal harbor plan areas. Once issued to a licensee in a Boston Redevelopment Authority  
1692 designated area, the licensing board shall not approve the transfer of that license to a location  
1693 outside of the designated area. A license granted pursuant to this paragraph shall be  
1694 nontransferable to any other person, corporation or organization and shall be clearly marked  
1695 nontransferable on its face. A license issued under this paragraph, that is cancelled, revoked or  
1696 no longer in use, shall be returned physically, with all of the legal rights, privileges and  
1697 restrictions pertaining thereto, to the licensing board and the licensing board may then grant that

1698 license to a new applicant consistent with the criteria set forth in this paragraph if the applicant  
1699 files with the licensing board a letter from the department of revenue and a letter from the  
1700 department of unemployment assistance indicating that the license is in good standing with those  
1701 departments and that all applicable taxes, fees and contributions have been paid.

1702           In addition to the licenses granted pursuant to the preceding 2 paragraphs, the licensing  
1703 board of the city of Boston may grant up to 20 additional licenses for the sale of all alcoholic  
1704 beverages to be drunk on the premises and up to 5 additional licenses for the sale of wines and  
1705 malt beverages to be drunk on the premises under section 12. A license granted pursuant to this  
1706 paragraph shall be nontransferable to any other person, corporation or organization and shall be  
1707 clearly marked “nontransferable” on its face. A license issued under this paragraph, if cancelled,  
1708 revoked or no longer in use at the location of original issuance, shall be returned physically, with  
1709 all of the legal rights, privileges and restrictions pertaining thereto, to the licensing board which  
1710 may then grant that license to a new applicant under the same conditions as specified in this  
1711 paragraph if the applicant files with the licensing board a letter from the department of revenue  
1712 and a letter from the department of unemployment assistance indicating that the license is in  
1713 good standing with those departments and that all applicable taxes, fees and contributions have  
1714 been paid.

1715           SECTION 71. The sixth paragraph of said section 17 of said chapter 138, as appearing in  
1716 section 70, is hereby amended by striking out the figure “45” and inserting in place thereof the  
1717 following figure:- 65.

1718 SECTION 72. Said sixth paragraph of said section 17 of said chapter 138 is hereby  
1719 further amended by striking out the figure “65”, inserted by section 71, and inserting in place  
1720 thereof the following figure:- 85.

1721 SECTION 73. Said sixth paragraph of said section 17, as appearing in section 70, is  
1722 hereby by striking out the figure “35”, each time it appears, and inserting in place thereof, in  
1723 each instance, the following figure:- 40.

1724 SECTION 74. Said sixth paragraph of said section 17 of said chapter 138 is hereby  
1725 further amended by striking out the figure “40”, inserted by section 73, each time it appears, and  
1726 inserting in place thereof, in each instance, the following figure:- 45.

1727 SECTION 75. The first sentence of the last paragraph of said section 17 of said chapter  
1728 138, as appearing in section 70, is hereby amended by striking out the figure “20” and inserting  
1729 in place thereof the following figure:- 40.

1730 SECTION 76. Said first sentence of said last paragraph of said section 17 of said chapter  
1731 138 is hereby further amended by striking out the figure “40”, inserted by section 75, and  
1732 inserting in place thereof the following figure:- 60.

1733 SECTION 77. Said first sentence of said last paragraph of said section 17 of said chapter  
1734 138, as appearing in section 70, is hereby amended by striking out the figure “5” and inserting in  
1735 place thereof the following figure:- 10.

1736 SECTION 78. Said first sentence of said last paragraph of said section 17 of said chapter  
1737 138 is hereby further amended by striking out the figure “10”, inserted by section 77, and  
1738 inserting in place thereof the following figure:- 15.

1739 SECTION 79. Sections 17A to 17C, inclusive, of said chapter 138 are hereby repealed.

1740 SECTION 80. Section 29 of said chapter 138, as appearing in the 2012 Official Edition,  
1741 is hereby amended by striking out, in lines 20 to 23, inclusive, the words “; but a license issued  
1742 to a registered pharmacist under said section shall be included in computing the number of  
1743 licenses that may be granted in any city or town as provided in section seventeen”.

1744 SECTION 81. Chapter 149 of the General Laws is hereby amended by inserting after  
1745 section 24J the following section:-

1746 Section 24L. (a) As used in this section, the following words shall have the following  
1747 meanings:

1748 “Employee”, an individual who is considered an employee under section 148B.

1749 “Employee noncompetition agreement”, an agreement between an employer and  
1750 employee, or otherwise arising out of an existing or anticipated employment relationship, under  
1751 which the employee or expected employee agrees that the employee will not engage in certain  
1752 activities competitive with the employee's employer after the employment relationship has  
1753 ended; provided, that "employee noncompetition agreements" shall include forfeiture for  
1754 competition agreements, but shall not include (i) covenants not to solicit or hire employees of the  
1755 employer; (ii) covenants not to solicit or transact business with customers of the employer; (iii)  
1756 noncompetition agreements made in connection with the sale of a business or substantially all of  
1757 the assets of a business, when the party restricted by the noncompetition agreement is an owner  
1758 of at least a 5 per cent interest of the business who received significant consideration for the sale;  
1759 (iv) noncompetition agreements outside of an employment relationship; (v) forfeiture  
1760 agreements; (vi) nondisclosure agreements; (vii) invention assignment agreements; (viii) garden

1761 leave agreements; (ix) noncompetition agreements made in connection with the cessation of  
1762 employment; or (x) agreements by which an employee agrees to not reapply for employment to  
1763 the same employer after termination of the employee.

1764 “Forfeiture agreement”, an agreement that imposes adverse financial consequences on a  
1765 former employee as a result of the termination of an employment relationship, regardless of  
1766 whether the employee engages in competitive activities following cessation of the employment  
1767 relationship; provided, that "forfeiture agreements" shall not include forfeiture for competition  
1768 agreements.

1769 “Forfeiture for competition agreement”, an agreement that by its terms or through the  
1770 manner in which it is enforced imposes adverse financial consequences on a former employee as  
1771 a result of the termination of an employment relationship if the employee engages in competitive  
1772 activities.

1773 “Garden leave agreement”, a type of employee noncompetition agreement by which an  
1774 employer agrees to pay the employee during the restricted period; provided, that a "garden leave  
1775 agreement" (i) shall provide for the payment, on a pro-rata basis during the entirety of the  
1776 restricted period, of at least 50 per cent of the employee’s highest annualized base salary paid by  
1777 the employer within the 2 years preceding the employee’s termination and (ii) shall not permit an  
1778 employer to unilaterally discontinue or otherwise fail or refuse to make the payments, even if the  
1779 employer voluntarily shortens the restricted period.

1780 “Restricted period”, the period of time after the date of cessation of employment during  
1781 which an employee is restricted by an employee noncompetition agreement from engaging in  
1782 activities competitive with the employee's employer.

1783 (b) To be valid and enforceable, an employee noncompetition agreement shall meet the  
1784 minimum requirements of clauses (i) to (iii), inclusive, and shall meet or be capable of being  
1785 reformed to meet the minimum requirements in clauses (iv) to (viii), inclusive.

1786 (i) The agreement shall be in writing and signed by both the employer and employee and  
1787 expressly state that the employee has the right to consult with counsel prior to signing.

1788 (ii) The agreement shall, to the extent reasonably feasible, be provided to the employee  
1789 by the earlier of 5 business days before the commencement of the employee's employment or  
1790 when any formal offer of employment is first made to the employee.

