

# SENATE . . . . . No. 2635

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Senate July 25, 2018, – Text of the Senate amendment to the House Bill relative to economic development in the commonwealth (House, No. 4732)

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## The Commonwealth of Massachusetts

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In the One Hundred and Ninetieth General Court  
(2017-2018)  
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1           SECTION 1. To provide for a program of economic development and job creation, the  
2 sums set forth in sections 2A and 2B, for the several purposes and subject to the conditions  
3 specified in this act, are hereby made available, subject to the laws regulating the disbursement  
4 of public funds; provided, however, that the amounts specified in an item or for a particular  
5 project may be adjusted to facilitate projects authorized in this act. These sums shall be in  
6 addition to any amounts previously authorized and made available for these purposes.

7           SECTION 2A.

8                   EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

9                                   Office of the Secretary

10           6720-1351   For a grant program to coastal communities to be administered by the  
11 seaport economic council; provided, that funding shall be used for community planning and  
12 investment activities that stimulate economic development and create jobs in the maritime  
13 economy sector, and to construct, improve, repair, maintain and protect coastal assets that are  
14 vital to achieving these goals; and provided further, that the planning, prioritization, selection  
15 and implementation of projects shall consider climate change impacts in furtherance of the goals

16 of climate change mitigation and adaptation and consistent with the integrated state hazard  
17 mitigation and climate change adaptation plan..... \$55,000,000

18           7002-1120     For grants to municipalities and other public instrumentalities for design,  
19 construction, building, land acquisition, rehabilitation, repair and other improvements to  
20 publicly-owned infrastructure, or those owned or operated by nonprofit organizations; provided,  
21 that not less than \$3,000,000 shall be expended for the development of land for housing,  
22 community and commercial use in the Rail Transit District of the town of Ashland; provided  
23 further, that not less than \$3,000,000 shall be expended for the costs associated with the  
24 replacement of the Saxonville fire station in the city of Framingham; provided further, that not  
25 less than \$3,000,000 shall be expended for the site study, acquisition and improvements related  
26 to the Axton-Crossing land in the town of Holliston; provided further, that not less than  
27 \$2,500,000 shall be expended for improvements to the Grove Street Business Corridor in the city  
28 known as the town of Franklin; provided further, that not less than \$2,000,000 shall be expended  
29 for the design and construction of a high pressure water service system in the town of Hopkinton;  
30 provided further, that not less than \$1,200,000 shall be expended for the costs associated with a  
31 new public service facility in the town of Medway; provided further, that not less than  
32 \$1,500,000 shall be expended for the costs associated with the development of a parking garage  
33 in the downtown area of the town of Natick; provided further, that not less than \$10,000,000  
34 shall be expended to Massachusetts Bay Community College to support workforce development  
35 for the early education and care and allied health professions; provided further, that not less than  
36 \$1,150,000 shall be expended for the design and construction of the Mount Auburn Street  
37 Community Path in the city of Watertown; provided further, that not less than 1,200,000 shall be  
38 expended for the reconstruction of Arsenal Park in the city of Watertown; provided further, that

39 not less than 3,000,000 shall be expended for the improvement of Victory Field athletic complex  
40 in the city of Watertown; provided further, that not less than 100,000 shall be expended to  
41 conduct a feasibility study to determine the best use for the Municipal Light Building in the town  
42 of Belmont; provided further, that not less than 50,000 shall be expended to conduct a feasibility  
43 study to determine the best use of the McLean Barn, a National Historic Place in the town of  
44 Belmont; provided further, that not less than \$2,000,000 shall be expended for the façade  
45 improvement program and streetscape improvements in neighborhood business districts in the  
46 city of Worcester; provided further, that not less than \$1,000,000 shall be expended to support  
47 the growth of the startup and small business ecosystem, including the operation of incubators,  
48 accelerators and other new ventures, in the city of Worcester; provided further, that not less than  
49 \$1,000,000 shall be expended for business development along Pleasant street in the city of  
50 Worcester; provided further, that not less than \$500,000 shall be expended for the fit-out of the  
51 ground floor of the Union Station garage for commercial use in the city of Worcester; provided  
52 further, that not less than \$200,000 shall be expended for the town of Barnstable for costs related  
53 to design, impact studies, planning and development of the Oceanside Performing Arts Center;  
54 provided further, that not less than \$12,000,000 shall be expended for a water collection and  
55 filtration system in the town of Maynard; provided further, that not less than \$1,000,000 shall be  
56 expended for the Black Box Theater at the Worcester PopUp in the city of Worcester; provided  
57 further, that not less than \$1,100,000 shall be expended for the town of Wellfleet to purchase and  
58 develop a property within the town of Wellfleet, for use as a new business incubator space;  
59 provided further, that not less than \$75,000 shall be expended for The Provincetown Commons  
60 for the development of a digital media studio and related expenses; provided further that not less  
61 than \$2,000,000 shall be expended for maintenance dredging of approximately sediment in the

62 town of Barnstable from the western end of Sampson's Island, with disposal occurring on the  
63 eastern end of Dead Neck; provided further, that not less than \$750,000 shall be expended for  
64 the town of Edgartown to obtain the use of a property within the town of Edgartown to store  
65 dredge sand and other materials in preparation for severe storm events or for other expenses  
66 incurred in connection with dredging and dredging preparation; provided further, that not less  
67 than \$250,000 shall be expended for the town of Yarmouth for dredging of the Bass River and  
68 Parkers River coastal waterways; provided further, that not less than \$375,000 shall be expended  
69 for the town of Chatham to modify the town's existing Comprehensive Dredge and Disposal  
70 Permit and to dredge critical shoal locations to restore navigation access and emergency  
71 response; and provided further, that not less than \$1,000,000 shall be expended for the business  
72 development in Webster square in the city of Worcester; provided further, \$1,050,000 shall be  
73 expended for repairs and improvements to the Main street gateway and improvements included  
74 in the Dean park master plan in the town of Shrewsbury; provided further, that not less than  
75 \$1,000,000 shall be expended for the dredging of waterways, beach nourishment, dune  
76 restoration and other ecological improvements to support the Swansea Waterfront Revitalization  
77 project in the town of Swansea; provided further, that not less than \$15,000,000 shall be  
78 expended for dredging in the waterways and the construction, rehabilitation and repair of on-  
79 shore facilities located at Brayton Point in the town of Somerset, to support the growth and  
80 expansion of the off-shore wind-driven electricity generating projects; provided further, that  
81 \$5,000,000 shall be expended for water and sewer infrastructure along state highway route 140  
82 in the town of Upton; provided further, \$1,050,000 shall be expended for a façade improvement  
83 program and improvements to the Pakachoag municipal golf course and Brotherton way in the  
84 town of Auburn; provided further, that \$650,000 shall be expended on the Four Corners

85 downtown revitalization project in the town of Millbury; provided further, that not less than  
86 \$100,000 shall be expended for the development of a water and sewer economic infrastructure  
87 feasibility study and master plan in the town of Leicester; provided further, that \$500,000 shall  
88 be expended on the redevelopment of Bolack Plaza in the town of Grafton; provided further, that  
89 not less than \$500,000 be expended to the town of Northbridge for the urban renewal and  
90 redevelopment of the downtown area; provided further, that not less than \$400,000 be expended  
91 to the town of Northbridge for the property redevelopment study; ; provided further, \$2,050,000  
92 shall be expended on renovations to the Fanning building in the city of Worcester; provided  
93 further, that not less than \$1,300,000 shall be expended for new equipment and technological  
94 improvements to combine next-gen sequencing with high performance technology and big data  
95 analytics to mine the rich genetic diversity of marine organisms for a joint proposal of the Ocean  
96 Genome Legacy, Inc./Northeastern Marine Science Center and Gloucester Marine Genomics  
97 Institute Incorporated; provided further, that not less than \$500,000 shall be expended for the  
98 replacement and renovation for the water main in the town of Ipswich; provided further, that not  
99 less than \$500,000 shall be expended for a re-use study of the old Westport high school site in  
100 the town of Westport; provided further, that not less than \$500,000 shall be expended for  
101 signalization on route 1 in the town of Rowley; provided further, that not less than \$500,000  
102 shall be expended for signalization on Main street in the town of Wenham; provided further, that  
103 not less than \$1,500,000 shall be expended for the construction of a police station facility in the  
104 town of Newbury; provided further, that not less than \$1,000,000 shall be expended for the  
105 development and improvement of the Waterfield lot in the town of Winchester; provided further,  
106 that not less than \$3,000,000 shall be expended for downtown revitalization and infrastructure  
107 upgrades in the city of Malden; provided further, that not less than \$2,500,000 shall be expended

108 for the Buzzards Bay Water District to expand capacity by installing a new tank and piping;  
109 provided further, that not less than \$1,000,000 shall be expended for downtown revitalization  
110 and infrastructure upgrades in the town of Reading; provided further, that \$1,000,000 shall be  
111 provided to the Berkshire Strategic Alliance Foundation Inc. for the Berkshire Blueprint  
112 Partnership Fund; provided further, that \$75,000 shall be expended to the Historic Route 20  
113 Association for development of the Gateway Hilltowns Visitors Center; provided further, that  
114 not less than \$800,000 shall be provided to the city of Pittsfield for upgrades to the Gordon Rose  
115 Technology Park Pump Station; provided further, that \$1,500,000 shall be provided to Rural  
116 Commonwealth, Inc. for the Franklin County 8 Town Economic Development Center; provided  
117 further, that \$1,625,000 shall be expended for the purchase of equipment for the Berkshire  
118 Innovation Center, Inc. in the city of Pittsfield; provided further, that not less than \$5,000,000  
119 shall be expended to the town of Lee for the planning, design and construction of a new water  
120 line from the water treatment plant into downtown Lee, for increased access to water and public  
121 safety, and to make possible the continued development of the former Eagle Mill into a mixed-  
122 use residential, retail and hotel establishment; provided further, that not less than \$2,000,000  
123 shall be expended to the town of Adams for the construction of the Greylock Glen Outdoor  
124 Center; provided further, that not less than \$12,000,000 shall be expended for parking upgrades,  
125 including but not limited to the development of a parking deck, and general infrastructure  
126 improvements in the downtown area of the city of Taunton; provided further, that not less than  
127 \$8,000,000 shall be expended for the study, design, improvements and maintenance of United  
128 States highway route 1 in the towns of Norwood, Westwood and Dedham through the VFW and  
129 West Roxbury parkway in the West Roxbury section of the city of Boston; provided further, that  
130 not less than \$1,000,000 shall be expended for the redevelopment of the Old Town Hall building

131 in the town of Westwood; provided further, that not less than \$1,000,000 shall be expended for  
132 improvements to the town common in the town of Needham; provided further, that not less than  
133 \$150,000 shall be provided to the Commissioning Committee for expenses associated with the  
134 September 2018 Commissioning of the USS Thomas Hudner; provided further, that not less than  
135 \$100,000 shall be expended for The National Guard Association of Massachusetts, Inc. for the  
136 planning and operations of the one hundred and forty second National Guard Association of the  
137 United States General Conference; provided further, that \$500,000 shall be expended to leverage  
138 philanthropic match funding to provide technical assistance to gateway cities and other  
139 municipalities designated as opportunity zones to promote economic competitiveness and job  
140 creation; provided further, that funds shall be used to support technical assistance by the National  
141 Resource Network to provide assistance to cities and towns across various disciplines including  
142 economic development, workforce development, fiscal and operational efficiency and to promote  
143 best practices and inter-city assistance; provided further, that not less than \$500,000 shall be  
144 expended for the design costs for the town center improvement project in the town of Weston;  
145 provided further, that not less than \$50,000 shall be expended to support the artists' market in the  
146 town of Concord; provided further, that not less than \$200,000 shall be expended to improve  
147 lighting in commuter parking lots in the town of Concord; provided further, that not less than  
148 \$800,000 shall be expended for the acquisition and renovation of a visitors center in the town of  
149 Concord; provided further, that not less than \$2,150,000 shall be expended for the construction  
150 of a pedestrian bridge over the Assabet River in the town of Concord; provided further, that not  
151 less than \$4,650,000 shall be expended for the Cambridge turnpike improvement project in the  
152 town of Concord; provided further, that not less than \$1,050,000 shall be expended for  
153 improvements to sewer pump stations in the town of Concord; provided further, that not less than

154 \$1,000,000 shall be expended for broadband service improvements in the town of Concord;  
155 provided further, that not less than \$750,000 shall be expended for improvements at the White  
156 Pond beach in the town of Concord; provided further, that not less than \$500,000 shall be  
157 expended on sidewalk, drainage and roadway improvements in the business district in the town  
158 of Chelmsford; provided further, that not less than \$350,000 shall be expended on supplies and  
159 equipment for a certified nursing program at Minuteman Regional Vocational Technical School;  
160 provided further, that not less than \$3,000,000 shall be expended for costs associated with  
161 repairs, replacements and construction of water infrastructure owned by the town of Scituate;  
162 provided further, that not less than \$3,000,000 shall be expended for costs associated with  
163 repairs, replacements, purchase and construction of water infrastructure servicing the residential  
164 and commercial development known as Union Point in the city known as the town of  
165 Weymouth; provided further, that \$2,250,000 shall be expended for repair of the Fisherman  
166 beach boat house, beach pier, outfall and launching ramp in the town of Swampscott; provided  
167 further, than not less than \$2,000,000 shall be expended for costs associated with the design,  
168 planning, construction and renovation of Norwell town center in the town of Norwell; provided  
169 further, that \$10,500,000 shall be expended for improvements at the Tri-County Regional  
170 Vocational Technical High School in the city known as the town of Franklin; provided further,  
171 that not less than \$2,000,000 shall be expended for costs associated with the construction of a  
172 business climate innovation center in the town of Marshfield, to assist businesses statewide on  
173 climate adaptation, resiliency and reducing emissions; provided further, that not less than  
174 \$3,000,000 shall be expended for downtown revitalization and infrastructure upgrades in the city  
175 of Melrose; provided further, that not less than \$2,000,000 shall be expended for the economic  
176 redevelopment in the downtown mixed use overlay district in the town of Stoughton; provided



177 further, that not less than \$500,000 shall be expended for the reconfiguration and renovation of  
178 the downtown area in the town of Topsfield; provided further, that not less than \$75,000 shall be  
179 expended for administrative costs related to the operation of the Life Sciences Consortium of the  
180 North Shore run through North Shore InnoVentures, Inc. in Beverly; provided further, that not  
181 less than \$250,000 shall be expended to the city of Peabody for the design, manufacturing and  
182 implementation of a wayfinding plan and signage for Centennial Business Park in the city of  
183 Peabody; provided further, that not less than \$200,000 shall be expended for the design and  
184 construction of improvements to the downtown area in the town of Danvers; provided further,  
185 that not less than \$200,000 shall be expended for the town of Danvers for the design of an east-  
186 west trail link connecting its downtown area to Middleton center; provided further, that \$500,000  
187 shall be expended for engineering improvements to the slip ramp for state highway route 1A and  
188 interstate highway route 495 in the town of Wrentham; provided further, that not less than  
189 \$2,600,000 shall be expended for renovations to the town hall in the town of Wellesley; provided  
190 further, that not less than \$100,000 shall be expended to the city of Newton, to improve external  
191 marketing of economic development services offered by the city; provided further, that not less  
192 than \$200,000 shall be expended to the city of Newton, to conduct a market analysis and  
193 community engagement process for a strategic vision plan for the future of Newton Centre;  
194 provided further, that not less than \$100,000 shall be expended to the city of Newton, to expand  
195 the capacity of the Newton Innovation Center; provided further, that not less than \$2,380,000  
196 shall be expended to replace the aging hard-wire fire alarm call box system with solar-powered  
197 wireless infrastructure in the town of Brookline; provided further, that not less than \$1,000,000  
198 shall be expended for the city of Newton parks and recreation department for the purpose of  
199 replacing the bath house located at Crystal lake in the city of Newton, a great pond under chapter