1791 (iii) If the employee and employer enter into the agreement after commencement of  
1792 employment but not in connection with the separation from employment, it shall be supported by  
1793 fair and reasonable consideration in addition to the continuation of employment, and notice of  
1794 the agreement shall be provided at least 10 business days before the effective date of the  
1795 agreement. If the employee and employer enter into the agreement in connection with the  
1796 separation from employment of the employee, the agreement shall expressly provide the  
1797 employee with 7 days to rescind acceptance.

1798 (iv) The agreement shall be necessary to protect 1 or more of the following legitimate  
1799 business interests of the employer: (A) the employer's trade secrets, as defined in section 1 of  
1800 chapter 93K, to which the employee had access while employed; (B) the employer's confidential  
1801 information that otherwise would not qualify as a trade secret; or (C) the employer's goodwill.

1802 (v) The agreement shall be reasonable in duration in relation to the interests protected and  
1803 the duration of actual employment. A stated restricted period of not more than 6 months shall be  
1804 presumptively reasonable.

1805 (vi) The agreement shall be reasonable in geographic reach in relation to the interests  
1806 protected. A geographic reach that is limited to only the geographic area in which the employee,  
1807 during any time within the last 2 years of employment, provided services or had a material  
1808 presence or influence shall be presumptively reasonable.

1809 (vii) The agreement shall be reasonable in the scope of proscribed activities in relation to  
1810 the interests protected. A restriction on activities that protects a legitimate business interest and is  
1811 limited to only the specific types of services provided by the employee at any time during the last  
1812 2 years of employment shall be presumptively reasonable.

1813 (viii) The agreement shall be consonant with public policy.

1814 (c) No employee noncompetition agreement shall be enforceable against an employee  
1815 who is nonexempt under the Fair Labor Standards Act, 29 U.S.C. 201-219. This section shall not  
1816 render void or unenforceable the remainder of the contract or agreement containing the  
1817 unenforceable noncompetition agreement, nor shall it preclude the imposition of a  
1818 noncompetition restriction by a court, whether through preliminary or permanent injunctive relief  
1819 or otherwise, as a remedy for a breach of another agreement.

1820 (d) Notwithstanding anything in this section to the contrary, a court may, in its discretion,  
1821 reform an employee noncompetition agreement so as to render it valid and enforceable,  
1822 provided, however, that a court may reform the duration, the scope of proscribed activities and  
1823 the geographic reach only if the provision to be reformed was either presumptively reasonable  
1824 under subsection (b) or the employer made objectively reasonable efforts to draft the particular  
1825 provision so that it would be presumptively reasonable under subsection (b). A court may decline  
1826 to enforce some or all of the restrictions in an otherwise valid and enforceable employee

1827 noncompetition agreement if necessary to prevent injustice or an unduly harsh result, including  
1828 those arising from the employee's economic circumstances or based on any other common law  
1829 or statutory legal or equitable defense or doctrine.

1830 (e) No choice of law provision that would have the effect of avoiding the requirements of  
1831 this section shall be enforceable if the employee is, and has been for at least 30 days immediately  
1832 preceding the employee's cessation of employment, a resident of or employed in the  
1833 commonwealth at the time of the employee's termination of employment.

1834 (f) This section may be cited as the Massachusetts noncompetition agreement act.

1835 SECTION 82. Section 27H of chapter 149 of the General Laws, as so appearing, is  
1836 hereby amended by striking out, in lines 1 and 2, the words "the cleaning and maintenance of"  
1837 and inserting in place thereof the following words:- cleaning, maintenance or security guard  
1838 services in.

1839 SECTION 83. Said section 27H of said chapter 149, as so appearing, is hereby further  
1840 amended by inserting after the word "maintenance", in line 6, the following words:- , security  
1841 guard.

1842 SECTION 84. Sections 12A to 12D, inclusive, of chapter 159 of the General Laws are  
1843 hereby repealed.

1844 SECTION 85. Section 14A of said chapter 159 is hereby repealed.

1845 SECTION 86. Section 19 of chapter 159 of the General Laws, as so appearing, is hereby  
1846 amended by adding the following sentence:- The department may exempt any common carrier

1847 from any provision of this section upon a determination by the department after notice and a  
1848 hearing that such an exemption is in the public interest.

1849 SECTION 87. Said chapter 159 is hereby further amended by inserting after section 19E  
1850 the following section:-

1851 Section 19F. (a) Notwithstanding section 19, a common carrier furnishing service  
1852 described in clause (d) of section 12 may post on its website the rates, terms and conditions of  
1853 any retail service it offers, renders or furnishes within the commonwealth. Section 19 shall not  
1854 apply to any such retail service so posted and no such common carrier shall be required to file  
1855 with the department or obtain department approval of any schedule for such service. No such  
1856 common carrier shall, except as otherwise provided in this chapter, charge, demand, exact,  
1857 receive or collect a rate in excess of the rate posted to its website under this paragraph. Upon  
1858 written notice to the department, such common carrier may withdraw any schedule, contract or  
1859 agreement previously filed with the department under section 19 for any such retail service so  
1860 posted under this paragraph. This subsection shall not apply to a rural telephone company as  
1861 defined in 47 U.S.C. § 153 except upon approval of the department. Nothing in this section shall  
1862 affect the authority of the department (i) to require 30 days' notice to any affected consumer of  
1863 any increase in rates for retail services so posted; (ii) to require its prior approval of any increase  
1864 in rates for residential basic exchange service offered by an incumbent local exchange carrier, as  
1865 defined in 47 U.S.C. § 251(h); (iii) under sections 13, 14 and 20; or (iv) over switched access or  
1866 wholesale services.

1867 (b) Common carriers shall electronically notify the department on the same business day  
1868 of posting any change in rates and terms or conditions for a retail service posted under this

1869 section and not subject to section 19, unless the department exempts a common carrier from this  
1870 subsection.

1871 SECTION 88. Chapter 183A of the General Laws is hereby amended by striking out  
1872 section 16, as so appearing, and inserting in place thereof the following section:-

1873 Section 16. The owners of any land may submit the land under this chapter by the  
1874 recording in the registry of deeds of a master deed or, if the land is registered under chapter 185  
1875 and the owners do not wish to withdraw the land from the operations of said chapter 185, by  
1876 filing the master deed under said chapter 185. If the whole or a portion of the land submitted  
1877 under this chapter is registered land under said chapter 185, the recording of a master deed shall  
1878 be a sufficient ground for withdrawal of the registered land from said chapter 185.

1879 SECTION 89. Chapter 185 of the General Laws is hereby amended by striking out  
1880 section 52, as so appearing, and inserting in place thereof the following section:-

1881 Section 52. The obtaining of a judgment of registration and the entry of a certificate of  
1882 title shall be regarded as an agreement running with the land and binding upon the plaintiff and  
1883 the plaintiff's successors in title that the land shall be and forever remain registered land and  
1884 subject to this chapter unless withdrawn under this section or section 16 of chapter 183A and  
1885 except as provided in section 26.

1886 If all of a parcel of land, the title to which is registered under this chapter, is acquired by  
1887 the commonwealth, any agency, department, board, commission or authority of the  
1888 commonwealth, any political subdivision of the commonwealth or any authority of any political  
1889 subdivision of the commonwealth, the acquisition shall be a sufficient ground for withdrawal of  
1890 the registered land from this chapter. The land shall be withdrawn upon the filing of a complaint

1891 with the court by the public entity that has acquired the registered land and the approval of the  
1892 complaint by the court.