200 91 of the General Laws; provided further, that not less than \$200,000 shall be expended to the  
201 city of Newton, for new bathroom and locker room facilities at Gath Pool; provided further, that  
202 not less than \$5,000,000 be expended for redesign and improvements of Wells office park in the  
203 city of Newton; provided further, that not less than \$3,000,000 shall be expended to improve  
204 local mobility and access to transit for Stoneham residents, employees, customers and visitors at  
205 the Stone zoo and other recreational amenities in the Middlesex Fells; provided further, that not  
206 less than \$1,000,000 shall be expended for downtown revitalization and infrastructure upgrades  
207 in the town of Wakefield; provided further, that \$250,000 shall be expended for the facilitation  
208 and support of the Massachusetts-Israel Economic Connection operated by the New England  
209 Israel Business Council, Inc. to pursue economic collaboration between Israel and the  
210 commonwealth; provided further, that not less than \$4,000,000 shall be expended for water  
211 infrastructure improvement projects in the town of Warren; provided further, that not less than  
212 \$880,000 shall be expended for broadband infrastructure projects in the town of Petersham;  
213 provided further, that not less than \$250,000 shall be expended for improvements to the police  
214 department of the town of Templeton; provided further, that not less than \$1,000,000 shall be  
215 expended for construction of a police station for the town of Hardwick; provided further, that not  
216 less than \$1,000,000 shall be expended for construction of a public safety complex in the town of  
217 West Brookfield; provided further, that not less than \$2,000,000 shall be expended for costs  
218 associated with land acquisition and development of housing in the town of Holland; provided  
219 further, that not less than \$1,870,000 shall be expended for construction of a fire station in the  
220 town of North Brookfield, including costs for associated land improvements; provided further,  
221 that not less than \$1,000,000 shall be expended for bridge infrastructure improvements in the  
222 town of Monson; provided further, that not less than \$1,000,000 shall be expended for the design

223 of a pedestrian and bicycle bridge connecting businesses, housing and public transit in the  
224 Alewife section of the city of Cambridge; provided further, that not less than \$350,000 shall be  
225 used to renovate the Chevalier theater in the city of Medford; provided further, that not less than  
226 \$1,000,000 shall be expended for the Clippership Connector, a multi-use path in the city of  
227 Medford; provided further, that \$250,000 shall be used for street and sidewalk construction on  
228 Commercial street in city of Medford; provided further, that not less than \$9,400,000 shall be  
229 expended for a grant program administered by the secretary of elder affairs focused on advanced  
230 skill training for the home care aide workforce that serves consumers of the elder home care  
231 program administered by the department of elder affairs; provided further, that not less than  
232 \$500,000 shall be expended for the conversion of the Allen Avenue school in the town of North  
233 Attleboro into a center for the North Attleboro council on aging; provided further, than not less  
234 than \$1,000,000 shall be expended for costs associated with improvements to the Weymouth  
235 Landing area in the city known as the town of Weymouth; provided further, that not less than  
236 \$2,000,000 shall be expended for the economic redevelopment of the Paul Revere Heritage Site  
237 project and the Washington street corridor in order to upgrade utilities, sidewalks, intersections  
238 and roadways in the town of Canton; provided further, than not less than \$1,000,000 shall be  
239 expended for costs associated with streetscape and parking improvements and business  
240 development in the Nantasket beach front business district in the town of Hull; provided further,  
241 that not less than \$500,000 shall be expended for public safety improvements in the town of  
242 Millis; provided further, that not less than \$2,500,000 shall be expended for the siting, design  
243 and construction of a rowing and boating facility, including necessary rowing equipment and a  
244 rowing and boating facility study including, but not limited to, a cost analysis, facility site  
245 assessments, and configuration options in the city of Haverhill; provided further, that not less

246 than \$1,000,000 shall be expended for the airframe and power plant program at Westfield  
247 Technical Academy; provided further, that \$100,000 shall be expended for the Airframe and  
248 Powerplant program at Cape Cod Community College; provided further, that not less than  
249 \$1,000,000 shall be expended to purchase a rail corridor and construct an access road to facilitate  
250 increased public access along the Merrimack River and to extend the Haverhill Rail Trail to the  
251 Groveland Rail Trail in the city of Haverhill; provided further, that not less than \$1,000,000 shall  
252 be expended to the town of Lunenburg for economic development improvements including, but  
253 not limited to, streetscape improvements of Main street and Massachusetts, Leominster and  
254 Lancaster avenues, redevelopment of the former L & M Service Station at 925 Massachusetts  
255 avenue and the development of a community commercial kitchen for small business owners in  
256 need of kitchen facilities; provided further, that not less than \$6,000,000 shall be expended to the  
257 city of Gardner for the second phase of the city's Rear Main Street Revitalization Program, and  
258 for the demolition of a former factory building at 20 Rock street; provided further, that not less  
259 than \$250,000 shall be expended to the town of Bolton for improvements to the route 117  
260 corridor; provided further, that not less than \$300,000 shall be expended to the town of Clinton  
261 for improvements, renovations, and updates to High street and the downtown area in order to  
262 promote economic development; provided further, that not less than \$100,000 shall be expended  
263 to the town of Berlin for structural improvements to their historic town hall; provided further,  
264 that not less than \$100,000 shall be expended to the North Central Massachusetts Development  
265 Corporation for the development of a regional economic development blueprint for north central  
266 Massachusetts; provided further, that not less than \$125,000 shall be expended to the town of  
267 Townsend for the development of a town master plan; provided further, that not less than  
268 \$500,000 shall be expended to the town of Townsend for the rehabilitation of the former Hart

269 Free Public Library building; provided further, that not less than \$75,000 be expended to the  
270 town of Lancaster to conduct a reuse study for the historic former Lancaster School for Girls;  
271 provided further, that not less than \$500,000 shall be expended for implementing infrastructure  
272 and utility improvements to promote economic development on Boulder drive in the city of  
273 Fitchburg; provided further, that not less than \$500,000 shall be expended to Fitchburg State  
274 University for the development of the Idealab business entrepreneurship center; provided further,  
275 that not less than \$350,000 shall be expended to the city of Fitchburg for the implementation of a  
276 municipal fiber-optic telecommunication infrastructure; provided further, that not less than  
277 \$1,000,000 shall be expended to the city of Leominster for the redevelopment of the building at  
278 210 Lancaster street into a school-to-work training center for student workforce development;  
279 provided further, that not less than \$1,200,000 shall be expended to the city of Leominster for the  
280 replacement of sewer and water lines in the central business district from the intersections of  
281 Mechanic and Main streets to Central and Tocci streets; provided further, that not less than  
282 \$3,000,000 shall be expended for the Springfield Science Museum for comprehensive upgrades  
283 including a planetarium dome, upgrading interactive exhibits, installation of multi-sensory and  
284 immersive environments to compliment the historic dioramas, an animatronic dinosaur and new  
285 educational learning center; provided further, that \$2,000,000 shall be expended for the design  
286 and construction of traffic signals at the intersection of Ash street and West Chestnut street in the  
287 city of Brockton; provided further, that not less than \$3,175,000 shall be expended for the design  
288 and construction of waste water treatment facility improvements in the city of Haverhill to  
289 reduce combined sewer overflows into the Merrimack River; provided further, that \$2,500,000  
290 shall be expended to secure and raze buildings with Brockton Redevelopment Authority as part  
291 of the Downtown Brockton Urban Redevelopment in the city of Brockton; provided further, that

292 not less than \$1,000,000 shall be expended for sewer and roadway infrastructure improvements  
293 and for expanded housing and economic development for the intersection of Poquanticut avenue  
294 and Foundry street in the town of Easton; provided further, that not less than \$1,000,000 shall be  
295 expended for renovations at the historic Engine 8 fire station on Hanover street in the North End  
296 section of the city of Boston; provided further, that not less than \$250,000 be expended for a  
297 feasibility analysis on constructing a new public high school in the city of Revere including, but  
298 not limited to, potential sites, capital costs and population growth projections; provided further,  
299 that not less than \$3,000,000 shall be expended for educational opportunities and a workforce  
300 development program in the city of Revere to be run by the Revere economic development  
301 department; provided further, that not less than \$3,000,000 shall be expended for the expansion  
302 of water and sewer infrastructure in the town of Mendon; provided further, that not less than  
303 \$5,000,000 shall be expended for the expansion and improvement of the cruise terminal and  
304 passenger disembarkation system in the city of Salem; provided further, that not less than  
305 \$1,125,000 shall be expended to support the small business incubator hub at Stetson hall,  
306 infrastructure improvements at Union Crossing and the Urban Renewal Plan for Crawford square  
307 in the city known as the town of Randolph; provided further, that not less than \$1,500,000 shall  
308 be expended for the renovation of the barracks building and the hangar at Winter Island in the  
309 city of Salem; provided further, that not less than \$2,500,000 shall be expended for the  
310 revitalization of Cabot street in the downtown area in the city of Beverly; provided further, that  
311 not less than \$300,000 shall be expended for OpenCape Corporation to expand fiber optic cable  
312 in the village of Hyannis in the town of Barnstable; provided further, that not less than \$300,000  
313 shall be expended for the town of Provincetown to expand access to broadband internet in the  
314 town; provided further, that not less than \$4,000,000 shall be expended to city of Springfield for

315 the revitalization of the Indian Orchard neighborhood; provided further, that not less than  
316 \$4,000,000 shall be expended to Way Finders, Inc., a housing and community development  
317 agency in the city of Springfield, for infrastructure improvements and capital investments to  
318 support the expansion of services relative to affordable housing, homeownership opportunities,  
319 neighborhood redevelopment, financing for small businesses and other community housing and  
320 economic development initiatives; provided further, that not less than \$1,000,000 shall be  
321 expended for the Roxbury Trust Fund for the creation of jobs, job training and placement,  
322 business development and expansion, financial workshops for individuals and small businesses,  
323 education, literacy and English language acquisition in the Roxbury section of the city of Boston;  
324 provided further, that \$1,000,000 shall be expended for construction, renovations and  
325 infrastructure improvements for the Italian Home for Children campuses located in the Jamaica  
326 Plain section of the city of Boston and in the East Freetown section of the town of Freetown;  
327 provided further, that not less than \$100,000 shall be expended for the mitigation of or  
328 contribution toward any cost associated with design, construction or infrastructure improvements  
329 related to the redevelopment of the intersection of Carew and Cass streets in the city of  
330 Springfield; provided further, that not less than \$3,000,000 shall be expended to enhance  
331 economic opportunity for the village of south Braintree in order to draw biomedical, life science,  
332 and related commerce initiatives to tie in the growing transportation system in the southern  
333 section of the city known as the town of Braintree; provided further, that \$1,500,000 shall be  
334 expended for infrastructure improvements at the Seaport Marina in the city of Lynn; provided  
335 further, that not less than \$1,000,000 shall be expended for the redevelopment of the old town  
336 hall building in the town of Walpole; provided further, that not less than \$2,000,000 shall be  
337 expended for downtown economic development projects, streetscape improvements, parking,

338 facade and signage consistency and improvements and small business support including, but not  
339 limited to, the recruitment of innovative businesses and the creative arts community in the town  
340 of Walpole; provided further, that \$3,500,000 shall be expended to the Zeiterion Theatre in the  
341 city of New Bedford for capital facility repairs and improvements including, but not limited to,  
342 marquee design and construction in order to provide world-class performing arts in the  
343 downtown area of the city that will benefit financially-disadvantaged children and families;  
344 provided further, that not less than \$500,000 shall be expended for the Transit Oriented  
345 Development Public Parking Garage Feasibility Study, which shall include, but not be limited to,  
346 the parking structure, land acquisition costs and associated economic development planning and  
347 materials costs in the city of Attleboro; provided further, that not less than \$500,000 shall be  
348 expended for intersection improvement projects on state highway route 106, East Center street,  
349 to fund engineering and design improvements for the commercial corridor in the town of West  
350 Bridgewater; provided further, that \$4,000,000 shall be expended for the Buttonwood Park Zoo  
351 in the city of New Bedford for capital facility repairs and redevelopment as part of the master  
352 plan redevelopment project to benefit financially disadvantaged children; provided further, that  
353 \$250,000 shall be expended for clean up of the municipal trash site in the city of Attleboro;  
354 provided further, that \$500,000 shall be expended to the Southeastern Massachusetts Convention  
355 & Visitors Bureau, Inc. in consultation with Downtown New Bedford Inc. and the New Bedford  
356 Area Chamber of Commerce, Inc., to develop and implement a marketing campaign to generate  
357 increased visitation, tourism and economic development in and around the downtown of the city  
358 of New Bedford, which may include, but shall not be limited to, billboards, print media, social  
359 media, radio, television and other electronic forms of advertising in the Greater Boston area;  
360 provided further, that not less than \$300,000 be expended on a technical assistance program for



361 small businesses, mid-sized businesses and entrepreneurs in the East Boston section of the city of  
362 Boston, of which \$100,000 shall be expended for technical support to immigrant and non-  
363 English speaking businesses and business owners and administered by East Boston Mainstreets  
364 Inc.; provided further, that \$4,000,000 shall be expended to the Northstar Learning Centers, Inc.  
365 to design and construct the early childhood education center in the city of New Bedford to  
366 benefit financially disadvantaged children and families by removing barriers to educational and  
367 economic success; provided further, that not less than \$2,000,000 shall be expended for dry dock  
368 improvements at Milton landing, dredging of the Milton wharf and reconfiguration and  
369 reconstruction of the Wood Street overpass in the town of Milton; provided further, that not less  
370 than \$1,200,000 shall be expended for the town of Nantucket for the replacement of the town  
371 pier and floating dock and related expenses; provided further, that not less than \$300,000 shall be  
372 expended for the Nantucket Dreamland Foundation for a feasibility study and related costs for  
373 the expansion of the Nantucket Dreamland Foundation building on South Water street in the  
374 town of Nantucket; provided further, that \$1,000,000 shall be expended for the town of Oak  
375 Bluffs for improvements to the North Bluff ferry terminal area; provided further, that \$300,000  
376 shall be expended for the town of Gosnold for the planning, engineering and construction of a  
377 visitor center at the Coast Guard Boat House; provided further, that not less than \$500,000 shall  
378 be expended for the Hyannis Main Street Business Improvement District to purchase property on  
379 Main Street in Barnstable, for use as a visitor and welcome center; provided further, that not less  
380 than 750,000 shall be expended for the renovation and rehabilitation of the Patton Homestead in  
381 the Town of Hamilton; provided further, that not less than \$200,000 shall be expended for an  
382 economic development study in the town of Merrimac; provided further, that not less than  
383 \$11,000,000 shall be expended to the Massachusetts International Festival of the Arts, Inc. for

384 the restoration of the Victory Theatre in the city of Holyoke; provided further, that not less than  
385 \$2,500,000 shall be expended for the replacement of the deteriorating bulkhead supporting the  
386 boardwalk on Newburyport's Central Waterfront and for the design and construction of the final  
387 phase of the Clipper City rail trail connection across United States highway route 1, including  
388 redesign of the United States route 1 rotary and pedestrian ways; provided further, that not less  
389 than \$125,000 shall be expended for upgrades and improvements to the shellfish purification  
390 plant in the city of Newburyport; provided further, that not less than \$200,000 shall be expended  
391 for the design, and construction of a seafood test kitchen in the city of Gloucester; provided  
392 further, that not less than \$1,000,000 shall be expended for the planning, design and construction  
393 of an archives facility in the city of Gloucester; provided further, that not less than \$1,000,000  
394 shall be expended for dockage and other facilities for the accommodation of transient boaters and  
395 other improvements at the Gloucester harbormaster's office in the city of Gloucester; provided  
396 further, that not less than \$1,000,000 shall be expended for the expansion of and increased access  
397 to the riverwalk trail and park area, including a bridge crossing the Powow river; provided  
398 further, that not less than \$1,500,000 shall be expended for road construction on route 110 and  
399 Elm street to facilitate access to the development site in the city of Amesbury; provided further,  
400 that not less than \$1,000,000 shall be expended for economic development projects in the town  
401 of Georgetown; provided further, that not less than \$1,000,000 shall be expended for  
402 improvements to commuter parking and other facilities for the North Wilmington commuter rail  
403 station in the town of Wilmington; provided further, that not less than \$250,000 shall be  
404 expended for economic development infrastructure improvements on the route 38 corridor in the  
405 town of Wilmington; provided further, that not less than \$1,000,000 shall be expended for the  
406 planning, design and construction of a commuter rail site in the town of North Andover;

407 provided further, that not less than \$3,750,000 shall be expended for the city of Lowell for  
408 planning and investment in opportunity zones, including the restoration of sidewalks, lighting,  
409 street furnishings, street trees and other plantings as well as transit-oriented development  
410 planning for route 110 from Cross Point Towers to the Charles A. Gallagher Transit Terminal  
411 and the construction of a new public park with festival and event space accommodations and a  
412 pedestrian walkway connecting a public parking facility to adjacent development opportunities;  
413 provided further, that not less than \$2,000,000 shall be expended for the city of Lowell to  
414 conduct a parking analysis and implement recommendations and technology upgrades to city-  
415 owned parking facilities; provided further, that not less than \$2,000,000 shall be expended for  
416 the city of Lowell to procure services for design and construction of a bridge over the Pawtucket  
417 canal and associated walkways or a water taxi dock to enhance pedestrian access to Western  
418 Avenue Studios; provided further, that not less than \$1,000,000 shall be expended for the city of  
419 Lowell to design and construct the Merrimack riverwalk phase II project, including a pedestrian  
420 walkway, ramp, cantilevered overlook and bridge over the Concord river, and other services  
421 associated with those activities; provided further, that not less than \$250,000 shall be expended  
422 for the city of Lowell to procure services for the redevelopment of the Hamilton Canal  
423 Innovation District, including activities associated with submission of a notice of project changes  
424 for the district's Massachusetts environmental policy act certificate, and brokerage services to  
425 include marketing, sale negotiation and other services associated with those activities; provided  
426 further, that not less than \$2,000,000 shall be expended for the city of Lowell to acquire  
427 properties that will advance the goals and objectives of the town of Ayer's City Industrial Park  
428 Urban Revitalization and Development Project Plan, and other services associated with those  
429 activities; provided further, that not less than \$2,250,000 shall be expended for the purchase of

430 dredging equipment to service the region that includes Cape-Ann and extends to the New  
431 Hampshire border; provided further, that not less than \$1,000,000 shall be expended for  
432 investment in the town of Tyngsborough; provided further, that not less than \$200,000 shall be  
433 expended for a study to analyze strategies and opportunities to protect and expand affordable and  
434 workforce housing in the city of Revere; provided further, that not less than \$2,750,000 shall be  
435 expended to support the implementation, planning and construction of projects recommended by  
436 that study; provided further, that not less than \$3,900,000 shall be expended to the town of West  
437 Springfield for the revitalization of the downtown area; provided further, that not less than  
438 \$6,000,000 shall be expended for roadway, sidewalk, streetscape and other infrastructure  
439 improvements along the Main Street and state highway route 9 downtown business district  
440 corridor in the city of Northampton; provided further, that not less than \$2,000,000 shall be  
441 expended for sidewalk, street lighting, streetscape and other infrastructure improvements in the  
442 Florence downtown business district of the city of Northampton; provided further, that not less  
443 than \$100,000 shall be expended for building safety improvements to the historic, municipally-  
444 owned Academy of Music Theatre in the city of Northampton to sustain its economic vitality as  
445 a local and regional entertainment venue; provided further, that not less than \$100,000 shall be  
446 expended for a study and design of a municipal broadband network in the city of Northampton;  
447 provided further, that not less than \$2,500,000 shall be expended for infrastructure and  
448 improvements at 34 Riddell street in the city of Greenfield; provided further, that not less than  
449 \$130,000 shall be expended for the New England Learning Center for Women in Transition in  
450 the city of Greenfield; provided further, that not less than \$150,000 shall be expended to the  
451 Hampshire Regional Tourism Council for the implementation of an outdoor recreation marketing  
452 campaign; provided further, that not less than \$150,000 shall be expended to the Franklin County

453 Regional Tourism Council to examine intermodal transportation enhancements to spur economic  
454 development around outdoor recreation; provided further, that not less than \$870,000 shall be  
455 expended to the Franklin Hampshire Career Center for a one stop career center in Hampshire  
456 county ; provided further, that not less than \$205,000 be expended for the Marine Renewable  
457 Energy Collaborative to acquire and install new equipment at the Bourne Tidal Test Site;  
458 provided further, that not less than \$500,000 be expended for the Woods Hole Oceanographic  
459 Institute to utilize autonomous vehicles to detect harmful algal blooms that impact fishermen and  
460 shellfishermen; provided further, that not less than \$3,000,000 shall be expended for  
461 infrastructure improvements to Hedges Pond Road in the Town of Plymouth; provided further,  
462 that not less than \$1,500,000 shall be expended to the Abington and Rockland Joint Water  
463 Works for improvements to and expansion of the Meyers Avenue Plant; provided further, that  
464 not less than \$2,500,000 shall be expended for business development, infrastructure, streetscape  
465 and accessibility improvements in the Town of Braintree; provided further, that not less than  
466 \$3,500,000 shall be expended for business development, infrastructure and streetscape  
467 improvements in Wollaston Center in the city of Quincy; provided further, that not less than  
468 \$2,000,000 shall be expended for business development, infrastructure and streetscape  
469 improvements in the town of Holbrook; provided further, that not less than \$1,250,000 shall be  
470 expended for business development, infrastructure and streetscape improvements in the Town of  
471 Rockland; provided further, that not less than \$1,250,000 shall be expended for business  
472 development, infrastructure and streetscape improvements in the Town of Abington; provided  
473 further, that not less than \$1,500,000 shall be expended for the city of Everett for facade and  
474 streetscape improvements in neighborhood business districts; provided further, that not less than  
475 \$3,000,000 be allocated for water distribution infrastructure projects in the Town of Kingston;

476 provided further, that not less than \$3,000,000 shall be expended for the city of Everett for a new  
477 roadway near BNY Mellon and the Berberian sites in order to design and build the roadway and  
478 create a bike path connection between BNY and the GE site; provided further, that not less than  
479 \$4,500,000 shall be expended for the city of Chelsea for the Beacham Street Rehabilitation  
480 Project in order to enhance the economic viability of the Produce Center; provided further that  
481 not less than \$1,200,000 shall be expended for the construction of a children's museum in the  
482 city of Peabody; provided further that not less than \$350,000 shall be expended for roadway  
483 design of Pulaski Mills in the city of Peabody; provided further that not less than \$150,000 shall  
484 be expended for welcome signs in the city of Peabody; provided further that \$500,000 shall be  
485 expended for equipment, materials and transportation for the carpentry and electric, machine tool  
486 technology, and auto technology programs at Chicopee Comprehensive High School in the city  
487 of Chicopee; provided further, that \$4,000,000 shall be expended for new construction of 4,500  
488 lineal feet of Riverside Drive with accompanying infrastructure as a public way within the  
489 Ludlow Mills complex in the town of Ludlow; provided further, that \$2,000,000 shall be  
490 expended to create a Baystate Clinical Trials Unit, which would provide infrastructure, staffing,  
491 services, training, and support to facilitate clinical and translational research with human subjects  
492 and develop national partnerships to advance cutting edge medical research; provided further,  
493 that \$2,000,000 shall be expended to create a Baystate Collaborative Addiction Resource Team,  
494 which would establish a multi-disciplinary, multi-modal, evidence-based addictions service to  
495 serve the large number of individuals treated at Baystate who have substance use disorders with  
496 an emphasis on facilitating evidence-based MAT; provided further, that not less than \$3,000,000  
497 shall be expended to fund infrastructure improvements at the Victor Drive and Main Street  
498 intersection in the town of Tewksbury; provided further, that not less than \$1,500,000 shall be

499 expended to fund sidewalk repairs, traffic lights, and infrastructure improvements at the  
500 intersection of Mammoth Road and Lakeview Avenue and along Lakeview Avenue in the town  
501 of Dracut; provided further, that not less than \$2,000,000 shall be expended for the city of  
502 Cambridge to support accessibility improvements for businesses along Cambridge Street;  
503 provided further, that \$500,000 shall be expended for the Lower Pioneer Valley Educational  
504 Collaborative to replace, repair and upgrade equipment for various programs at the Lower  
505 Pioneer Valley Educational Collaborative Career Technical Educational Center; provided  
506 further, that not less than \$1,000,000 shall be expended for the city of Cambridge for the  
507 expansion of biomedical and information technology (IT) workforce development programs to  
508 prepare local low- to moderate-income adults for careers in the biotechnology, life sciences,  
509 medical research industries, and IT, as well as supply local employers with work-ready, diverse  
510 employees; provided further, that not less than \$1,500,000 shall be expended for the restoration  
511 and rehabilitation of the historic Everett Square Theatre, located at 17 Fairmount Avenue in the  
512 Hyde Park section of the City of Boston; provided further, that not less than \$1,500,000 shall be  
513 expended to fund river tourism and road construction along the Merrimack River to support  
514 economic development in the area; provided further, that not less than \$2,000,000 shall be  
515 expended to fund Economic Development & infrastructure improvements along Rt. 133 and  
516 Shawsheen Square in the town of Andover; provided further that not less than \$300,000 be  
517 expended for the street-scaping, lighting, and other improvements in Winthrop's business district;  
518 provided further, that \$2,500,000 shall be expended for the Boston 4 Celebrations Foundation  
519 Inc. for the Boston Pops July fourth fireworks spectacular at the Edward A. Hatch Memorial  
520 Shell in the city of Boston; provided further that not less than \$1,000,000 be provided to the  
521 Magazine Beach Partners to be expended on the renovations and redesign of Magazine Beach

522 and its parks in the City of Cambridge; provided further, that not less than \$3,000,000 shall be  
523 expended for the expansion of water, sewer, and green energy infrastructure along route 122 and  
524 Central street in the towns of Millville and Blackstone; provided further, that not less than  
525 \$4,000,000 shall be expended for the development of the Draper Mill Complex in the town of  
526 Hopedale; provided further, that not less than \$2,000,000 shall be expended for the  
527 redevelopment and revitalization of the downtown area in the town of Milford; provided further,  
528 that not less than \$1,000,000 shall be expended to fund downtown revitalization and  
529 infrastructure improvements in the town of Andover; provided further that not less than  
530 \$10,000,000 be expended to the Boston Housing Authority for the Mary Ellen McCormack  
531 Redevelopment project to create new Senior, Veterans, and Workforce Housing; provided  
532 further, that \$3,500,000 shall be expended for further development and improvement to  
533 infrastructure along the Saugus River waterfront in the Town of Saugus; provided further, that  
534 not less than \$2,000,000 shall be expended for the Jackson Square Recreation Center in the  
535 Roxbury section of the city of Boston; provided further, that not less than \$2,000,000 shall be  
536 expended to the Blessed Sacrament in Jamaica Plain; provided further that not less than  
537 \$350,000 shall be expended for the Black Economic Council of Massachusetts for technical  
538 assistance; and provided further that not less than \$250,000 shall be expended for STRIVE  
539 FORWARD, a job-readiness program to be coordinated by the Justice Resource Institute to  
540 connect chronically unemployed adults with training, case management and job placement; and  
541 provided further that not less than \$200,000 shall be expended to Beacon Communities for a job  
542 training program at the John L. Tierney Center in the South Boston section of the City of Boston;  
543 and provided further that not less than \$100,000 shall be expended for capital needs,  
544 programming and operations at the Ella J. Baker house in the Dorchester section of the city of



545 Boston; and provided further that not less than \$100,000 shall be expended for South Boston En  
546 Accion; provided further, that \$1,000,000 shall be expended for improvements to infrastructure  
547 and signage along the Washington Street Corridor in the city of Lynn; provided further, that  
548 \$2,000,000 shall be expended for improvements at Historic Barry Park in the city of Lynn;  
549 provided that not less than \$1,000,000 shall be expended to the Dorchester Bay Economic  
550 Development Corporation for the design, construction, and renovation of the Pierce Building in  
551 the Uphams Corner section of the city of Boston; provided further, that \$2,700,000 shall be  
552 expended for infrastructure and road improvements at the intersection of Interstate Highway  
553 Route 95, South Main Street, and Old Post Road in the Town of Sharon; provided further, that  
554 not less than \$3,250,000 shall be expended for the town of Mashpee for the design, engineering  
555 and construction of a wastewater discharge force main and related disposal site to support  
556 reasonable economic development in the town's central business district; provided further, that  
557 not less than \$3,000,000 shall be expended for the downtown revitalization of the Town of  
558 Pembroke; provided further, that not less than \$2,000,000 shall be expended to fund site  
559 assessment, master planning and demolition at Merrimack Paper in the city of Lawrence; and  
560 provided further that not less than \$1,000,000 shall be expended to fund repairs and  
561 rehabilitation of Museum Square Parking Garage in the city of Lawrence; provided further, that  
562 \$ 2,000,000 shall be expended for a traffic study and the design and construction of traffic  
563 signals at the intersection of Hanover St., Circuit St. and Pleasant St. in the town of Hanover;  
564 provided further, that \$320,000 shall be expended for the replacement of Field lighting, poles  
565 and installation costs at the Sirrico Field located at the Silver Lake Regional High School in the  
566 town of Kingston; provided further, that \$3,000,000 shall be expended for the CSX property  
567 (Former Freight Yard) located along an active commuter and freight rail line running north-south

568 for future commercial/industrial development located in the city of Brockton; provided further,  
569 that \$500,000 shall be expended to build 4 monitoring stations, with access for setup,  
570 monitoring, and maintenance to automate the monitoring of the cyanobacteria sampling locations  
571 in Monponsett Pond as part of a resource management plan ordered by the Department of  
572 Environmental Protection in the town of Halifax; provided further that not less than \$700,000 be  
573 expended for the planning and construction of a roadway and drainage improvement at the Belle  
574 Isle Terrace business district .....\$459,605,000

575           7002-1501   For grants administered by Massachusetts Technology Development  
576 Corporation established in section 2 of chapter 40G of the General Laws, and doing business as  
577 MassVentures; provided, that such grants shall be made on a competitive basis to growing  
578 Massachusetts-based companies commercializing technologies developed with assistance of a  
579 small business innovation research or small business technology transfer grant from a federal  
580 agency including, but not limited to, the United States Department of Defense, the United States  
581 Department of Energy or the National Science Foundation..... \$12,500,000

582           7002-8006   For the MassWorks infrastructure program established in section 63 of  
583 chapter 23A of the General Laws.....\$200,000,000

584           7002-8007   For matching grants to enable institutions of higher education, including  
585 state and municipal colleges and universities, to participate in and receive federal funding  
586 through Manufacturing USA, formerly known as the National Network for Manufacturing  
587 Innovation..... \$25,000,000

588           7002-8019   For the Massachusetts Growth Capital Corporation established in section 2  
589 of chapter 40W of the General Laws, for a program to provide matching grants to community

590 development financial institutions certified by the United States Treasury or community  
591 development corporations certified under chapter 40H of the General Laws to enable the  
592 community development financial institution or community development corporation to leverage  
593 federal or private investments for the purpose of making loans to small  
594 businesses..... \$5,250,000

595           7002-8023   For grants to coastal communities to undertake dredging projects,  
596 including the purchase of dredging equipment on a regional basis, that will promote job creation,  
597 increase commercial activity, contribute to downtown revitalization or advance other local  
598 economic development goals; provided, that all grants shall be matched on a 1 to 1 basis by the  
599 grantee..... \$50,000,000

600           SECTION 2B.

601                           EXECUTIVE OFFICE OF EDUCATION

602   Office of the Secretary

603           7009-2005   For a competitive grant program to be administered by the executive  
604 office of education, in consultation with the executive office of housing and economic  
605 development and the executive office of labor and workforce development, to provide funding  
606 for the purchase and installation of equipment and related improvements and renovations to  
607 facilities necessary for the installation and use of such equipment, to establish, upgrade and  
608 expand career technical education and training programs that are aligned to regional economic  
609 and workforce development priorities; provided, that grant applications may facilitate  
610 collaboration to provide students enrolled in eligible vocational technical schools with  
611 postsecondary opportunities consistent with clause (o) of the first paragraph of section 22 of