1893 All of the owners of the fee simple estate in all of a parcel of land, the title to which has  
1894 been registered under this chapter, may voluntarily withdraw the registered land from this  
1895 chapter by filing a notice of voluntary withdrawal endorsed by a justice of the land court as  
1896 provided in this section in the registry district of the land court where the land lies. The notice of  
1897 voluntary withdrawal shall be noted on the memorandum of encumbrances for the certificate of  
1898 title. Upon the filing of the notice, the land shall be withdrawn from this chapter and shall  
1899 become unregistered land. The owners shall hold title to the land at the time of the filing free of  
1900 all liens and encumbrances existing as of the time of filing of the notice, including adverse  
1901 possession and prescriptive rights, as though a judgment of confirmation without registration  
1902 effective as of the time of filing of the notice had been recorded under section 56A; provided,  
1903 however, that the owners shall not hold title free of the encumbrances set forth or referred to in  
1904 section 46 and those noted on the certificate of title or filed for registration before the filing of  
1905 the notice of voluntary withdrawal.

1906 As used in this section, “notice of voluntary withdrawal” shall mean an instrument in  
1907 writing signed and acknowledged by all owners of the land to be voluntarily withdrawn and  
1908 contains the following information: names and addresses of all owners; the certificate of title  
1909 number with the registration book and page numbers; the description of the land in the form  
1910 contained in the certificate of title; and the street address of the land, if any; provided, however,  
1911 that the notice bears the endorsement of a justice of the land court approving the voluntary  
1912 withdrawal as provided in this section. Upon filing with the land court of a complaint to  
1913 withdraw land, the plaintiff shall deposit with the recorder a sum sufficient to cover costs of the

1914 proceeding. The court shall appoint 1 of the examiners of title, who shall report to the court the  
1915 identity of the current record owners and all mortgagees and lessees with interests of record in  
1916 the land. Unless, after notice is given to the mortgagees and lessees of record, an outstanding  
1917 objection has been filed by a mortgagee or lessee of record, a justice of the land court shall  
1918 approve the application and shall endorse the plaintiff's notice of voluntary withdrawal if: (i) the  
1919 registered land constitutes less than all of the total area of a single parcel or of 2 or more  
1920 contiguous parcels in common ownership; (ii) the registered land consists of less than 10 per cent  
1921 of the portion of the land area to which an original certificate of title pertains and the rest of the  
1922 land area to which that certificate pertains was conveyed under this chapter since the original  
1923 registration; (iii) the owners of the registered land have submitted the land or satisfy the court  
1924 that the owners shall submit the land to chapter 183A or 183B or shall create interests in the land  
1925 to which said chapter 183B is applicable under section 3 of chapter 760 of the acts of 1987 or  
1926 satisfy the court that the owners shall create those interests; (iv) the owners of the registered land  
1927 establish that the registered land is improved with an occupied building not used or occupied as  
1928 or in connection with, and not designed or intended for use or occupancy as or in connection  
1929 with, a 1-to-4 family residential dwelling; or (v) the court finds that the owners of the registered  
1930 land have demonstrated other good cause for withdrawal under this section including, but not  
1931 limited to, economic hardship by reason of the land being registered which may include the  
1932 burdens and expenses of further dividing the registered land into lots for separate conveyance.  
1933 Notwithstanding any outstanding objection, the application may be approved unless the court  
1934 determines there is good cause for the objection.

1935           The justices of the land court shall establish rules and practices, including an appropriate  
1936 filing fee for the application, as are necessary to implement this section.

1937 SECTION 90. Section 62 of said chapter 185, as so appearing, is hereby amended by  
1938 inserting after the word “shall”, in line 7, the following words:- or by the presentation of a deed  
1939 or other instrument executed on behalf of a corporation by persons falsely purporting to be the  
1940 president, vice president, treasurer or assistant treasurer of the corporation.

1941 SECTION 91. Section 5 of chapter 293 of the acts of 2006, as amended by section 60 of  
1942 chapter 238 of the acts of 2012, is hereby further amended by inserting after the definition of  
1943 “State infrastructure development assistance” the following definition:-

1944 “Transformative redevelopment project”, a commercial or multi-family housing project  
1945 in a gateway municipality as defined in section 3A of chapter 23A of the General Laws or in a  
1946 gateway neighborhood; provided, however, that a “gateway neighborhood” shall be identified  
1947 and defined from time to time as a section of an established municipality that falls within a  
1948 United States Census Bureau tract that has been designated as a new market tax credit eligible  
1949 district.

1950 SECTION 92. The General Laws are hereby amended by inserting after chapter 183C the  
1951 following chapter:-

## 1952 CHAPTER 183D

### 1953 LANDOWNER'S TITLE PROTECTION ACT

1954 Section 1. This chapter shall be known and may be cited as the Landowner's Title  
1955 Protection Act.

1956 Section 2. As used in this chapter, the following words shall have the following meanings  
1957 unless the context clearly requires otherwise:

1958 "Decree", a decree, judgment or order of any court of the commonwealth including, but  
1959 not limited to, a decree, judgment or order of the superior court or land court affecting an interest  
1960 in land or a decree of judgment of the probate court allowing a will or appointing an  
1961 administrator.

1962 "Deed", any type of instrument of conveyance, except a mortgage or a tax taking by a  
1963 municipality including, but not limited to: (i) a grant of easement, a warranty, quitclaim, release,  
1964 foreclosure, fiduciary or commissioner's deed, or a sheriff's deed or tax collector's deed recorded  
1965 subsequent to foreclosure of the right of redemption; or (ii) a treasurer's deed of low value land  
1966 held under tax title, which is recorded subsequent to recording of a decree establishing title  
1967 pursuant to section 80B of chapter 60, and 1 year has elapsed since entry of the decree, or as to  
1968 which a period of more than 20 years has elapsed after recording, in either case without any  
1969 petition to vacate having been timely filed.

1970 "Land", a parcel or tract of unregistered land in the commonwealth, together with any  
1971 buildings and other improvements thereon, unless such buildings or other improvements are  
1972 expressly excepted therefrom.

1973 "Origin of title", a title transaction, other than a devise or probate court decree as to an  
1974 intestacy or the allowance of a will, in the chain of title, containing language or, in the case of a  
1975 decree, provisions sufficient to create or transfer the interest in land which forms the basis for the  
1976 title to such land and which was the most recent as of that date which is the beginning of the  
1977 sufficiency period prior to the date on which the sufficiency is being determined.

1978 "Recorded", recorded in the appropriate registry of deeds or filed in the appropriate  
1979 registry of probate.

1980 "Records", records of the registry of deeds for the county or district in which the land is  
1981 located and of any registry of probate.

1982 "Sufficiency Period", 50 years, except in those cases where a longer period is required  
1983 pursuant to subsection (b) of section 3.

1984 "Title transaction", a transaction affecting title to an interest in land including, but not  
1985 limited to, a deed, grant, release, devise, instrument of taking by eminent domain, decree  
1986 foreclosing redemption from a tax taking and other decree.

1987 Section 3. (a) A person having an interest in land who has an unbroken chain of title to  
1988 such interest for the sufficiency period or more shall be deemed to have a good and clear record  
1989 and marketable title to that interest, subject only to section 4. An unbroken chain of title shall  
1990 exist when the records disclose: (i) the origin of title; and (ii) nothing in the records within or  
1991 subsequent to the origin of title which purports to divest the person claiming the interest.