612 chapter 15A of the General Laws and section 37A of chapter 74 of the General Laws; provided  
613 further, that community colleges and innovation centers that receive funds from the  
614 Massachusetts Life Sciences Center shall also be eligible for funds from this program; provided  
615 further, that the executive office of education, in consultation with the executive office of  
616 housing and economic development and the executive office of labor and workforce  
617 development, shall adopt additional guidelines as necessary for the administration of the  
618 program; and provided further, that awards may be made to community-based organizations with  
619 recognized success in training adults with barriers to employment..... \$75,000,000

620 MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

621 Office of the Secretary

622 6720-1341 For the mitigation of or contribution toward costs associated with or  
623 arising out of the design, construction or infrastructure improvements to the Raymond L. Flynn  
624 Cruiseport in the South Boston section of the city of Boston to accommodate large cruise ships  
625 and increasing passenger demand, for the continued competitiveness of the terminal; provided,  
626 that the secretary, in coordination with the chief executive officer of the Massachusetts Port  
627 Authority, shall seek to maximize federal and private funds and reimbursement to offset, to the  
628 extent feasible, costs incurred under this item; provided further, that the Massachusetts Port  
629 Authority shall implement a program that reduces emissions associated with cruise ship  
630 operations while said ships are at berth not later than July 1, 2024; provided further, that said  
631 program to reduce emissions shall include ship-to-shore capabilities or other advanced emission  
632 reduction technology; and provided further, that the Massachusetts Port Authority shall publish  
633 an annual report concerning environmental impacts of operations at the Conley Terminal and

634 Flynn Cruiseport, including but not limited to, air quality, emissions and noise  
635 pollution.....\$100,000,000

636 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

637 Office of the Secretary

638 0640-0302 For the Massachusetts Cultural Facilities Fund established in section 42 of  
639 chapter 23G of the General Laws for the acquisition, design, construction, repair, renovation,  
640 rehabilitation or other capital improvement or deferred maintenance to a cultural facility to  
641 advance and promote tourism through the preservation of the state’s cultural  
642 resources.....\$50,000,000

643 SECTION 3. Section 20 of chapter 6C of the General Laws, as appearing in the 2016  
644 Official Edition, is hereby amended by adding the following paragraph:-

645 Notwithstanding this section, section 46 or any other general or special law to the  
646 contrary, the department may convey, or lease for a term not to exceed 198 years, air rights  
647 within the parcel known as Massachusetts Turnpike Parcel 15 to the designated developer of that  
648 parcel or its nominee. The parcel is located in the city of Boston and bounded by Cambria street  
649 to the south, St. Cecilia street to the west, Boylston street and private property to the north and  
650 Dalton street to the east. The boundaries of the air rights conveyed or leased shall preserve the  
651 department’s ownership of the turnpike roadway and adjacent rail tracks and air space above the  
652 roadway and rail tracks as considered necessary and desirable by the department for its  
653 transportation purposes. Any such sale or lease may include air rights above streets owned by  
654 the department that adjoin the parcel and the department may grant a developer or its nominee  
655 rights and easements to install and maintain foundations, walls and other appurtenances below

656 the air rights so conveyed or leased, all on such terms and conditions as the secretary of  
657 transportation or general counsel deems necessary or desirable. Any such sale or lease shall be  
658 at the then-fair market value of the air rights as determined using customary appraisal practices  
659 in the commonwealth and shall not be subject to the requirements of this section. Any such sale  
660 or lease shall be subject to: (i) the department reserving all easements and rights needed for its  
661 transportation purposes; (ii) recognition by the developer or its nominee that the department's  
662 transportation needs remain paramount; (iii) compliance by the developer or its nominee with the  
663 department's requirements for indemnification, covenants not to sue and releases relating to  
664 negative impacts from development above the turnpike and rail lines; (iv) the developer fulfilling  
665 its commitment to the city of Boston's inclusionary development policy by building off-site units  
666 in the Back Bay or Fenway and Kenmore sections of the city of Boston or the South End  
667 planning district, with a preference for locations within 1/2 mile of the project site; and (v) such  
668 other terms and conditions as the secretary of transportation or the general counsel determines  
669 are necessary or desirable. The developer or its nominee shall be obligated to take such premises  
670 "as is, where is" with all existing site conditions, including existing environmental conditions. If  
671 the department of transportation completes such a sale or extended lease and if the developer's  
672 mandatory inclusionary development policy contribution in combination with available  
673 commonwealth funding is insufficient to construct 1 or more viable projects totaling a minimum  
674 of 51,840 square feet of affordable housing within the geographic area established in clause (iv),  
675 the department of transportation shall transfer an amount of up to 20 per cent of the sale or lease  
676 proceeds to the Boston Redevelopment Authority as gap financing to be used exclusively for the  
677 construction of affordable housing. If the Boston Redevelopment Authority certifies that 1 or  
678 more viable projects totaling 51,840 square feet or more within the geographic area has been

679 identified, the department of transportation shall instead transfer an amount equal to 12 per cent  
680 of the sale or lease proceeds to increase the number of affordable units in those projects. In  
681 neither case shall the department of transportation funds or other commonwealth funds be used  
682 to subsidize or offset a developers' inclusionary development policy commitment.

683 SECTION 4. Section 16 of chapter 6D of the General Laws, as so appearing, is hereby  
684 amended by striking out subsection (c).

685 SECTION 5. Section 3C of chapter 23A of the General Laws, as so appearing, is hereby  
686 amended by adding the following 2 subsections:-

687 (d) Notwithstanding subsections (b) and (c), the EACC may, by guideline or regulation,  
688 establish a program to incentivize businesses to occupy vacant storefronts in downtown areas.  
689 The EACC may award EDIP tax credits to storefront tenants on a competitive basis, taking into  
690 account factors including, but not limited to: (i) the number of jobs to be created; (ii) the volume  
691 of pedestrian traffic to be generated; (iii) potential synergy with other downtown businesses; (iv)  
692 whether there is a matching contribution from the municipality or the landlord; (v) commitment  
693 to storefront improvements; and (vi) whether the municipality has made local plans or  
694 investments to revitalize the downtown. Certification of such a project shall require that a  
695 business commit to occupying the vacant storefront for a period of not less than 1 year, but the  
696 business shall not be required to invest in improvements or create new jobs. The EACC shall not  
697 award more than \$500,000 in EDIP tax credits in a calendar year to projects certified pursuant to  
698 this subsection.

699 SECTION 6. Section 63 of said chapter 23A, as so appearing, is hereby amended by  
700 striking out, in lines 57 and 58, the following words:- , and towns shall be eligible to receive 1  
701 grant every 3 fiscal years.

702 SECTION 7. Said chapter 23A is hereby amended by adding the following section:-

703 Section 68. (a) As used in this section, the following words shall have the following  
704 meanings, unless the context clearly requires otherwise:

705 “Participant”, a municipality seeking to utilize an innovative technology solution or a  
706 startup.

707 “Startup”, a corporation, partnership, limited liability company, sole proprietorship or  
708 organization seeking to bring innovative technology to the market including, but not limited to, a  
709 company that is seeking a first or early-customer to validate the commercial readiness of the  
710 company’s technology.

711 (b) There shall be within the executive office of housing and economic development an  
712 innovative communities office to serve as a common place of access, education and point of  
713 connection for startups and municipalities seeking innovative technology solutions. The office  
714 shall implement an innovative communities program to support the introduction of cutting-edge  
715 technologies into the marketplace and incentivize the adoption of these technologies by  
716 municipalities.

717 The office shall be under the supervision and control of an executive director, appointed  
718 by the secretary of housing and economic development, who shall have experience in business,  
719 including experience with companies specializing in new and innovative technologies. The



720 executive director may appoint and remove, subject to appropriation, agents and subordinate  
721 officers and employees as the executive director considers necessary and may establish  
722 subdivisions as the executive director considers appropriate to carry out the objectives of the  
723 office. The executive director may, subject to appropriation and the laws and regulations relating  
724 to the employment of consultants, employ consultants as the executive director considers  
725 necessary.

726 To implement the innovative communities program, the executive director shall enter into  
727 interagency service agreements or other contracts with state agencies, state authorities, business  
728 associations and other entities including, but not limited to, the Massachusetts office of  
729 information technology, the operational services division, the Massachusetts clean energy  
730 technology center, the office of inspector general and regional planning organizations. The  
731 interagency service agreements and contracts shall be designed to support municipalities seeking  
732 to utilize innovative technology and startups.

733 (c) The executive director shall establish a process to certify innovative communities. To  
734 qualify as an innovative community, a municipality shall: (i) pass a resolution, upon the vote of  
735 the local governmental body, which accepts the principles described in this section; (ii) make  
736 electronically available to the public municipal data sets maintained by the municipality,  
737 excluding data sets containing information that identifies individual persons or is protected by  
738 law; (iii) attend not less than 1 technology marketing event or exposition organized by the  
739 executive director; (iv) conduct beta testing on not less than 1 technology annually that has been  
740 vetted and approved by the executive director; and (v) share the results of the trial with other  
741 municipalities participating in the innovative communities program. A municipality that meets

742 the requirements of this subsection shall be designated by the executive director as an innovative  
743 community and shall be eligible for grants under clause (vii) of subsection (d).

744 (d) In addition to certifying innovative communities under subsection (c), the executive  
745 director shall:

746 (i) develop, in consultation with the inspector general, an education program for  
747 municipalities regarding purchasing innovative technology from startups under chapter 7 and  
748 chapter 30B, including purchasing under subsection (c) of section 4 of said chapter 30B;

749 (ii) develop, in consultation with the inspector general, an education program for  
750 startups that includes methods to understand the municipal purchasing process and the  
751 requirements and standards that shall be fulfilled by startups in order to sell to municipalities,  
752 including opportunities to participate in the commonwealth's efforts to coordinate purchasing for  
753 government entities;

754 (iii) create, in consultation with the inspector general, a plain language summary  
755 and other standardized informational materials to explain how the procurement process operates  
756 for contracts negotiated by municipalities under sections 22A and 22B of said chapter 7 and  
757 chapter 30B, to ensure uniform practices in the commonwealth;

758 (iv) organize marketing events and expositions for: (1) startups, to showcase their  
759 technology, and conduct statewide innovation competitions to solicit proposals for innovative  
760 uses of technology that allow municipalities to better serve their residents or promote efficient  
761 use of resources; and (2) participating municipalities, to make municipal technology needs  
762 known to startups and to share the results of the beta test required under clause (iv) of subsection  
763 (c);

764 (v) engage municipalities and startups, through marketing and outreach, to  
765 promote the benefits of participating in the innovative communities program, including soliciting  
766 entrepreneurial proposals for reshaping government services through various platforms and  
767 encouraging participation from women-owned and minority-owned businesses;

768 (vi) implement pilot programs in innovative communities annually, subject to  
769 appropriation, for the most market-ready technologies presented at the technology marketing  
770 events, expositions and innovation competitions;

771 (vii) establish a grant program, subject to appropriation, for innovative  
772 communities to finance all or a portion of the costs associated with the adoption of a innovative  
773 technology approved by the innovative communities program;

774 (viii) provide municipalities and startups with technical assistance to enter into  
775 agreements under said chapter 7 and said chapter 30B that assess the need for and the cost and  
776 feasibility of employing the chosen technology;

777 (ix) develop a pre-qualification process for participating startups to expedite the  
778 purchase of innovative technologies;

779 (x) establish collective purchasing under section 22A of said chapter 7 to be  
780 updated on a regular basis, but not less often than annually, where municipalities may make  
781 purchases of innovative technologies approved by the executive director under this section;

782 (xi) establish evaluation, audit and compliance procedures for participating  
783 startups, including a technology readiness assessment, self-audit and standardized due diligence  
784 investigation of participating startup business profiles; and

785 (xii) establish a publicly-available website to publish and regularly update  
786 information, events and materials created under this subsection.

787 (e) There shall be an innovative communities advisory board to: (i) build and maintain  
788 relationships between startups and municipalities; and (ii) improve the innovative communities  
789 program. The advisory board shall be within, but not subject to the control of, the executive  
790 office of housing and economic development.

791 The advisory board shall consist of: the chief information officer of the Massachusetts  
792 office of information technology or a designee; the executive director of the Massachusetts  
793 Municipal Association, Inc. or a designee; 1 representative of the Massachusetts Association of  
794 Public Purchasing Officials; 1 member of the Massachusetts rural policy advisory commission;  
795 and 9 members to be appointed by the governor, 1 of whom shall be a chief executive officer of a  
796 clean energy company or a designee, 1 of whom shall be a chief executive officer of an  
797 innovative information technology company or a designee, 1 of whom shall be a chief executive  
798 officer of an innovative startup company or a designee, 1 of whom shall be an investor in new  
799 technology companies, 2 of whom shall be chief executive officers of associations representing  
800 emerging technology industries, 2 of whom shall be individuals who have experience with  
801 business incubators or shared workspaces and 1 of whom shall be a representative of a regional  
802 planning organization. The governor shall fill any vacancy. The advisory board shall elect a  
803 chair. The advisory board shall file a report on the activities of the board and any  
804 recommendations annually, not later than March 1, with the secretary of housing and economic  
805 development and the joint committee on economic development and emerging technologies.

806 SECTION 8. Subsection (b) of section 2RR of chapter 29 of the General Laws, as  
807 appearing in the 2016 Official Edition, is hereby amended by adding the following paragraph:-

808 (3) To provide grants for pipeline training for unemployed persons by an employer with a  
809 job vacancy, an employer association, local workforce investment board, labor organization,  
810 community-based organization, including an adult basic education provider, institution of higher  
811 education, vocational education institution, one-stop career center, local workforce development  
812 entity or a nonprofit education, training or other service provider; provided, however, that the  
813 director shall not allocate more than 5 per cent of the annual capitalization of the fund to provide  
814 for such grants. In determining grant recipients, the director shall contract with the  
815 commonwealth corporation to distribute the grants in a need based, competitive process in  
816 accordance with the rules and parameters outlined in section 2WWW. The grants shall be  
817 performance-based and 50 per cent funded upon enrollment in the program, with the balance to  
818 be paid contingent upon job placement and retention outcomes that demonstrate placement of a  
819 participant in a training-related position requiring not less than 30 hours per week for not less  
820 than 2 months. To further support pipeline training and to match the substantial contributions  
821 made from employers to the fund, the commonwealth shall match, subject to appropriation,  
822 money used for grants pursuant to this paragraph.

823 SECTION 9. Subsection (a) of section 2WWW of chapter 29 of the General Laws, as so  
824 appearing, is hereby amended by adding the following sentence:- These grants shall be known as  
825 the “Senator Kenneth J. Donnelly Workforce Success” grants.

826 SECTION 10. Section 54A of chapter 40 of the General Laws, as so appearing, is hereby  
827 amended by striking out the first paragraph in its entirety and inserting in place thereof the  
828 following paragraph:-

829 Section 54A. If a city or town or other person purchases a former railroad right-of-way in  
830 the commonwealth, no permit to build a structure of any kind on land so purchased shall be  
831 issued by a city or town in the commonwealth without first obtaining the consent or a  
832 determination of inapplicability in writing to the issuance of that permit from the secretary of the  
833 department of transportation. The department of transportation shall establish an application  
834 process, applicable time frames and review guidelines that may require a public hearing  
835 component depending on when the former railroad right-of-way was last used by the railroad. As  
836 used in this section, the term “former railroad right of way” shall mean a property that was either  
837 formerly owned in fee by a railroad company and used as a railroad right-of-way or a property  
838 formerly subject to an easement held by a railroad company and used as a railroad right-of-way.

839 SECTION 11. Paragraph (a) of part B of section 3 of chapter 62 of the General Laws, as  
840 so appearing, is hereby amended by striking out subparagraph (10) and inserting in place thereof  
841 the following subparagraph:- (10) An amount equal to 10 per cent of the cost of renovating any  
842 abandoned building that is part of a certified project as defined in section 3A of chapter 23A.

843 SECTION 12. Section 6 of said chapter 62 is hereby amended by striking out, in lines  
844 1052 and 1053, as so appearing, the words “who is not the principal owner of the qualifying  
845 business and who is” and inserting in place thereof the following words:- , who is not: (i) the  
846 principal owner of the qualifying business; or (ii).