1992 (b) If, within the 50 years preceding the date on which the sufficiency of title is being  
1993 determined there appears to have been no title transaction, other than a devise or probate court  
1994 decree as to an intestacy or the allowance of a will, relating to such interest or the land it affects,  
1995 the sufficiency period shall be 75 years.

1996 Section 4. A good and clear record and marketable title shall be subject to:

1997 (i) any interest or encumbrance that is created by a title transaction and is within the chain  
1998 of title on or subsequent to the effective date of the origin of title.

1999 (ii) any interest or encumbrance which is created by a title transaction prior to the  
2000 effective date of the origin of title only if the origin of title or subsequent recorded instrument

2001 specifically identifies either such prior interest or encumbrance or the instrument in the records  
2002 wherein the interest or encumbrance was created, but a general reference to a title source such as  
2003 "for our title see", or "said land is the same described in" or general phrases such as "subject to  
2004 any rights, easements, restrictions and other matters, of record" or words or phrases of similar  
2005 import shall not be deemed a specific identification therein so as to preserve such interest or  
2006 encumbrance;

2007 (iii) any right or easement granted to owners abutting private ways under section 5 of  
2008 chapter 187;

2009 (iv) any right or easement granted, excepted or reserved by any instrument, if there is  
2010 evidence of the existence of such right or easement beneath, upon or above any part of the land  
2011 described in such instrument, whether or not observable on or above the ground;

2012 (v) any right or easement granted, excepted or reserved by any instrument, if there is  
2013 evidence of the use of such right or easement upon any part of the land;

2014 (vi) any interest or easement of any public utility corporation or any public service  
2015 corporation organized and existing under chapter 158 or chapter 164;

2016 (vii) any reversionary interest of a lessor or any interest of a successor of any lessor at the  
2017 expiration of a lease;

2018 (viii) any interest of the United States, the commonwealth or any political subdivision,  
2019 agency, authority or instrumentality of the commonwealth, in land formerly used by railroads,  
2020 whether there are recorded easements or not;

2021 (ix) the rights of any person arising from a 20-year period of adverse possession or  
2022 prescriptive use, which period was in whole or in part subsequent to the date of origin of title;

2023 (x) conservation, preservation, agricultural preservation and affordable housing  
2024 restrictions exempted under clause (c) of the first paragraph of section 26 of chapter 184;

2025 (xi) any interest or instrument of record which has been created pursuant to section 6 of  
2026 chapter 21E;

2027 (xii) any liens created pursuant to section 13 of said chapter 21E;

2028 (xiii) any restriction, easement, condition or license held by any governmental body, as  
2029 defined in section 26 of chapter 184, if the instrument imposing such restriction, easement,  
2030 condition or license is duly recorded and indexed in the grantor index in the registry of deeds or  
2031 registered in the registry district of the land court for the county or district wherein the land lies  
2032 so as to affect its title and describes the land by metes and bounds or by reference to a recorded  
2033 or registered plan showing its boundaries; and

2034 (xiv) all interests preserved in chapter 185.

2035 Section 5. Except as provided in section 4, all interests, the existence of which depend  
2036 upon any title transaction that occurred prior to the effective date of the origin of title, however  
2037 denominated, whether legal or equitable, present or future, which interests may be asserted by  
2038 any person, whether or not under a disability including, but not limited to, all rights of  
2039 redemption in the case of a taking or sale for the nonpayment of real estate taxes, shall be null  
2040 and void with respect to the interest specified in section 3.

2041           Section 6. Notwithstanding sections 1 to 5, inclusive, any person to whom a decree of  
2042 confirmation under chapter 185 has been issued shall be deemed to have a good and clear record  
2043 and marketable title as of the effective date of such decree, subject only to the matters set forth in  
2044 such decree and the matters enumerated in section 46 of chapter 185.

2045           Section 7. This chapter shall be liberally construed to effectuate the legislative purpose of  
2046 simplifying and facilitating title transactions by allowing persons to rely on a record chain of title  
2047 as described in section 3, subject only to the limitations in section 4.

2048           Section 8. Except as specifically provided in this chapter, nothing in this chapter shall be  
2049 construed to change the period for bringing an action or for doing any other required act under  
2050 any statute of limitations or to affect the operations of any statute governing the effect of the  
2051 recording or the failure to record an instrument affecting land.

2052           SECTION 93. Chapter 291 of the acts of 1906 is hereby amended by striking out section  
2053 1 and inserting in place thereof the following section:-

2054           Section 1. The mayor of the city of Boston shall appoint 3 residents of the city of Boston  
2055 who shall constitute a licensing board for the city and who shall be sworn to the faithful  
2056 performance of the duties of their office before entering the same.

2057           The members of the board shall not be in the employ of any person or corporation  
2058 engaged in the manufacture or sale of alcoholic beverages or in any way, directly or indirectly,  
2059 pecuniarily interested in the manufacture or sale of alcoholic beverages or in any business which  
2060 requires a license to be issued by the licensing board. If any member of the board engages  
2061 directly or indirectly in the manufacture or sale of alcoholic beverages, the member's office shall  
2062 immediately become vacant.

2063           One member of the board shall be designated by the mayor to serve as chair and 2  
2064 members shall constitute a quorum. Board members shall serve 6-year terms, staggered such that  
2065 they expire every 2 years on the first Monday of June. Upon the expiration of the term of any  
2066 member of the board, the mayor shall appoint a successor for the term of 6 years. Vacancies on  
2067 the board shall be filled by the mayor for the remainder of the unexpired term. The members of  
2068 the board may be removed by the mayor for cause, after charges preferred, reasonable notice  
2069 thereof and a hearing thereon; provided, however, that the mayor shall, in the order of removal,  
2070 state the mayor's reasons therefor. A member of the board may appeal such a removal notice in  
2071 accordance with section 5 of chapter 138 of the General Laws. The board shall appoint a  
2072 secretary, who shall be exempt from the civil service law, who shall be sworn to the faithful  
2073 performance of the duties of the secretary's office. The secretary shall keep a record of all  
2074 proceedings of the board, issue all notices and attest such papers and orders as the board shall  
2075 direct. The secretary's term of office shall be 6 years; provided, however, that the secretary may  
2076 be removed by the board for such cause as the board shall deem sufficient. Such cause shall be  
2077 stated in the board's order of removal.

2078           SECTION 94. Said chapter 291 is hereby further amended by striking out section 5 and  
2079 inserting in place thereof the following section:-

2080           Section 5. The licensing board of the city of Boston shall keep a record of its doings and  
2081 hearings and shall make a quarterly report of its doings to the mayor. The board may require any  
2082 statement which may be made before it and any papers which may be filed with it relative to  
2083 applications for licenses to be sworn to and, for such purposes, any member may administer  
2084 oaths.

2085 SECTION 95. Subsection (d) of section 7 of chapter 293 of the acts of 2006 is hereby  
2086 amended by striking out the figure "\$325,000,000", inserted by section 61 of chapter 238 of the  
2087 acts of 2012, and inserting in place thereof the following figure:- \$600,000,000.

2088 SECTION 96. The second sentence of subsection (e) of said section 7 of said chapter  
2089 293 is hereby amended by striking out the figure "3", inserted by section 62 of said chapter 238,  
2090 and inserting in place thereof the following figure:- 8.

2091 SECTION 97. Section 7 of said chapter 293, as so amended, is hereby further amended  
2092 by adding the following subsection:-

2093 (f) Not more than \$50,000,000 shall be expended for transformative redevelopment  
2094 projects certified under section 11B; provided, however, that 80 per cent of the funds shall be  
2095 expended for projects in gateway municipalities.

2096 SECTION 98. Said chapter 293 is hereby further amended by inserting after section 11A,  
2097 as most recently amended by section 11 of chapter 52 of the acts of 2014, the following section:-

2098 Section 11B. (a) Notwithstanding clause (iii) of subsection (c) of section 7 or any other  
2099 general or special law to the contrary, the secretary may certify a transformative redevelopment  
2100 project and may authorize the agency to issue taxable or tax-exempt short-term bonds or bond  
2101 anticipation notes equal to the amount of construction period sales and income tax revenue  
2102 attributable to the project as certified by the secretary.

2103 (b) Upon the certification of a transformative redevelopment project, the commonwealth,  
2104 acting by and through the secretary, the agency and developer shall enter into a transformative  
2105 redevelopment project assistance agreement. In addition to any other requirements provided in  
2106 this section or any rules, regulations or guidelines promulgated by the secretary, the

2107 transformative redevelopment project assistance agreement shall at a minimum provide that: (i)  
2108 the developer shall construct the project before any bond or bond anticipation note shall be  
2109 issued by the agency; and (ii) the developer shall certify that the applicable sales and income  
2110 taxes have been paid.

2111 SECTION 99. Sections 2, 3, 5, 6, 9 and 10 of chapter 193 of the acts of 2011 are hereby  
2112 repealed.

2113 SECTION 100. Clause (6) of subsection (a) of section 93 of chapter 194 of the acts of  
2114 2011 is hereby amended by striking out the words “Fund established in section 35J of chapter  
2115 10” and inserting in place thereof the following words:- Trust Fund established in subsection (b)  
2116 of section 13T of chapter 23A.

2117 SECTION 101. Section 10 of chapter 223 of the acts of 2012 is hereby amended by  
2118 striking out the figure “2014”, each time it appears, and inserting in place thereof the figure:-  
2119 2016.

2120 SECTION 102. Chapter 429 of the Acts of 2012 is hereby amended by striking out  
2121 Section 10 and inserting in place thereof the following section:-

2122 Section 10. Notwithstanding section 165 of chapter 112 of the General Laws, an  
2123 applicant who applies to be licensed as an applied behavior analyst within 24 months after the  
2124 promulgation of rules and regulations under section 12 may be granted status as a licensed  
2125 applied behavior analyst, subject to the approval of the board of registration of allied mental  
2126 health and human services professions, if: (i) the applicant is a board-certified behavior analyst  
2127 certificant of the Behavior Analysis Certification Board; (ii) the applicant has graduated with a  
2128 doctoral degree from a recognized educational institution and the doctoral program included a  
2129 minimum of 60 graduate credit hours in courses related to the study of applied behavior analysis;

2130 (iii) the applicant has graduated with a master's degree from a recognized educational institution  
2131 and the master's program included a minimum of 30 graduate credit hours in courses related to  
2132 the study of behavior analysis or (iv) the applicant has graduated with a masters or doctoral  
2133 degree in another field of human services and has successfully completed a certificate program in  
2134 behavior analysis from a recognized educational institution, and can demonstrate that the  
2135 applicant has practiced as an applied behavior analyst full-time or equivalent part-time for a  
2136 minimum of 5 years. An applicant who is granted a license under this section may renew the  
2137 license biennially if the applicant completes and, when requested, provides evidence to the board  
2138 of such completion of the prescribed minimum number of hours of continuing education.

2139 SECTION 103. Section 11 of Chapter 429 of the Acts of 2012 is hereby amended by  
2140 striking out the word “4” and inserting in place thereof the following word:- “24”.

2141 SECTION 104. (a) Notwithstanding any general or special law to the contrary, the chief  
2142 information officer of the commonwealth shall meet not less frequently than monthly with each  
2143 secretariat or their designees to determine best practices, experiences, obstacles and opportunities  
2144 in each of the executive offices and shall make recommendations for collaboration among the  
2145 executive offices to improve sharing and analysis of data in order to provide better and more  
2146 efficient services to the residents of the commonwealth. Each secretary, in consultation with the  
2147 chief information officer, shall identify information technology-related activities and supporting  
2148 financial functions common to the state agencies within the executive office and shall designate  
2149 such functions as core information technology functions to improve administrative efficiency  
2150 and preserve fiscal resources.

2151 (b) The chief information officer, in consultation with each secretary, shall submit an  
2152 annual report detailing its findings and recommendations, together with drafts of legislation or

2153 regulations necessary to carry those recommendations into effect, by filing the same with the  
2154 clerks of the senate and house of representative and the senate and house chairs of the joint  
2155 committee on economic development and emerging technologies not later than March 1.

2156 SECTION 105. Notwithstanding any general or special law to the contrary, the  
2157 Massachusetts Development Finance Agency established in chapter 23G of the General Laws  
2158 shall conduct an investigation and study of the viability, fiscal impact, potential benefits,  
2159 statutory and regulatory barriers and anticipated results of establishing a Designated Port Area  
2160 Fund in order to make loans for the design, construction, repair, renovation, rehabilitation or  
2161 other capital improvement of existing commercial and marine industrial infrastructure and  
2162 commercial and public maritime transportation infrastructure in designated port areas as defined  
2163 in 301 CMR 25.02. The Massachusetts Development Finance Agency shall expend the funds  
2164 necessary to conduct its investigation and study. Monies in the fund shall be used to promote and  
2165 facilitate commercial and marine industrial and maritime transportation infrastructure  
2166 development in the commonwealth.

2167 The study shall include, but not be limited to: (i) the feasibility of establishing a  
2168 Designated Port Area Fund to aid and finance publicly and privately-held commercial and  
2169 marine industrial properties located in designated port areas; (ii) an assessment of existing  
2170 designated port area infrastructure, including infrastructure that supports or may be improved to  
2171 support commercial or public maritime transportation; (iii) an evaluation of the barriers to  
2172 growth and development in designated port areas; (iv) the impact of designated port areas on the  
2173 commercial fishing industry; (v) the formation of a strategic plan to encourage and facilitate  
2174 future commercial and industrial development in designated port areas; (vi) the formation of a  
2175 strategic plan to address the issue of wastewater and wastewater pretreatment in designated port

2176 areas; (vii) an examination of the current permissible land uses within designated port area and  
2177 whether those uses should be expanded to include mixed use commercial maritime activity; (viii)  
2178 an evaluation of potential future benefits to the commonwealth and to property owners as a result  
2179 of additional growth and development in designated port areas; and (ix) a determination of the  
2180 amount of funds necessary to adequately support the purpose of a Designated Port Area Fund.

2181         The Massachusetts Development Finance Agency shall submit its report and  
2182 recommendations, together with drafts of legislation necessary to carry such recommendations  
2183 into effect, by filing the same with the clerks of the senate and house of representatives who shall  
2184 forward the report to the house and senate committees on ways and means and the joint  
2185 committee on economic development and emerging technologies not later than December 31,  
2186 2014.