847 SECTION 13. Said section 6 of said chapter 62, as so appearing, is hereby amended by  
848 adding the following subsection:-

849 (u)(1) As used in this subsection, the following words shall have the following meanings,  
850 unless the context clearly indicates otherwise:

851 “ConnectorCare”, a program administered by the commonwealth health insurance  
852 connector authority established pursuant to chapter 176Q to provide premium assistance  
853 payments and point-of-service cost-sharing subsidies to residents of the commonwealth eligible  
854 pursuant to said chapter 176Q.

855 “Employer medical assistance contribution supplement” or “EMAC supplement”, a  
856 monetary amount actually paid by a taxpayer to the department of unemployment assistance  
857 pursuant to section 189A of chapter 149.

858 “Employer shared responsibility payment”, a monetary amount actually paid by a  
859 taxpayer to the Internal Revenue Service pursuant to 26 U.S.C. section 4980H as an assessment  
860 for employees domiciled in the commonwealth.

861 “Full-time employee”, shall have the same meaning as defined in 26 U.S.C. section  
862 4980H(c)(4).

863 “Taxpayer”, an employer as defined in section 1 of chapter 151A subject to the income  
864 tax under this chapter.

865 (2) Except as otherwise limited by paragraph (3), where a taxpayer pays both the EMAC  
866 supplement and the employer shared responsibility payment in the same taxable year, a taxpayer

867 shall be allowed a refundable credit against the tax liability imposed under this chapter in an  
868 amount equal to \$750 times the lesser of: (i) the number of Massachusetts employees for which  
869 the taxpayer pays the employer shared responsibility payment in the taxable year; or (ii) the  
870 number of full-time employees on ConnectorCare for which the taxpayer pays the EMAC  
871 supplement in the taxable year.

872 (3) The aggregate amount of credit available to a taxpayer in a taxable year under this  
873 subsection shall not exceed the lesser of: (i) the aggregate employer shared responsibility  
874 payment paid by the taxpayer in the taxable year; or (ii) the aggregate EMAC supplement paid  
875 by the taxpayer in the taxable year for full-time employees on ConnectorCare.

876 (4) The taxpayer may claim the credit only in the taxable year in which the taxpayer pays  
877 both the EMAC supplement and the employer shared responsibility payment, without regard to  
878 the years or other periods for which liabilities for those payments accrued.

879 (5) Where the credit allowed to a taxpayer exceeds the liability otherwise due under this  
880 chapter, 100 per cent of the balance of that credit may, at the option of the taxpayer, be refunded  
881 to the taxpayer for the taxable year in which the credit is claimed or may be applied by the  
882 taxpayer to its estimated liability for the subsequent taxable year.

883 (6) The credit shall not be transferrable.

884 (7) For the purpose of this subsection, any deduction from gross income that may  
885 otherwise be taken with respect to expenditures qualifying for the credit is disallowed to the  
886 extent that the expenditure is taken into account in the calculation of the credit.



887 (8) Notwithstanding section 21 of chapter 62C and section 46 of chapter 151A, the  
888 department of unemployment assistance and the department of revenue shall conduct data  
889 matches for the purposes of administering this section.

890 (9) The commissioner shall, in consultation with the department of unemployment  
891 assistance, promulgate regulations to implement this section.

892 (10) The credit provided for in this subsection shall apply to taxable years beginning on  
893 or after January 1, 2018 and before January 1, 2020.

894 SECTION 14. Section 38O of chapter 63 of the General Laws, as so appearing, is hereby  
895 amended by striking out, in lines 4 and 5, the words “either located within an economic target  
896 area designated under section 3G of chapter 23A, or”.

897 SECTION 15. Said chapter 63 is hereby amended by inserting after section 38GG the  
898 following section:-

899 Section 38HH. (a) As used in this section, the following words shall have the following  
900 meanings unless the context clearly indicates otherwise:

901 “ConnectorCare”, a program administered by the commonwealth health insurance  
902 connector authority established pursuant to chapter 176Q to provide premium assistance  
903 payments and point-of-service cost-sharing subsidies to residents of the commonwealth eligible  
904 pursuant to said chapter 176Q.

905 “Employer medical assistance contribution supplement” or “EMAC supplement”, a  
906 monetary amount actually paid by a taxpayer to the department of unemployment assistance  
907 pursuant to section 189A of chapter 149.

908 “Employer shared responsibility payment”, a monetary amount actually paid by a  
909 taxpayer to the Internal Revenue Service pursuant to 26 U.S.C. section 4980H as an assessment  
910 for employees domiciled in the commonwealth.

911 “Full-time employee”, shall have the same meaning as defined in 26 U.S.C. section  
912 4980H(c)(4).

913 “Taxpayer”, an employer as defined in section 1 of chapter 151A subject to an excise  
914 imposed by this chapter.

915 (b) Except as otherwise limited by subsection (c), where a taxpayer pays both the EMAC  
916 supplement and the employer shared responsibility payment in the same taxable year, a taxpayer  
917 shall be allowed a refundable credit against the tax liability imposed under this chapter in an  
918 amount equal to \$750 times the lesser of: (i) the number of Massachusetts employees for which  
919 the taxpayer pays the employer shared responsibility payment in the taxable year; or (ii) the  
920 number of full-time employees on ConnectorCare for which the taxpayer pays the EMAC  
921 supplement in the taxable year.

922 (c) The aggregate amount of credit available to a taxpayer in a taxable year under this  
923 section shall not exceed the lesser of: (i) the aggregate employer shared responsibility payment  
924 paid by the taxpayer in the taxable year; or (ii) the aggregate EMAC supplement paid by the  
925 taxpayer in the taxable year for full-time employees on ConnectorCare.

926 (d) The taxpayer may claim the credit only in the taxable year in which the taxpayer pays  
927 both the EMAC supplement and the employer shared responsibility payment, without regard to  
928 the years or other periods for which liabilities for those payments accrued.

929 (e) Where the credit allowed to a taxpayer exceeds the liability otherwise due under this  
930 chapter, 100 per cent of the balance of that credit may, at the option of the taxpayer, be  
931 refundable to the taxpayer for the taxable year in which the credit is claimed or may be applied  
932 by the taxpayer to its estimated liability for the subsequent taxable year. The credit allowed to a  
933 taxpayer shall not be subject to section 32C.

934 (f) The credit shall not be transferrable.

935 (g) For the purpose of this section, any deduction from gross income that may otherwise  
936 be taken with respect to expenditures qualifying for the credit under this section is disallowed to  
937 the extent that the expenditure is taken into account in the calculation of the credit.

938 (h) Notwithstanding section 21 of chapter 62C and section 46 of chapter 151A, the  
939 department of unemployment assistance and the department of revenue shall conduct data  
940 matches for the purposes of administering this section.

941 (i) The commissioner shall, in consultation with the department of unemployment  
942 assistance, promulgate regulations to implement this section.

943 (j) The credit provided for in this section shall apply to taxable years beginning on or  
944 after January 1, 2018 and before January 1, 2020.

945 SECTION 16. The General Laws are hereby amended by inserting after chapter 64M the  
946 following chapter:-

947

CHAPTER 64N.

948

LOCAL AND REGIONAL TRANSPORTATION BALLOT INITIATIVES.

949

Section 1. For purposes of this chapter, the following terms shall have the following

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meanings unless the context clearly requires otherwise:

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“District agreement”, a document specifying the terms and conditions of the powers and

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duties of the 2 or more municipalities forming a district under section 4 of this chapter, pursuant

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to the laws governing any such municipality, this chapter and such procedural regulations as the

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commissioner of revenue may promulgate.

955

“Governing body”, in a city having a Plan D or Plan E charter the city manager and city

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council and in any other city the mayor and the city council and in towns the board of selectmen

957

or equivalent body.

958

“Single subject of taxation”, 1 tax mechanism, including, sales, real or personal property,

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room occupancy, vehicle excise, or any other tax then authorized to be assessed or collected by

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the commonwealth or any city or town, as determined annually by the board of assessors or

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department of revenue, that the city or town, or district, may subject to the tax surcharge.

962

“Transportation project”, a project or program involving the planning, design or

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construction of public or mass transportation transit systems, transit oriented development, roads,

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bridges, bikeways, pedestrian pathways, and other transportation-related projects.

965           Section 2. (a) This chapter shall take effect in any city or town upon the approval of its  
966 governing body and its acceptance by the voters of any city or town by a ballot question as set  
967 forth in section 3.

968           (b) A city or town may impose any tax surcharge within its city or town on a single  
969 subject of taxation subject only to the condition that such tax is a surcharge on a tax then  
970 authorized by state law; provided, however, that no tax surcharge shall be imposed within the  
971 city or town unless it has first been approved by the governing body of such city and town and  
972 accepted by a majority of the voters of a city or town through a ballot question as set forth in  
973 section 3, except as provided in section 4.

974           (c) Notwithstanding chapters 59, 60A, 64H, 62 or any other general or special law to the  
975 contrary but subject this chapter, the governing body of any city or town may vote to accept the  
976 provisions of this chapter authorizing a surcharge on a single subject of taxation, as determined  
977 annually by the board of assessors or department of revenue. A governing body that intends to  
978 accept the provisions of this chapter shall determine prior to approval by the voters which single  
979 subject of taxation will be levied and the amount and rate of surcharge. For a real or personal  
980 property tax surcharge, the amount of the surcharge shall not be included in a calculation of total  
981 taxes assessed for purposes of section 21C of chapter 59.

982           (d) All exemptions and abatements of any single subject of taxation for which a taxpayer  
983 qualifies as eligible shall not be affected by this chapter. A taxpayer receiving an exemption for  
984 any single subject of taxation shall be exempt from any tax surcharge on any single subject of  
985 taxation established under this section. The tax surcharge to be paid by a taxpayer receiving an

986 abatement of any single subject of taxation shall be reduced in proportion to the amount of such  
987 abatement.

988 (e) Any amount of the tax surcharge not paid by the due date shall bear interest at the rate  
989 per annum as authorized by the law for any single subject of taxation.

990 (f) Revenues raised through the tax surcharge shall be separately accounted for and used  
991 by the city or town for transportation projects.

992 Section 3. (a) Upon approval by the governing body, the actions of the governing body  
993 shall be submitted for acceptance to the voters of a city or town at the next regular municipal or  
994 state election. The city or town clerk or the state secretary shall place it on the ballot in the form  
995 of the following question: “Shall this (city or town) accept sections 2 to 5, inclusive of chapter  
996 64N of the General Laws, as approved by its (governing body), a summary of which appears  
997 below

998 (Set forth here a fair, concise summary and purpose of the law to be acted upon, as  
999 determined by the city solicitor or town counsel, including in the summary the specific single  
1000 subject of taxation to be levied and percentage of the surcharge to be imposed.)”

1001 In the ballot question, the city or town may include a list of specific transportation  
1002 projects for which the tax surcharge funds may be used, or a city or town may include a general  
1003 description of the types of transportation projects for which the tax surcharge may be used. The  
1004 city or town may also include a sunset provision in the ballot question, but the authorization for  
1005 the tax surcharge shall not exceed 30 years.

1006           If a majority of the voters voting on said question vote in the affirmative, then its  
1007 provisions shall take effect in the city or town, or district as set forth under section 4, but not  
1008 otherwise.

1009           (b) The final date for notifying or filing a petition with the city or town clerk or the state  
1010 secretary to place such a question on the ballot shall be 60 days before the city or town election  
1011 or 100 days before the state election. For those petitions that will appear on the state election,  
1012 notice shall be given by filing with the state secretary a certified copy of the governing body's  
1013 approval, and include a copy of the summary set forth in subsection (a).

1014           (c) If the governing body does not vote to accept the provisions of this chapter, not less  
1015 than 120 days before a regular city or town election or 180 days before a state election, a  
1016 question seeking said acceptance through approval of a particular surcharge amount and  
1017 percentage may be so placed on the ballot when a petition including information about the  
1018 subject of taxation, rate of taxation and project or types of projects is signed by not less than 5  
1019 per cent of the registered voters of the city or town requesting such action is filed with the  
1020 registrars, who shall have 7 days after receipt of such petition to certify its signatures. Upon  
1021 certification of the signatures, the city or town clerk or the state secretary shall cause the question  
1022 to be placed on the ballot at the next regular city or town election held more than 60 days after  
1023 such certification or at the next regular state election held more than 90 days after such  
1024 certification.

1025           Section 4. (a) Two or more municipalities may, with the approval of the governing body  
1026 of each city or town thereof, form a district for the purposes of implementing the provisions of  
1027 this chapter.

1028 (b) If a majority of the voters in the district, for the purposes set forth in subsection (a),  
1029 vote on said question in the affirmative then the provisions of this chapter shall take effect in the  
1030 district, but not otherwise.

1031 (c) Two or more municipalities that choose to form a district for purposes of this chapter  
1032 shall apply a tax surcharge to their preferred subject of taxation. The amount and percentage of  
1033 the tax surcharge may vary for each municipality that comprises the district.

1034 (d) Two or more municipalities forming a district shall adopt a district agreement with  
1035 approval of the applicable governing body prior to presentment to the voters of the 2 or more  
1036 municipalities by a ballot question. The district agreement shall specify: (i) the purpose and  
1037 nature of the arrangement; (ii) the single municipality to serve as the treasurer of the  
1038 transportation fund or the regional planning agency to serve as fiscal agent of the transportation  
1039 fund under section 7 and that said municipality or regional planning agency shall also serve as  
1040 treasurer or fiscal agent for purposes of section 9; (iii) how the transportation fund will be used  
1041 and for what purposes, and how the municipalities will decide on details of use, plan changes or  
1042 urgent circumstances; (iv) the work to be performed, and the division or sharing of responsibility  
1043 among the municipalities; (v) the estimated costs and the methods of financing of the  
1044 transportation projects; (vi) the method of administration of the transportation fund and the  
1045 transportation projects to be paid for through the fund; (vii) the composition of the district's  
1046 transportation committee, the length of its term, and the criteria and method of selecting its  
1047 members; (viii) the duration of the proposed agreement; and (ix) the amount, type and  
1048 percentage of the tax surcharge for each municipality that comprises the district.



1049 (f) Nothing in this section shall be construed to: (i) amend, repeal or otherwise alter the  
1050 authority or jurisdiction of, or establish, a municipality; or (ii) confer any management authority  
1051 over transportation projects beyond the authority exercised by participating municipalities in the  
1052 district agreement set forth in this section and this chapter.

1053 Section 5. (a) Upon acceptance of this chapter, the satisfaction of the requirements of this  
1054 chapter and upon the assessors' warrant to the tax collector, the accepted tax surcharge shall be  
1055 imposed. The city, town, or district, shall notify the commissioner of revenue of the date and  
1056 terms on which the voters accepted this chapter.

1057 (b) For a tax surcharge levied on either property or excise tax, after receipt of the warrant,  
1058 the tax collector shall collect the surcharge in the amount and according to the computation  
1059 specified in the warrant and shall pay the amounts so collected, quarterly or semi-annually,  
1060 according to the schedule for collection of the single subject of taxation, to the city's or town's  
1061 treasurer, or the district's treasurer. The tax collector shall cause appropriate books and accounts  
1062 to be kept with respect to such tax surcharge, which shall be subject to public examination upon  
1063 reasonable request from time to time.

1064 (c) Two or more municipalities forming a district shall select one of the municipalities or  
1065 the regional planning agency to serve as the district's treasurer for purposes of this chapter. The  
1066 district agreement shall establish the method of selecting the district treasurer. The municipality  
1067 or regional planning agency selected to serve as district treasurer shall perform duties in  
1068 accordance with section 5 of this chapter and chapter 41. Two or more municipalities forming a  
1069 district shall also select that same municipality or regional planning agency to receive funds and

1070 provide certification for all municipalities within said district for purposes of section 9 and in  
1071 accordance with section 4.