2187         SECTION 106. (a) The Massachusetts Technology Park Corporation doing business as  
2188 the Massachusetts Technology Collaborative shall, subject to appropriation, develop and  
2189 implement a plan to promote and establish computer science education in public schools. The  
2190 Massachusetts Technology Collaborative shall serve as the state agent in support of the  
2191 objectives of the Massachusetts Computing Attainment Network, or MassCAN; provided, that  
2192 the primary goal of MassCAN shall be to strengthen the growth and vitality of the state's  
2193 technology industry and the technology dependent business sectors by implementing a broad-  
2194 based education and workforce strategy with the objective of increasing the number of students  
2195 prepared to pursue computing technology careers. In furtherance of this goal, MassCAN shall  
2196 seek to promote an environment in which all students in grades kindergarten to grade 12,  
2197 inclusive, have access to computer science courses. MassCAN may, subject to the availability of  
2198 funds: (i) promote the development and implementation of educational programs, courses and

2199 modules for students in grades kindergarten to grade 12, inclusive, and teachers; (ii) collaborate  
2200 with the department of elementary and secondary education in developing new voluntary  
2201 kindergarten to grade 12, inclusive, computer science standards; (iii) develop a school district-  
2202 based program to assist teachers and administrators with the implementation of new computer  
2203 science courses; (iv) develop and maintain a website to share computer science resources and  
2204 broadly communicate best practices and successes; (v) connect computer science students with  
2205 industry professionals to enhance students' understanding of the relevance of their educational  
2206 experience to the workplace and science, technology, engineering and math, or STEM, career  
2207 opportunities; (vi) identify the particular needs of school districts with disproportionately high  
2208 numbers of underrepresented minorities; and (vii) leverage at least \$1 in matching funds from  
2209 non state sources of funding for every \$1 expended within the commonwealth. MassCAN shall  
2210 take into consideration the recommendations of the STEM advisory council when developing  
2211 and implementing educational programs.

2212 (b) MassCAN shall be guided by the MassCAN advisory board to be appointed by the  
2213 governor, 1 whom shall be recommended by Massachusetts Competitive Partnership, Inc., 1 of  
2214 whom shall be recommended by the Massachusetts Business Roundtable, 1 of whom shall be  
2215 recommended by the Massachusetts Technology Leadership Council, Inc., 1 of whom shall be  
2216 recommended by a federally-funded research corporation, 1 of whom shall be recommended by a  
2217 public university computer science department chair, 1 of whom shall be recommended by the  
2218 Massachusetts Association of School Superintendents, Inc., 1 of whom shall be recommended  
2219 by the Greater Boston chapter of the Computer Science Teachers Association, 1 of whom shall  
2220 be recommended by the METCO program and 1 whom shall be recommended by the  
2221 Massachusetts chapter of the Society of Women Engineers.

2222 (c) The Massachusetts Technology Collaborative shall file an annual report by September  
2223 30 for the duration of the program with the chairs of the senate and house committees on ways  
2224 and means and the senate and house chairs of the joint committee on economic development and  
2225 emerging technologies that shall include a 3-year strategic plan and annual goals and progress in  
2226 achieving those goals. The reports shall be made available on the Massachusetts Technology  
2227 Collaborative's website.

2228 SECTION 107. The chief information officer of the information technology division shall  
2229 establish an online business portal, which shall include a streamlined step-by-step guide to  
2230 starting a business in the commonwealth and tools to complete this process. The portal shall  
2231 include information on federal and state resources available to assist small businesses. Each page  
2232 and link associated with the portal shall have a uniform layout, design and branding and shall  
2233 limit its search results to information available within the portal. The portal shall reflect  
2234 development procedures that enable functionality, security and interoperability across state  
2235 entities. The chief information officer shall, within 12 months after the effective date of this  
2236 section, develop and report to the secretary of administration and finance, the executive office of  
2237 housing and economic development and the senate and house committees on ways and means on  
2238 the status of the portal. The report shall examine the benefits of having an independent analysis  
2239 to ensure that the commonwealth's investment in information technology supports the needs of  
2240 users trying to start, expand or operate a business in the commonwealth. The report shall include  
2241 the results of independent verification, validation and testing as a means to ensure that the  
2242 technology being implemented satisfies the changing needs of businesses, life expectancy and  
2243 budget of the commonwealth. The report shall include recommendations on ways to ensure that  
2244 the commonwealth's information technology small business strategy is meeting the needs of

2245 business people, entrepreneurs and other users of the portal. The report shall be made available  
2246 on the division's website.

2247 SECTION 108. (a) For the purposes of this section, the following words shall have the  
2248 following meanings unless the context clearly requires otherwise:

2249 "Affiliate", a nonprofit entity including, but not limited to, a hospital or a medical or  
2250 research institution that is connected or associated with an institution through shared ownership  
2251 or control, shared directors or trustees or contractual rights and obligations.

2252 "Entrepreneurship institution," the University of Massachusetts at Lowell and the  
2253 University of Massachusetts at Boston.

2254 "Resident entrepreneur," any candidate who is either a student or graduate who is not a  
2255 citizen of the United States who desires to move to or remain in the commonwealth on a  
2256 nonimmigrant status following a period of study for a masters or doctorate degree in the  
2257 sciences, technological fields, engineering, mathematics, accounting, finance, economics,  
2258 business or business administration in order to obtain practical experience in the field of study,  
2259 including the skills required in the organization and establishment of a new business venture with  
2260 the potential to create a high growth company or has initiated the process of establishing a new  
2261 business venture; provided that "resident entrepreneurs" shall possess the necessary skill,  
2262 experience or talents to perform a specialty occupation as defined in section 184 of the federal  
2263 Immigration and Nationality Act of 1965, 8 U.S.C. § 1184(i).

2264 (b) The Massachusetts Technology Park Corporation established in section 3 of chapter  
2265 40J of the General Laws shall develop in collaboration with the University of Massachusetts at  
2266 Lowell and the University of Massachusetts at Boston, a 3-year pilot program of part-time  
2267 employment for qualified resident entrepreneurs. A resident entrepreneur shall work within the

2268 program not less than 8 hours and not more than 15 hours per week and shall be assigned duties  
2269 in the resident entrepreneur's chosen academic field, providing services directly to the resident  
2270 entrepreneur's employer or to 1 of its affiliates. A resident entrepreneur shall work under the  
2271 direct supervision of the resident entrepreneur's employer on assignments that further the  
2272 employer's interests while developing skills required for organizing and establishing successful  
2273 new business ventures. A resident entrepreneur shall devote the remainder of the resident  
2274 entrepreneur's time to establishing a new business venture which shall be housed at either the  
2275 Medical Device Development Center at the University of Massachusetts at Lowell or at the  
2276 Venture Development Center at the University of Massachusetts at Boston. The employer shall  
2277 pay each resident entrepreneur a salary for the services at a market rate as established by the  
2278 United States Department of Labor.

2279 In order to allow a resident entrepreneur to remain in the commonwealth following the  
2280 award of a masters or doctorate degree, the employer of the resident entrepreneur shall apply to  
2281 the United States Citizenship and Immigration Services for a nonimmigrant visa under §  
2282 101(a)(15)(h)(i)(b) of the federal Immigration and Nationality Act of 1965, 8 U.S.C.  
2283 1101(a)(15)(h)(i)(b).

2284 The corporation, in collaboration with the University of Massachusetts at Boston and the  
2285 University of Massachusetts at Lowell, shall establish the terms, procedures, standards and  
2286 conditions which the corporation shall use to identify qualified programs, review and approve  
2287 applications, safeguard the fund, advance the objective of increasing employment opportunities  
2288 and oversee the progress of qualified programs.