1072           Section 6. (a) A city or town that accepts this chapter, either on its own or as part of a  
1073 district, shall establish by ordinance or by-law and, in the case of a district, the ordinance or by-  
1074 law shall be established by all member municipalities, a transportation committee not more than  
1075 90 days following acceptance of this chapter. The committee shall consist of not less than 5  
1076 members. The ordinance or by-law shall determine the composition of the committee, the length  
1077 of its term and the criteria and method of selecting its members by appointment only. The  
1078 committee shall include, but not be limited to, 1 or more representatives from the municipality, 1  
1079 member of each regional transit authority to which the city or town is a member community, if  
1080 any, 1 member of the regional planning agency to which the city or town is a member  
1081 community and persons, as determined by the ordinance or by-law, acting in the capacity of or  
1082 performing like duties of the department, board or authority if they have not been established in  
1083 the city or town.

1084           (b) Each transportation committee shall study the transportation-related needs,  
1085 possibilities, and resources of the city, town or district. The committee shall consult with existing  
1086 transportation agencies, including regional planning agencies, to develop transportation projects  
1087 in accordance with the ballot initiative. If a list of transportation projects for which the tax  
1088 surcharge funds may be used was included in a ballot question, the committee shall include said  
1089 projects in its study; provided, however, that the committee may recommend or not recommend  
1090 said projects.

1091 (c) Each transportation committee shall be subject to the requirements of subsection (a)  
1092 of section 19 of chapter 30A. Each transportation committee shall keep a full and accurate  
1093 account of all of its actions, including its recommendations and the action taken on them and  
1094 records of all appropriations or expenditures made from the Local and Regional Transportation  
1095 Fund. The records and accounts of the committee shall be public records.

1096 (d) Each city, town or district, as applicable, shall consult with entity proposed to own  
1097 and maintain the transportation project prior to listing any transportation project on the ballot as  
1098 set forth in this chapter. If a city, town or district, as applicable, includes no specific  
1099 transportation projects in the ballot question, the transportation committee shall receive the  
1100 approval of the regional planning agency prior to submitting the local transportation committee's  
1101 recommendations to a city council or board of selectmen, unless the transportation-related  
1102 project or activity is solely under local jurisdiction. The city, town, or district shall study projects  
1103 that promote access to public transportation, biking, and walking.

1104 (e) Not less than once every 2 fiscal years, each transportation committee shall make  
1105 recommendations to the governing body of the applicable city or town or to the district regarding  
1106 efficient and effective ways to improve and enhance local transportation systems in such city,  
1107 town or district. Recommendations to the governing body or district shall include anticipated  
1108 costs over the life cycle of the transportation project. The committee may include in its  
1109 recommendation to the governing body or district a recommendation to set aside for later  
1110 spending funds for specific purposes that are consistent with transportation-related purposes but  
1111 for which sufficient revenues are not currently available in the Local and Regional  
1112 Transportation Fund, as set forth in section 7, to accomplish that specific purpose, to satisfy debt  
1113 payments incurred from transportation-related projects or to set aside for later spending funds for

1114 general purposes that are consistent with transportation improvements and in accordance with the  
1115 ballot initiative.

1116 (f) After receiving such recommendations from the transportation committee, the  
1117 governing body or district shall take such action and approve such appropriations from the Local  
1118 and Regional Transportation Fund as may be necessary and appropriate for the recommendations  
1119 of the transportation committee, and such additional appropriations as it deems appropriate to  
1120 carry out the recommendations of the transportation committee and in accordance with the ballot  
1121 initiative.

1122 Section 7. (a) Notwithstanding section 53 of chapter 44 or any other general or special  
1123 law to the contrary, a city, town or district that accepts the provisions of this chapter shall  
1124 establish a separate account to be known as the Local and Regional Transportation Fund, of  
1125 which the municipal treasurer or fiscal agent shall be the custodian. The authority to approve  
1126 expenditures from the fund shall be limited to the governing body or any city or town, or the  
1127 designated municipality treasurer or regional planning agency of the district, as applicable, and  
1128 the municipal treasurer or fiscal agent shall pay such expenditures in accordance with chapter 41.

1129 (b) Two or more municipalities forming a district shall select 1 of the municipalities or  
1130 regional planning agency to establish a separate account known as the Local and Regional  
1131 Transportation Fund. The municipality or regional planning agency selected to establish said  
1132 fund shall only use the funds for the district as a whole through the designated fiscal agent and  
1133 based solely upon the recommendations and approvals of the transportation committee as set  
1134 forth in this chapter. Administration of the fund by the fiscal agent may, at the option of the

1135 governing body of any member city or town, be subject to the further approval of such governing  
1136 body.

1137 (c) The following monies shall be deposited in the Local and Regional Transportation  
1138 Fund: (i) all funds collected from the tax surcharge on any single subject of taxation pursuant to  
1139 section 3, except if the single subject of taxation is a tax collected at the state level which shall be  
1140 deposited with the department of revenue in accordance with sections 8 and 9; and (ii) all funds  
1141 received from the commonwealth or any other source for such purposes. The treasurer or fiscal  
1142 agent may deposit or invest the proceeds of the fund in savings banks, trust companies  
1143 incorporated under the laws of the commonwealth, banking companies incorporated under the  
1144 laws of the commonwealth that are members of the Federal Deposit Insurance Corporation or  
1145 national banks, or may invest the proceeds in paid up shares and accounts of and in co-operative  
1146 banks or in shares of savings and loan associations or in shares of federal savings and loan  
1147 associations doing business in the commonwealth or in the manner authorized by section 54 of  
1148 chapter 44 and any income therefrom shall be credited to the fund. The expenditure of revenues  
1149 from the fund shall be limited to implementing the recommendations of the transportation  
1150 committees, to providing administrative and operating expenses to the committees, and in  
1151 accordance with the ballot initiative. The city or town, or the municipality treasurer or regional  
1152 planning agency of the district as set forth in section 4, shall be prohibited from diverting  
1153 revenues derived from the tax surcharge into any other fund created by law or ordinance.

1154 (d) Only those cities and towns or districts that adopt the tax surcharge allowed by this  
1155 chapter shall be eligible to receive monies through the Local and Regional Transportation Fund.

1156           Section 8. (a) There shall be established and set up on the books of the commonwealth a  
1157 separate fund, to be known as the Massachusetts Local and Regional Transportation Trust Fund,  
1158 for the benefit of cities, towns, or districts that have accepted the provisions of this chapter and  
1159 have imposed a tax surcharge on a tax collected by the commonwealth, subject to any  
1160 exemptions adopted by a municipality or district. The fund shall consist of all revenues received  
1161 by the commonwealth: (i) from the tax surcharge on such tax pursuant to section 3; (ii) from  
1162 public and private sources as gifts, grants and donations to further local or regional transportation  
1163 projects; and (iii) all other monies credited to or transferred to from any other fund or source  
1164 pursuant to law.

1165           (b) The state treasurer shall deposit revenues received by any such tax surcharge into the  
1166 fund in accordance with section 9 in such manner as will secure the highest interest rate available  
1167 consistent with the safety of the fund and with the requirement that all amounts on deposit be  
1168 available for withdrawal without penalty for such withdrawal at any time. All interest accrued  
1169 and earnings shall be deposited into the fund. The fund shall be administered in a manner to  
1170 separately account for revenues raised by each city, town, or district, shall be held for the benefit  
1171 of such city, town, or district, and expenditures from the fund shall be made solely for the  
1172 administration and implementation of this chapter. Any unexpended balances shall be  
1173 redeposited for future use by the city, town, or district consistent with this chapter.

1174           (c) The state treasurer shall make all disbursements and expenditures from the fund  
1175 without further appropriation, as directed by the commissioner of revenue in accordance with  
1176 section 9. The department of revenue shall report by source all amounts credited to said fund and  
1177 all expenditures from said fund. The commissioner of revenue shall assign personnel of the  
1178 department as it may need to administer and manage the fund disbursements and any expense

1179 incurred by the department shall be deemed an operating and administrative expense of the  
1180 program. The operating and administrative expenses shall not exceed 5 per cent of the annual  
1181 total revenue deposited into the fund.

1182           Section 9. (a) All sums received by the commissioner under this chapter shall, not less  
1183 than quarterly, be distributed, credited and paid by the state treasurer upon certification of the  
1184 commissioner to each city or town or the municipality treasurer or regional planning agency of  
1185 the district and notified the commissioner of their acceptance.

1186           (b) The state treasurer, upon certification of the commissioner, shall distribute the funds  
1187 to the city or town, or the municipality treasurer or regional planning agency of the district based  
1188 on the proportional amount the city, town or district has raised by imposing the surcharge. The  
1189 total distribution of funds shall include all sources of revenue raised in the previous year as set  
1190 forth in subsection (a) of section 8, less not more than 5 per cent of the annual total revenue of  
1191 the fund, as set forth in subsection (c) of section 8. Any city, town or district seeking to dispute  
1192 the commissioner's calculation of its distribution under this subsection shall notify the  
1193 commissioner, in writing, not later than 1 year from the date the tax was distributed by the  
1194 commissioner to the city, town or district.

1195           (c) The commissioner shall be prohibited from diverting revenues derived from the tax  
1196 surcharge into any other fund created by law.

1197           (d) Notwithstanding any provision to the contrary, the commissioner may make available  
1198 to cities, towns and districts any information necessary for administration of the tax surcharge  
1199 imposed by this chapter including, but not limited to, a report of the amount of the surcharge on  
1200 tax collected in the aggregate by each city, town or district under this chapter in the preceding

1201 fiscal year, and the identification of each individual vendor collecting the surcharge on sales tax  
1202 collected under this chapter.

1203 Section 10. (a) At any time after imposition of the tax surcharge, the governing body of  
1204 each city or town may approve and the voters may accept an amendment to the amount and  
1205 computation of the tax surcharge in the same manner and subject to the same requirements set  
1206 forth in this chapter.

1207 (b) At any time after imposition of the tax surcharge, a district under section 4, with the  
1208 approval of the majority of voters in the district may accept an amendment to the amount and  
1209 computation of the tax surcharge in the same manner and subject to the same requirements set  
1210 forth in this chapter so that the surcharge becomes uniform in all municipalities of the district.

1211 Section 11. The commissioner of revenue shall have the authority to promulgate rules and  
1212 regulations to effect the purposes of this chapter.

1213 SECTION 17. Sections 42 and 42A of chapter 93 of the General Laws are hereby  
1214 repealed.

1215 SECTION 18. The General Laws are hereby amended by inserting after chapter 93K the  
1216 following 3 chapters:-

1217 CHAPTER 93L.

1218 UNIFORM TRADE SECRETS ACT.

1219 Section 1. As used in this chapter, the following words shall have the following meanings  
1220 unless the context clearly requires otherwise:



1221 “Improper means”, without limitation, theft, bribery, misrepresentation, unreasonable  
1222 intrusion into private physical or electronic space or breach or inducement of a breach of a  
1223 confidential relationship or other duty to limit acquisition, disclosure or use of information;  
1224 provided, however, that “improper means” shall not include reverse engineering from properly  
1225 accessed materials or information.

1226 “Misappropriation”, (i) the acquisition of a trade secret of another by a person who  
1227 knows, or who has reason to know, that the trade secret was acquired by improper means; or (ii)  
1228 the disclosure or use of a trade secret of another without that person’s express or implied consent  
1229 by a person who: (A) used improper means to acquire the trade secret; or (B) at the time of the  
1230 disclosure or use, knew or had reason to know that the trade secret was acquired: (1) through a  
1231 person who had utilized improper means to acquire it; (2) under circumstances giving rise to a  
1232 duty to limit its acquisition, disclosure or use; or (3) through a person who owed a duty to the  
1233 person seeking relief to limit its acquisition, disclosure, or use; or (C) before a material change of  
1234 such person’s position, knew or had reason to know that what was disclosed was a trade secret  
1235 and that such person’s knowledge of the trade secret had been acquired by accident, mistake or  
1236 through another person’s act described in subclause (A) of clause (ii) or subclauses (1) or (2) of  
1237 subclause (B) of said clause (ii).

1238 “Person”, a natural person, corporation, business trust, estate, trust, partnership,  
1239 association, joint venture, government, governmental subdivision or agency or any other legal or  
1240 commercial entity.

1241 “Trade secret”, specified or specifiable information, whether or not fixed in tangible form  
1242 or embodied in any tangible thing, including, but not limited to, a formula, pattern, compilation,

1243 program, device, method, technique, process, business strategy, customer list, invention or  
1244 scientific, technical, financial or customer data that, at the time of the alleged misappropriation:  
1245 (i) provided an economic advantage, actual or potential, from not being generally known to, and  
1246 not being readily ascertainable by proper means by, others who might obtain economic  
1247 advantage from its acquisition, disclosure or use; and (ii) was the subject of efforts that were  
1248 reasonable under the circumstances to protect against the acquisition, disclosure or use of such  
1249 information without the consent of the person properly asserting rights therein or such person's  
1250 predecessor in interest including, but not limited to, reasonable notice.

1251           Section 2. (a) Actual or threatened misappropriation may be enjoined upon principles of  
1252 equity including, but not limited to, consideration of prior conduct and the circumstances of  
1253 potential use, upon a showing that information qualifying as a trade secret has been or is  
1254 threatened to be misappropriated. Upon application to the court, an injunction shall be terminated  
1255 when the trade secret has ceased to exist; provided, however, that the injunction may be  
1256 continued for an additional reasonable period of time if necessary to eliminate any economic  
1257 advantage that otherwise would be derived from such misappropriation.

1258           (b) In exceptional circumstances, an injunction may condition future use upon payment  
1259 of a reasonable royalty for no longer than the period of time for which use could have been  
1260 prohibited. For the purposes of this subsection, "exceptional circumstances" shall include, but  
1261 are not limited to, a material and prejudicial change of position prior to acquiring the knowledge  
1262 or reason to know of misappropriation that renders a prohibitive injunction inequitable.

1263           (c) In appropriate circumstances, affirmative acts to protect a trade secret may be  
1264 compelled by court order.

1265           Section 3. (a) Except to the extent that a material and prejudicial change of position prior  
1266 to acquiring the knowledge or reason to know of misappropriation renders a monetary recovery  
1267 inequitable, a complainant is entitled to recover damages for misappropriation. Damages can  
1268 include both the actual loss caused by misappropriation and the unjust enrichment caused by  
1269 misappropriation that is not taken into account in computing actual loss. In lieu of damages  
1270 measured by any other methods, the damages caused by misappropriation may be measured by  
1271 the imposition of liability for a reasonable royalty for the unauthorized disclosure or use of a  
1272 trade secret.

1273           (b) If willful and malicious misappropriation exists, the court may award exemplary  
1274 damages in an amount not exceeding twice any award made under subsection (a).

1275           Section 4. The court may award reasonable attorney's fees and costs to the prevailing  
1276 party if: (i) a claim of misappropriation is made or defended in bad faith; (ii) a motion to enter or  
1277 to terminate an injunction is made or resisted in bad faith; or (iii) willful and malicious  
1278 misappropriation exists. In considering such an award, the court may take into account the  
1279 claimant's specification of trade secrets and the proof that such alleged trade secrets were  
1280 misappropriated.

1281           Section 5. (a) In an action under this chapter, a court shall preserve the secrecy of an  
1282 alleged trade secret by reasonable means, which may include granting protective orders in  
1283 connection with discovery proceedings, holding in-camera hearings, sealing the records of the  
1284 action or ordering any person involved in the litigation not to disclose an alleged trade secret  
1285 without prior court approval.

1286 (b) In an action alleging misappropriation, a party shall state with reasonable particularity  
1287 the circumstances thereof, including the nature of the trade secret and the basis for its protection.  
1288 Before commencing discovery relating to an alleged trade secret, the party alleging  
1289 misappropriation shall identify the trade secret with sufficient particularity under the  
1290 circumstances of the case to allow the court to determine the appropriate parameters of discovery  
1291 and to reasonably enable other parties to prepare their defense.

1292 Section 6. An action alleging misappropriation must be brought not more than 3 years  
1293 after the misappropriation was discovered or should have been discovered by the exercise of  
1294 reasonable diligence. For the purposes of this chapter, a continuing disclosure or use constitutes a  
1295 single claim.

1296 Section 7. (a) Except as provided in subsection (b), this chapter shall supersede any  
1297 conflicting laws of the commonwealth that provide civil remedies for misappropriation.

1298 (b) This chapter shall not affect: (i) contractual remedies; provided, however, that, to the  
1299 extent such remedies are based on an interest in the economic advantage of information claimed  
1300 to be confidential, such confidentiality shall be determined according to the definition of trade  
1301 secret in section 1 and the terms and circumstances of the underlying contract shall be considered  
1302 in such determination; (ii) remedies based on submissions to governmental units; (iii) other civil  
1303 remedies to the extent that they are not based upon misappropriation; or (iv) criminal remedies,  
1304 whether or not based upon misappropriation.

1305 Section 8. This chapter shall be applied and construed to effectuate its general purpose of  
1306 making uniform the law with respect to the subject of this chapter among states enacting it.

1307

1308 CHAPTER 93M.

1309 BAD FAITH ASSERTIONS OF PATENT INFRINGEMENT.

1310 Section 1. As used in this chapter, the following words shall have the following  
1311 meanings, unless the context clearly requires otherwise:-

1312 “Assertion of patent infringement”, (i) the sending or delivering of a demand letter to a  
1313 target; (ii) the threatening of a target with litigation and asserting, alleging or claiming that the  
1314 target has engaged in patent infringement; (iii) the sending or delivering of a demand letter to the  
1315 customers of a target; or (iv) a claim or allegation, other than those made in litigation against a  
1316 target, that a target has engaged in patent infringement or that a target should obtain a license to a  
1317 patent in order to avoid litigation.

1318 “Demand letter”, a letter, e-mail or other communication asserting, alleging or claiming  
1319 that the target has engaged in patent infringement or that a target should obtain a license to a  
1320 patent in order to avoid litigation, or any similar assertion.

1321 “Target”, a person residing in, conducting substantial business in or having its principal  
1322 place of business in Massachusetts against whom an assertion of patent infringement is made.

1323 Section 2. (a) A person shall not make an assertion of patent infringement in bad faith. In  
1324 determining whether a person has made an assertion of patent infringement in bad faith, and in  
1325 addition to any other factor the court finds relevant, a court may consider whether:

1326 (i) the demand letter failed to contain the following information: (A) the patent  
1327 number; (B) the name and address of the patent owner or owners and assignee or assignees, if

1328 any; and (C) factual allegations concerning the specific areas in which the target's products,  
1329 services and technology infringe the patent or are covered by the claims in the patent;

1330 (ii) prior to sending the demand letter, the person failed to conduct an analysis  
1331 comparing the claims in the patent to the target's products, services and technology, or whether  
1332 such an analysis failed to identify specific areas in which the products, services and technology  
1333 are covered by the claims in the patent;

1334 (iii) the target requested information described in clause (i) that was not included  
1335 in the demand letter and the person failed to provide the information within a reasonable period  
1336 of time;

1337 (iv) the demand letter demanded payment of a license fee or response within an  
1338 unreasonably short period of time;

1339 (v) the person offered to license the patent for an amount that is not based on a  
1340 reasonable estimate of the value of the license;

1341 (vi) the claim or assertion of patent infringement was meritless and the person  
1342 knew, or should have known, that the claim or assertion was meritless;

1343 (vii) the claim or assertion of patent infringement was deceptive;

1344 (viii) the person or its subsidiaries or affiliates have previously filed or threatened  
1345 to file one or more lawsuits based on the same or similar claim of patent infringement and: (A)  
1346 those threats or lawsuits lacked the information described in clause (i); or (B) the person  
1347 attempted to enforce the claim of patent infringement in litigation and a court found the claim to  
1348 be meritless; and

1349 (ix) the patent has been held invalid or unenforceable in a final judgment or  
1350 administrative decision.

1351 (b) A court may consider the following factors as evidence that a person has not made an  
1352 assertion of patent infringement in bad faith: (i) the demand letter contained the information  
1353 described in clause (i) of subsection (a); (ii) the target requested such information described in  
1354 clause (i) of subsection (a) that was not included in the demand letter and the person provided the  
1355 information within a reasonable period of time; (iii) the person engaged in a good faith effort to  
1356 establish that the target has infringed the patent and to negotiate an appropriate remedy; (iv) the  
1357 person made a substantial investment in the use of the patent or in the production or sale of a  
1358 product or item covered by the patent; (v) the person is: (A) the inventor or joint inventor of the  
1359 patent or, in the case of a patent filed by and awarded to an assignee of the original inventor or  
1360 joint inventor, is the original assignee; (B) an institution of higher education or a technology  
1361 transfer organization owned or affiliated with an institution of higher education; or (C) a non-  
1362 profit research institute or organization which has as one of its primary functions the  
1363 management of inventions on behalf of an institute of higher education or a non-profit research  
1364 institute or organization; (vi) the person makes significant investments in: (A) research and  
1365 development in connection with the patented technology, where development means technical or  
1366 experimental work to create, test, qualify, modify or validate technologies or processes for  
1367 commercialization of goods or services; (B) manufacturing; or (C) the delivery or provision of  
1368 goods or commercial services using the patented technology; and (vii) the person's business is  
1369 the licensing of patents as a wholly-owned subsidiary of a person described in clause (vi).

1370 Section 3. (a) A target or a person aggrieved by a violation of this chapter or by a  
1371 violation of rules adopted under this chapter may bring an action in superior court against a

1372 person who has made a bad-faith assertion of patent infringement. The court may award to a  
1373 plaintiff who prevails in an action brought pursuant to this subsection one or more of the  
1374 following remedies: (i) equitable relief; (ii) damages; (iii) costs and fees, including reasonable  
1375 attorneys' fees; and (iv) exemplary damages in an amount equal to \$50,000 or three times the  
1376 total of damages, costs, and fees, whichever is greater; provided, however, that exemplary  
1377 damages shall not be awarded against a person described in subclause (B) or (C) of clause (v) of  
1378 section 2 or clause (vi) of subsection (b) of said section 2 .

1379 (b) Any person who by contract, agreement, or otherwise, directly or indirectly, arranged  
1380 for the bad faith assertion of patent infringement and any person who otherwise caused or is  
1381 legally responsible for such bad faith assertion of patent infringement under the principles of the  
1382 common law shall be liable to a prevailing plaintiff for all damages, costs and fees. Such  
1383 liability shall be joint and several.

1384 (c) A court may award to a defendant who prevails in an action brought pursuant to this  
1385 section costs and fees, including reasonable attorneys' fees, if the court finds the action was not  
1386 well-grounded in fact and warranted by existing law or was interposed for any improper purpose,  
1387 such as to harass or to cause unnecessary delay or needless increase in the cost of litigation

1388 (d) This chapter shall not be construed to limit rights and remedies otherwise available  
1389 under law to the commonwealth or to any person.

1390 Section 4. The attorney general shall have the same authority under this chapter to make  
1391 rules, conduct civil investigations, bring civil actions and enter into assurances of discontinuance  
1392 as provided under chapter 93A. In an action brought by the attorney general pursuant to this  
1393 section, the court may award or impose any relief available under this chapter.



1394

CHAPTER 93N.

1395

DEBT COLLECTION FAIRNESS ACT.

1396

Section 1. As used in this chapter, the following words shall have the following meanings

1397

unless the context clearly requires otherwise:

1398

“Charge-off”, a declaration by a creditor that a delinquent consumer loan, consumer

1399

credit account or other consumer debt is written off as unlikely to be collected and worthless,

1400

pursuant to 26 U.S.C. 166.

1401

“Consumer”, a natural person.

1402

“Consumer form contract”, a contract in writing between a business and a consumer

1403

involving goods or services including, but not limited to, credit or financial services, primarily

1404

for personal, family or household purposes, that has been drafted by the business for use with

1405

more than 1 consumer, unless the only other consumer is the spouse of the first consumer.

1406

“Consumer debt”, an obligation or alleged obligation of a consumer to pay money arising

1407

out of a transaction in which the money, property, insurance or services that are the subject of the

1408

transaction are primarily for personal, family or household purposes, whether or not the

1409

obligation has been reduced to judgment; provided, however, that “consumer debt” shall not

1410

include a common expense or charge levied under chapter 183A or 183B or an obligation or

1411

alleged obligation to pay common expenses or charges levied pursuant to a covenant or

1412

agreement running with the land or a residential mortgage loan. “Creditor”, a person or entity to

1413

whom a debt is owed, including a judgment creditor and any other person or entity that obtains

1414

an execution on a debt; provided, however, that “creditor” shall not include an organization of

1415 unit owners as defined in section 1 of chapter 183A, a time-share association under chapter 183B  
1416 or a homeowner association or entity to whom debt is owed pursuant to a covenant or agreement  
1417 running with the land.

1418 “Debt buyer”, a person or entity that is engaged in the business of purchasing delinquent  
1419 or charged-off consumer loans or consumer credit accounts or other delinquent consumer debt  
1420 for collection purposes, whether it collects the debt itself or hires a third-party for collection or  
1421 an attorney for litigation in order to collect the debt; provided, however, that a “debt buyer” shall  
1422 be a debt collector.

1423 “Debt collector”, a person who uses an instrumentality of interstate commerce or the  
1424 mails in any business the principal purpose of which is the collection of a debt or who regularly  
1425 collects or attempts to collect, directly or indirectly, a debt owed or due or asserted to be owed or  
1426 due another; provided, however, that notwithstanding the exclusion under clause (f), “debt  
1427 collector” shall include a creditor who, in the process of collecting its own debts, uses a name  
1428 other than its own that would indicate that a third person is collecting or attempting to collect a  
1429 debt; provided further, that “debt collector” shall include a debt buyer or a person who uses an  
1430 instrumentality of interstate commerce or the mails in a business the principal purpose of which  
1431 is the enforcement of security interests; provided further, that “debt collector” shall not include:  
1432 (i) an officer or employee of a creditor while, in the name of the creditor, collecting debts for the  
1433 creditor; (ii) a person while acting as a debt collector for another person, both of whom are  
1434 related by common ownership or affiliated by corporate control, if the person acting as a debt  
1435 collector does so only for a person to whom it is so related or affiliated and if the principal  
1436 business of the person is not the collection of a debt; (iii) an officer or employee of the United  
1437 States or a state of the United States to the extent that collecting or attempting to collect a debt is

1438 in the performance of their official duty; (iv) a person while serving or attempting to serve legal  
1439 process on another person in connection with the judicial enforcement of a debt; (v) a nonprofit  
1440 organization that, at the request of a consumer, performs bona fide consumer credit counseling  
1441 and assists the consumer in the liquidation of debts by receiving payments from the consumer  
1442 and distributing the amounts to creditors; (vi) a person collecting or attempting to collect a debt  
1443 owed or due or asserted to be owed or due another to the extent the activity: (A) is incidental to a  
1444 bona fide fiduciary obligation or a bona fide escrow arrangement; (B) concerns a debt that was  
1445 originated by the person; (C) concerns a debt that was not in default at the time it was obtained  
1446 by the person; or (D) concerns a debt obtained by the person as a secured party in a commercial  
1447 credit transaction involving the creditor; (vii) attorneys-at-law collecting a debt on behalf of a  
1448 client; and (viii) an agent or independent contractor employed for the purpose of collecting a  
1449 charge or bill owed by a tenant to a landlord or owed by a customer to a corporation subject to  
1450 the supervision of the department of public utilities or the department of telecommunications and  
1451 cable or the division of insurance insofar as the person collects charges or bills only for the  
1452 landlord or supervised corporations.

1453 “Earnings”, gross compensation paid or payable for personal services, whether  
1454 denominated as wages, salary, commission, bonus, payment for skilled, personal or professional  
1455 services or otherwise, whether earned as an employee or as an independent contractor.

1456 “Execution”, an attachment, levy, garnishment or other disablement, freeze or seizure of  
1457 property, whether pre-judgment or post-judgment, to satisfy a debt or a creditor’s exercise of a  
1458 right of setoff to collect a debt; provided, however, that “execution” shall not include self-help  
1459 repossession of collateral.

1460           “Exempt”, not subject to execution, levy, attachment, garnishment, setoff, self-help,  
1461 seizure or other form of process, court order, creditor or other action for debt collection or  
1462 restitution or other equitable claim unless otherwise specified; provided, however, that funds that  
1463 are exempt remain exempt when the funds are paid or transferred to the debtor, the debtor's  
1464 spouse, partner, beneficiary or dependent or to an account for the benefit of the debtor, the  
1465 debtor's spouse, partner, beneficiary or dependent.

1466           “Garnishment”, a legal or equitable procedure through which the earnings, property or  
1467 funds of a person are required by a court of competent jurisdiction to be withheld by another  
1468 entity for payment of a debt to a creditor.

1469           “Residential mortgage loan”, a loan primarily for personal, family or household use that  
1470 is secured by a mortgage, deed of trust or other equivalent consensual security interest on a  
1471 dwelling as defined in 15 U.S.C. 1602(w) or residential real estate upon which is constructed or  
1472 intended to be constructed a dwelling as so defined.

1473           “Trustee”, a trustee served pursuant to chapter 246.

1474           “Value”, current fair market value of accounts, goods or property less the amount of liens  
1475 or security interests in the accounts, goods or property, based on the price that would be paid,  
1476 assuming a willing buyer and a willing seller, for accounts, goods or property of similar age and  
1477 condition; provided, however, that a debtor’s testimony as to the value of property that the debtor  
1478 owns or as to the advertised value of property similar to that claimed as exempt shall be  
1479 admissible as evidence of an item’s value.

1480           Section 2. (a) If earnings of a defendant are attached to satisfy a judgment for collection  
1481 of a consumer debt, that debtor's earnings for a week that are less than 75 times the greater of the  
1482 federal minimum hourly wage under 29 U.S.C. 206(a)(1) or the state minimum hourly wage  
1483 under section 1 of chapter 151 in effect at the time shall be exempt from the attachment and not  
1484 subject to garnishment. This exemption shall be adjusted pro rata for a pay period that is more  
1485 than weekly.

1486           (b) If the debtor's earnings exceed the amount under subsection (a), not more than 15 per  
1487 cent of the excess earnings shall be subject to garnishment.

1488           (c) If more than 1 order of attachment for a consumer debt is served on a trustee with  
1489 respect to the same debtor, the order of attachment served earliest shall take priority. If an order  
1490 of attachment with greater priority consumes the entirety of the income that is available for  
1491 garnishment under the preceding subsections, then the debtor's earnings shall not be garnished  
1492 pursuant to the order of attachment with lower priority.

1493           (d) The protections for earnings under this section apply to debtors whose physical place  
1494 of employment is in the commonwealth, notwithstanding that the debtor's employer may have  
1495 corporate offices or other places of business located outside the commonwealth.

1496           (e) This section shall not apply in a proceeding to attach earnings or a pension to satisfy a  
1497 divorce, separate maintenance or child support order of a court of competent jurisdiction and in  
1498 such a proceeding, including an action for trustee process to enforce a support order under  
1499 section 36A of chapter 208, federal law limiting the amounts that may be trustee, assigned or  
1500 attached in order to satisfy an alimony, maintenance or child support order shall apply.

1501 (f) Except as otherwise permitted by law, an amount held by a trustee for a defendant in a  
1502 pension, as defined in section 28 of chapter 246, shall be reserved in the hands of the trustee and  
1503 shall be exempt from attachment to satisfy a judgment for collection of a consumer debt.

1504 (g) An employer shall not take adverse action against an employee or refuse to hire an  
1505 individual because of a garnishment for a consumer debt or because of an obligation a  
1506 garnishment imposes against the employer. An employer who violates this section shall be liable  
1507 in a civil action, action for contempt or other appropriate proceeding to the employee or  
1508 individual for the wages and employment benefits lost by the employee or individual from the  
1509 time of the unlawful discipline, suspension, refusal to hire or discharge to the period of  
1510 reinstatement and an additional penalty of not more than \$1,000. This subsection shall not  
1511 prevent an employer from using a credit report for employment purposes where otherwise  
1512 permitted by law.

1513 Section 3. (a) An action for the collection of a consumer debt shall be commenced within  
1514 4 years of the accrual of the cause of action, which shall be the earliest of the date of charge-off,  
1515 placement for collection or 180 days after the last regular payment was made to the original  
1516 creditor. This limitations period shall apply to a consumer debt, whether the claim sounds in  
1517 contract, account stated, open account or other cause, and notwithstanding another applicable  
1518 statute of limitations, unless a shorter limitations period is provided under the laws of the  
1519 commonwealth. This time period also applies to a claim for a consumer debt based on a contract  
1520 or instrument under seal.