2289 (c) The Massachusetts Technology Park Corporation shall submit a report to the clerks of  
2290 the house of representatives and the senate and the house and senate chairs of the joint committee

2291 on economic development and emerging technologies not later than December 31 of each year of  
2292 the pilot program. The report shall include, but not be limited to: (i) progress on the  
2293 implementation of the pilot program; (ii) recommendations for extending the program to  
2294 additional educational institutions; (iii) the number of resident entrepreneurs participating in the  
2295 program; (iv) the fields of practice resident entrepreneurs are engaged in; (v) the business  
2296 ventures organized or established by resident entrepreneurs; and (vi) a cost-benefit analysis of  
2297 the pilot program.

2298 SECTION 109. Notwithstanding any general or special law to the contrary, the chief  
2299 information officer in the information technology division, in coordination with the executive  
2300 office of housing and economic development, shall study the cost and feasibility of creating and  
2301 maintaining a searchable database of available commercial, retail, warehouse, manufacturing,  
2302 office, lab or shared innovation workspaces throughout the commonwealth which can be  
2303 accessed by the public as a part of the business portal established in section 107. The chief  
2304 information officer shall report the findings of this study to the executive office of administration  
2305 and finance, and the chairs of the senate and house committees on ways and means not later than  
2306 July 31, 2015.

2307 SECTION 110. The Massachusetts office of travel and tourism shall coordinate with the  
2308 Massachusetts Convention Center Authority to establish a plan to promote tourism throughout  
2309 each region of the commonwealth at each event held at the Boston Convention and Exhibition  
2310 Center, the John B. Hynes Veterans Memorial Auditorium and the MassMutual Center. The  
2311 plan shall be implemented not later than 180 day after the effective date of this section.

2312 SECTION 111. Chapter 93L of the General Laws shall not apply to misappropriation  
2313 occurring prior to the effective date of this act. With respect to a continuing misappropriation

2314 that began prior to the effective date of this section, said chapter 93L shall not apply to the  
2315 continuing misappropriation that occurs after the effective date of this section.

2316 SECTION 112. The commissioner of higher education shall submit a report on the  
2317 implementation of section 15G of section 15A of the General Laws to the senate and house  
2318 chairs of the joint committee on labor and workforce development, the joint committee on higher  
2319 education and the joint committee on economic development and emerging technologies by July  
2320 31, 2015. The report shall include, but not be limited to: (i) a list of stackable certificates  
2321 available at public higher education institutions; (ii) a list of workforce training programs in  
2322 which stackable certificates would be beneficial; (iii) the department's efforts to disseminate  
2323 information; and (iv) enrollment data from stackable credential programs available at public  
2324 higher education institutions.

2325 SECTION 113. The executive office of housing and economic development shall conduct  
2326 a study to evaluate the feasibility of developing an international building exhibition to be  
2327 assembled in an economically-depressed municipality to address urban concerns including, but  
2328 not limited to, sustainability, energy consumption, transportation, urban renewal and green  
2329 building practices. The study shall be submitted to the executive office for administration and  
2330 finance, the chairs of the house and senate committees on ways and means and the house and  
2331 senate chairs of the joint committee on economic development and emerging technologies not  
2332 later than June 30, 2015.

2333 SECTION 114. The Massachusetts sports partnership commission established in section  
2334 13J of chapter 23A of the General Laws shall convene a meeting not more than 60 days after the  
2335 effective date of this act.

2336 SECTION 115. Notwithstanding any general or special law to the contrary, on July 1,  
2337 2015, the state comptroller shall transfer \$10,000,000 from the General Fund to the  
2338 Transformative Development Fund established in section 46 of chapter 23G of the General  
2339 Laws.

2340 SECTION 116. Notwithstanding any general or special law to the contrary, on July 1,  
2341 2016, the state comptroller shall transfer \$10,000,000 from the General Fund to the  
2342 Transformative Development Fund established in section 46 of chapter 23G of the General  
2343 Laws.

2344 SECTION 117. (a) Notwithstanding any general or special law to the contrary, there  
2345 shall be a special commission on young professionals to examine how the commonwealth may  
2346 better engage, involve and educate young professionals in decisions and policies that affect  
2347 young professionals and the commonwealth. The commission shall examine best practices and  
2348 policies to retain and attract intellectual capital that shall make the commonwealth a place where  
2349 young professionals want to live, work and play.

2350 The commission shall consist of 21 members: 1 of whom shall be appointed by the  
2351 governor; 1 of whom shall be the secretary of housing and economic development or a designee;  
2352 1 of whom shall be the secretary of labor and workforce development or a designee; 1 of whom  
2353 shall be the secretary of education or a designee; 3 of whom shall be appointed by the president  
2354 of the senate, 1 of whom shall be a member of the minority party; 3 of whom shall be appointed  
2355 by the speaker of the house of representatives, 1 of whom shall be a member of the minority  
2356 party; 1 of whom shall be the chair of the Berkshire Young Professionals or a designee; 1 of  
2357 whom shall be the president of the Worcester Young Businessmen's Association, Inc. or a  
2358 designee; 1 of whom shall be the president of the Greater Lawrence Young Professionals

2359 Network or a designee; 1 of whom shall be the president of the Young Professionals Society of  
2360 Greater Springfield or a designee; 1 of whom shall be the president of the Northampton Area  
2361 Young Professionals or a designee; 1 of whom shall be the president of ONEin3 Boston or a  
2362 designee; 1 of whom shall be the president of the Young Professionals of Greater Lowell, Inc. or  
2363 a designee; 1 of whom shall be the president of the North of Boston Young Professionals or a  
2364 designee; 1 of whom shall be appointed by the executive director of the New Bedford Economic  
2365 Development Council, Inc.; 1 of whom shall be appointed by the president of the MetroWest  
2366 Chamber of Commerce, Inc.; and 1 of whom shall be the executive director of the Cape Cod  
2367 Young Professionals, LLC or a designee.

2368           SECTION 118. (a) Notwithstanding any general or special law to the contrary, for the  
2369 days of August 9, 2014 and August 10, 2014, an excise shall not be imposed upon nonbusiness  
2370 sales at retail of tangible personal property, as defined in section 1 of chapter 64H of the General  
2371 Laws. For the purposes of this section, tangible personal property shall not include  
2372 telecommunications, tobacco products subject to the excise imposed by chapter 64C of the  
2373 General Laws, gas, steam, electricity, motor vehicles, motorboats, meals or a single item the  
2374 price of which is in excess of \$2,500.

2375           (b) Notwithstanding any general or special law to the contrary, for the days of August 9,  
2376 2014 and August 10, 2014, a vendor shall not add to the sales price or collect from a nonbusiness  
2377 purchaser an excise upon sales at retail of tangible personal property, as defined in section 1 of  
2378 chapter 64H of the General Laws. The commissioner of revenue shall not require a vendor to  
2379 collect and pay excise upon sales at retail of tangible personal property purchased on August 9,  
2380 2014 and August 10, 2014. An excise erroneously or improperly collected during the days of  
2381 August 9, 2014 and August 10, 2014, shall be remitted to the department of revenue. This section

2382 shall not apply to the sale of telecommunications, tobacco products subject to the excise imposed  
2383 by chapter 64C of the General Laws, gas, steam, electricity, motor vehicles, motorboats, meals or  
2384 a single item the price of which is in excess of \$2,500.

2385 (c) Reporting requirements imposed upon vendors of tangible personal property, by law  
2386 or by regulation including, but not limited to, the requirements for filing returns required by  
2387 chapter 62C of the General Laws, shall remain in effect for sales for the days of August 9, 2014  
2388 and August 10, 2014.

2389 (d) On or before December 31, 2014, the commissioner of revenue shall certify to the  
2390 comptroller the amount of sales tax forgone, as well as new revenue raised from personal and  
2391 corporate income taxes and other sources pursuant to this section. The commissioner shall file a  
2392 report with the joint committee on revenue and the house and senate committees on ways and  
2393 means detailing by fund the amounts under general and special laws governing the distribution of  
2394 revenues under chapter 64H of the General Laws which would have been deposited in each fund,  
2395 without this section.

2396 (e) The commissioner of revenue shall issue instructions or forms, or promulgate rules or  
2397 regulations, necessary for the implementation of this section.

2398 (f) Eligible sales at retail of tangible personal property under subsections (a) and  
2399 (b) shall be restricted to those transactions occurring on August 9, 2014 and August 10, 2014.  
2400 Transfer of possession of or payment in full for the property shall occur on 1 of those days and  
2401 prior sales or layaway sales shall be ineligible.

2402 SECTION 119. The Massachusetts sports partnership shall issue a report not later than  
2403 July 1, 2015 on the feasibility of hosting a National Association for Stock Car Auto Racing, Inc.

2404 event in the commonwealth. The report shall include, but not be limited to, potential host  
2405 venues, the potential costs and revenues and any state or local laws, regulations or ordinances  
2406 that may affect the hosting of the event.

2407         SECTION 120. Notwithstanding any general or special law to the contrary, a licensed or  
2408 certified real estate appraiser or a real estate appraisal trainee who timely completed, in  
2409 accordance with the requirements of the Appraisal Qualifications Board of the Appraisal  
2410 Foundation, the 7-hour national Uniform Standards of Professional Appraisal update course  
2411 before the effective date of this act and was the subject of disciplinary proceedings by the board  
2412 of real estate appraisers prior to May 26, 2011 for failure to complete the continuing education  
2413 requirements of section 184 of chapter 112 of the General Laws shall have that disciplinary  
2414 action rescinded and permanently removed from the appraiser or appraisal trainee's record.  
2415 Nothing in this section shall be construed to establish a cause of action by any such real estate  
2416 appraiser or trainee against the board of real estate appraisers or the division of professional  
2417 licensure related to any such disciplinary action.

2418         SECTION 121.(a) The county commissioners of the county of Dukes County may raise  
2419 and expend a sum not exceeding \$1,600,000 for the purchase of and improvements to a building  
2420 to provide health and human services for county residents.

2421         (b) For the purposes of this section, the treasurer of the county, with the approval of the  
2422 county commissioners, may borrow upon the credit of the county such sums as may be  
2423 necessary, not exceeding in the aggregate \$1,600,000, and may issue bonds or notes of the  
2424 county thereof, which shall be designated on their face Dukes County Health and Human  
2425 Services Building Loan, Act of 2014. Each authorized issue shall constitute a separate loan and

2426 such loans shall be issued for not more than 30 years. The bonds or notes shall be signed by the  
2427 county treasurer and countersigned by a majority of the county commissioners. The county may  
2428 sell such bonds or notes at public sale upon such terms and conditions as the county  
2429 commissioners may deem proper, but not for less than their par value. Indebtedness incurred  
2430 under this section shall, except as provided in this section, be subject to chapter 35 of the General  
2431 Laws.

2432 SECTION 122. There shall be a special commission to study and report on the use and  
2433 possible abuse of non-competition agreements in the commonwealth. The commission shall  
2434 consist of the secretary of housing and economic development, or a designee; 3 members of the  
2435 house of representatives, 1 of whom shall be appointed by the minority leader; 3 members of the  
2436 senate, 1 of whom shall be appointed by the minority leader; and 6 commission members to be  
2437 appointed by the governor: a representative of Associated Industries of Massachusetts; a  
2438 representative of the Smaller Business Association of New England; a representative of the New  
2439 England Venture Capital Association; a representative of the Massachusetts Biotechnology  
2440 Council; a representative of the AFL-CIO of Massachusetts; and an expert on the law of non-  
2441 competition agreements. The scope of the commission shall include, but not be limited to,  
2442 researching and evaluating: (1) the use of non-competition agreements; (2) the possible abuse of  
2443 non-competition agreements; and (3) recommendations to curb any such abuse and to strengthen  
2444 the economy of the commonwealth. The commission shall submit a final report of its findings  
2445 and recommendations, together with drafts of legislation necessary to implement those  
2446 recommendations, by filing the same with the clerks of the senate and house of representatives  
2447 not later than October 1, 2015.

2448 SECTION 123. The Massachusetts advanced manufacturing collaborative shall conduct  
2449 an analysis of the manufacturing supply chain in the commonwealth. The analysis shall: (i)  
2450 identify the strengths and weaknesses of the supply chain; (ii) identify areas of the supply chain  
2451 that are currently underserved by suppliers in the commonwealth; and (iii) offer  
2452 recommendations to improve the commonwealth's supply chain capabilities. The collaborative  
2453 shall file a report of its findings and recommendations, if any, with the joint committee on  
2454 economic development and emerging technologies and the clerks of the senate and house of  
2455 representatives not later than March 31, 2015.

2456 SECTION 124. The town of Montague may utilize chapter 40Q to develop  
2457 telecommunications and broadband infrastructure in partnership with the town of Leverett.

2458 SECTION 125. Section 108 is hereby repealed.

2459 SECTION 126. Paragraph (2) of subsection (a) of section 3F of chapter 23A shall take  
2460 effect as of July 1, 2014.

2461 SECTION 127. On or after July 1, 2014, the current number of licenses authorized under  
2462 section 17 of chapter 138 of the General Laws shall continue unless changed by the governing  
2463 body of a city or town under said section 17 of said chapter 138.

2464 SECTION 128. If the sufficiency period specified in section 3 of chapter 183D of the  
2465 General Laws would expire prior to January 1, 2016, such period shall be extended so as to  
2466 expire on January 1, 2016.

2467 SECTION 129. Notwithstanding section 93, on the effective date of this section, the  
2468 mayor of the city of Boston may reappoint or replace the incumbent members of the licensing  
2469 board of the city of Boston for the remainder of the unexpired terms of such members.

2470 SECTION 130. Sections 5, 28, 36 and 100 shall take effect on July 1, 2016.

2471 SECTION 131. Section 6 shall take effect on January 1, 2018.

2472 SECTION 132. Sections 42, 44, 49 and 51 shall take effect on January 1, 2015.

2473 SECTION 133 Sections 43, 45, 50 and 52 shall take effect on January 1, 2019.

2474 SECTION 134. Sections 46 and 48 shall be effective for tax years beginning on or after  
2475 January 1, 2015.

2476 SECTION 135. The fifth, sixth and seventh paragraphs of section 17 of chapter 138 of  
2477 the General Laws, as appearing in section 70, shall take effect on September 1, 2014.

2478 SECTION 136. Section 81 shall apply to employee noncompetition agreements entered  
2479 into on or after January 1, 2015.

2480 SECTION 137. Sections 92 and 128 shall take effect January 1, 2015 and shall apply to  
2481 instruments executed on, after and prior to that date.

2482 SECTION 138. Sections 71, 73, 75 and 77 shall take effect on September 1, 2015.

2483 SECTION 139. Sections 72, 74, 76 and 78 shall take effect on September 1, 2016.

2484 SECTION 140. Sections 93, 94 and 129 shall take effect upon their passage.

2485 SECTION 141. Section 125 shall take effect on July 1, 2017.