1521 (b) A consumer debt of a resident of this state that arose in another jurisdiction or a  
1522 consumer debt that may otherwise be governed by another jurisdiction's laws shall be governed

1523 by subsection (a) or the other jurisdiction's limitations period, whichever is shorter. Any choice  
1524 of law provision contained in a consumer form contract will be deemed procedural with respect  
1525 to statute of limitations and will not alter the period described in subsection (a).

1526 (c) Notwithstanding any other general or special law to the contrary, a payment after the  
1527 date of charge-off, placement for collection or 180 days after the last regular payment was made  
1528 to the original creditor or a written or oral affirmation of the debt or other activity on the debt  
1529 shall not revive or extend the limitations period or bar the consumer from asserting a defense to  
1530 the collection of a consumer debt. If a payment on a defaulted or charged-off debt completely  
1531 cures the default and pays off a delinquency, then a new cause of action may accrue upon a  
1532 subsequent default or charge-off.

1533 (d) A person shall not bring a suit or initiate an arbitration or other legal proceeding to  
1534 collect a consumer debt if the applicable limitations period on the consumer debt in subsection  
1535 (a) has expired.

1536 (e) A waiver by a consumer of a protection or right under this section is void and shall  
1537 not be enforced by a federal or state court or any other person.

1538 (f) If the limitation period under this section has expired, then the right to collect the  
1539 consumer debt is extinguished as well as the remedy. A person shall not attempt to collect a  
1540 consumer debt after the 4-year period described in subsection (a) has expired; provided,  
1541 however, that nothing in this chapter shall prohibit a creditor or debt collector from accepting a  
1542 voluntary payment initiated by a debtor after the 4-year period under said subsection (a) has  
1543 expired. Such a voluntary payment will not revive or extend the limitations period. An unpaid  
1544 portion of the consumer debt shall remain extinguished with collection prohibited.

1545 (g) If a consumer debt was created by or based upon a consumer form contract, an action  
1546 for collection of that consumer debt shall be based on a claim for breach of contract and not on  
1547 an open account, account stated, quantum meruit or other cause of action and shall not allege that  
1548 this is an instrument or contract under seal. Regardless of the cause of action asserted, a  
1549 consumer may raise a defense based upon the reasonable value of goods or services provided.

1550 (h) Notwithstanding section 20 of chapter 260 or any other general or special law to the  
1551 contrary, an action upon a judgment or decree on a consumer debt, including an execution upon  
1552 or trustee process based on the judgment or decree and other activity to collect on the judgment,  
1553 shall be commenced within 5 years after the entry of the judgment or decree. A judgment whose  
1554 enforcement has been barred by the running of this limitations period shall not be revived or  
1555 renewed.

1556 (i) Nothing in this chapter shall prohibit a creditor or debt collector from entering into a  
1557 repayment agreement that shall be legally binding on the consumer beyond the applicable  
1558 limitations period on the consumer debt in subsection (a) so long as the repayment agreement is  
1559 in writing, signed by both parties and based on new consideration.

1560 Section 4. (a) In a supplementary proceeding in a civil action for the examination of a  
1561 debtor or a payment review hearing in a small claims matter arising from a consumer debt, the  
1562 defendant shall be given notice of the opportunity to submit a financial affidavit in a form  
1563 prescribed by the court and signed under the penalties of perjury within 30 days of receiving  
1564 notice. If it appears from the affidavit that a defendant's income and assets are exempt from a  
1565 court-ordered payment, the defendant may submit the financial affidavit in lieu of appearing in  
1566 court. A capias or other warrant for the arrest of a debtor shall not be issued unless it appears



1567 from the affidavit that the defendant possesses income or assets that are not exempt from a court-  
1568 ordered payment. It shall be the obligation of the plaintiff to serve the notice required by this  
1569 section upon the defendant by any form of mail addressed to the defendant and requiring a  
1570 signed receipt or in-hand delivery. If the defendant fails to submit a signed financial affidavit, a  
1571 capias or other warrant for the arrest of a debtor shall not be issued unless the plaintiff submits  
1572 proof of service that the notice required by this section was served, either by signed return  
1573 receipt or by a sworn return of service.

1574 (b) Notwithstanding sections 18 and 20 of chapter 224 or any other applicable law or  
1575 court rule, no person shall be imprisoned or jailed for failure to pay a consumer debt nor shall a  
1576 person be imprisoned or jailed for contempt of or failure to comply with a court order to pay a  
1577 consumer debt in part or in full.

1578 Section 5. (a) If a plaintiff prevails in an action to collect a consumer debt, interest  
1579 computed pursuant to section 6C of chapter 231 or section 8 of chapter 235 shall be limited to  
1580 the rate of interest equal to the weekly average 1-year constant maturity treasury yield, but not  
1581 less than 2 per cent per annum nor more than 5 per cent per annum, as published by the Board of  
1582 Governors of the Federal Reserve System, for the calendar week preceding the date of the  
1583 judgment. Another rate of interest on the judgment shall not be permitted, including the rate  
1584 provided for in the contract.

1585 (b) If the plaintiff prevails in an action to collect a consumer debt, the plaintiff shall be  
1586 entitled to collect attorney's fees only if the contract or other document evidencing the  
1587 indebtedness sets forth an obligation of the consumer to pay attorney's fees, subject to the  
1588 following:

1589 (i) if the contract or other document evidencing indebtedness provides for attorney's fees  
1590 in some specific percentage, the provision and obligation shall be valid and enforceable up to but  
1591 not in excess of 15 per cent of the amount of the debt excluding attorney's fees and collection  
1592 costs;

1593 (ii) if a contract or other document evidencing indebtedness provides for the payment of  
1594 reasonable attorney's fees by the debtor, without specifying a specific percentage, the provision  
1595 shall be construed to mean the lesser of 15 per cent of the amount of the debt, excluding  
1596 attorney's fees and collection costs or the amount of attorney's fees calculated by a reasonable  
1597 rate for such cases multiplied by the amount of time reasonably expended to obtain the  
1598 judgment; and

1599 (iii) the documentation setting forth a party's obligation to pay attorney's fees shall be  
1600 provided to the court before a court may enforce those provisions; provided, however, that the  
1601 documentation shall include materials that applicable court rules require the plaintiff to file  
1602 together with the complaint.

1603 (c) If the debtor is the prevailing party in an action to collect a consumer debt, the debtor  
1604 shall be entitled to an award of reasonable attorney's fees, unless the case is voluntarily  
1605 dismissed pursuant to Rule 41(a)(1)(i) of the Massachusetts Rules of Civil Procedure or a  
1606 stipulation of dismissal explicitly provides otherwise. The amount of the debt that the creditor  
1607 sought shall not be a factor in determining the reasonableness of the award. In the alternative, at  
1608 the debtor's election, a prevailing debtor shall be awarded the amount of attorney's fees that the  
1609 plaintiff would have been entitled to collect if the plaintiff had been the prevailing party.

1610 Section 6. (a) A violation of sections 2 to 5, inclusive, shall also be a violation of chapter  
1611 93A.

1612 (b) A portion of a contract, including a consumer form contract, that violates sections 2 to  
1613 5, inclusive, shall be void.

1614 SECTION 19. Section 53 of chapter 146 of the General Laws, as amended by chapter 6  
1615 of the acts of 2017, is hereby further amended by adding the following subsection:-

1616 (h) The exemptions under subsections (e), (f) and (g) shall not apply to a public utility  
1617 company or other company during the course of an employee strike or lockout unless: (i) the  
1618 employees of the public utility company or other company who are not part of the strike or  
1619 lockout have obtained a company license from an approved in-service training program of the  
1620 public utility company for which they are performing work or other company specially  
1621 authorized by the department pursuant to said subsection (g); or (ii) during a period of a declared  
1622 emergency by the governor.

1623 SECTION 20. Chapter 149 of the General Laws, as appearing in the 2016 Official  
1624 Edition, is hereby amended by inserting after section 24K the following section:-

1625 Section 24L. (a) As used in this section, the following words shall have the following  
1626 meanings, unless the context clearly requires otherwise:

1627 “Business entity”, a person or group of persons performing or engaging in an activity,  
1628 enterprise, profession or occupation for gain, benefit, advantage or livelihood, whether for profit  
1629 or not for profit, including, but not limited to, corporations, limited liability companies, limited  
1630 partnerships or limited liability partnerships.

1631 “Employee”, an individual who is considered an employee under section 148B; provided,  
1632 however, that the term “employee” shall also include independent contractors.

1633 “Forfeiture agreement”, an agreement that imposes adverse financial consequences on a  
1634 former employee as a result of the termination of an employment relationship, regardless of  
1635 whether the employee engages in competitive activities following cessation of the employment  
1636 relationship. Forfeiture agreements do not include forfeiture for competition agreements.

1637 “Forfeiture for competition agreement”, an agreement that, by its terms or through the  
1638 manner in which it is enforced, imposes adverse financial consequences on a former employee as  
1639 a result of the termination of an employment relationship if the employee engages in competitive  
1640 activities.

1641 “Garden leave clause”, a provision within a noncompetition agreement by which an  
1642 employer agrees to pay the employee during the restricted period and which shall become  
1643 effective upon termination of employment unless the restriction upon post-employment activities  
1644 are waived by the employer or ineffective under clause (iii) of subsection (c).

1645 “Noncompetition agreement”, an agreement between an employer and an employee, or  
1646 otherwise arising out of an existing or anticipated employment relationship, under which the  
1647 employee or expected employee agrees that the employee will not engage in certain specified  
1648 activities competitive with the employee’s employer after the employment relationship has  
1649 ended, including, but not limited to, a forfeiture for competition agreement; provided, however,  
1650 that “noncompetition agreement” shall not include: (i) a covenant not to solicit or hire employees  
1651 of the employer; (ii) a covenant not to solicit or transact business with customers, clients or  
1652 vendors of the employer; (iii) an agreement made in connection with the sale of a business entity

1653 or substantially all of the operating assets of a business entity or partnership, or otherwise  
1654 disposing of the ownership interest of a business entity, partnership or division or subsidiary of a  
1655 business entity or partnership, when the party restricted by the noncompetition agreement is a  
1656 significant owner of, or member or partner in, the business entity who will receive significant  
1657 consideration or benefit from the sale or disposal; (iv) an agreement outside of an employment  
1658 relationship; (v) a forfeiture agreement; (vi) a nondisclosure or confidentiality agreement; (vii)  
1659 an invention assignment agreement; (viii) a garden leave clause; (ix) an agreement made in  
1660 connection with the cessation of or separation from employment if the employee is expressly  
1661 given 7 business days to rescind acceptance; or (x) an agreement by which an employee agrees to  
1662 not reapply for employment to the same employer after termination of the employee.

1663 “Restricted period”, the period of time after the date of cessation of employment during  
1664 which an employee is restricted by a noncompetition agreement from engaging in activities  
1665 competitive with the employee’s employer.

1666 (b) A noncompetition agreement shall not be valid or enforceable unless:

1667 (i) in the case of an agreement that was entered into in connection with the  
1668 commencement of employment, the agreement: (A) is in writing signed by both the employer  
1669 and employee; (B) expressly states that the employee has the right to consult with counsel prior  
1670 to signing; and (C) is provided to the employee before a formal offer of employment is made or  
1671 10 business days before the commencement of the employee’s employment, whichever comes  
1672 first;

1673 (ii) in the case of an agreement that was entered into after commencement of  
1674 employment but not in connection with the separation from employment: (A) the agreement is

1675 supported by fair and reasonable consideration independent from the continuation of  
1676 employment; (B) notice of the agreement was provided not less than 10 business days before the  
1677 effective date of the agreement; (C) the agreement was in writing; (D) the agreement was signed  
1678 by both the employer and employee; and (E) the agreement expressly states that the employee  
1679 has the right to consult with counsel prior to signing;

1680 (iii) the agreement is no broader than necessary to protect one or more of the  
1681 following legitimate business interests of the employer: (A) the employer's trade secrets, as  
1682 defined in section 1 of chapter 93L; (B) the employer's confidential information that otherwise  
1683 would not qualify as a trade secret; or (C) the employer's goodwill; provided, however, that the  
1684 agreement may be presumed necessary where the legitimate business interest cannot be  
1685 adequately protected through an alternative restrictive covenant, including but not limited to a  
1686 non-solicitation agreement, a non-disclosure agreement or a confidentiality agreement;

1687 (iv) the stated restricted period within the agreement does not exceed 1 year from  
1688 the date of cessation of employment; provided, however, that if the employee has breached the  
1689 employee's fiduciary duty to the employer or the employee has unlawfully taken, physically or  
1690 electronically, property belonging to the employer, the restricted period may be not more than 2  
1691 years from the date of cessation of employment;

1692 (v) the agreement is reasonable in geographic reach in relation to the interests  
1693 protected; provided, however, that a geographic reach that is limited to only the geographic areas  
1694 in which the employee, during any time within the last 2 years of employment, provided services  
1695 or had a material presence or influence shall be presumptively reasonable;

1696 (vi) the agreement is reasonable in the scope of proscribed activities in relation to  
1697 the interests protected; provided, however, that a proscription on activities that protects a  
1698 legitimate business interest and is limited to only the specific types of services provided by the  
1699 employee at any time during the last 2 years of employment shall be presumptively reasonable;

1700 (vii) the agreement includes a garden leave clause or other mutually-agreed upon  
1701 consideration between the employer and the employee; provided, however, that such  
1702 consideration shall be specified in the agreement; provided further, that a garden leave clause  
1703 within the meaning of this clause shall: (A) provide for the payment, consistent with the  
1704 requirements for the payment of wages under section 148 of chapter 149, on a pro-rata basis  
1705 during the entirety of the restricted period of at least 50 per cent of the employee's highest  
1706 annualized base salary paid by the employer within the 2 years preceding the employee's  
1707 termination; and (B) except in the event of a breach by the employee, not permit an employer to  
1708 unilaterally discontinue or otherwise fail or refuse to make the payments; provided, however, if  
1709 the restricted period has been increased beyond 1 year as a result of the employee's breach of a  
1710 fiduciary duty to the employer or the employee has unlawfully taken, physically or  
1711 electronically, property belonging to the employer, the employer shall not be required to provide  
1712 payments to the employee during the extension of the restricted period; and

1713 (viii) the agreement is consistent with public policy.

1714 (c) A noncompetition agreement shall not be enforceable against: (i) an employee who is  
1715 classified as nonexempt under the Fair Labor Standards Act, 29 U.S.C. 201-219, inclusive; (ii)  
1716 an undergraduate or graduate student that partakes in an internship or otherwise enters a short-  
1717 term employment relationship with an employer, whether paid or unpaid, while enrolled in a full-

1718 time or part-time undergraduate or graduate educational institution; (iii) an employee that has  
1719 been terminated without cause or laid off; or (iv) an employee that is 18 years old or younger.

1720 (d) Nothing in this section shall render void or unenforceable the remainder of a contract  
1721 or agreement containing an unenforceable noncompetition agreement or preclude the imposition  
1722 of a noncompetition restriction by a court, whether through preliminary or permanent injunctive  
1723 relief or otherwise, as a remedy for a breach of another agreement or a statutory or common law  
1724 duty.

1725 (e) A court may, in its discretion, reform or otherwise revise a noncompetition agreement  
1726 so as to render it valid and enforceable to the extent necessary to protect the applicable legitimate  
1727 business interests.

1728 (f) No choice of law provision that would have the effect of avoiding the requirements of  
1729 this section shall be enforceable if the employee is, and has been for at least 30 days immediately  
1730 preceding the employee's cessation of employment, a resident of or employed in the  
1731 commonwealth at the time of the employee's termination of employment.

1732 (g) All civil actions relating to noncompetition agreements subject to this section shall be  
1733 brought in the county wherein the employee resides or, if mutually agreed upon by the employer  
1734 and the employee, in the county of Suffolk; provided, however, that in any such action brought  
1735 in the county of Suffolk, the superior court or the business litigation session of the superior court  
1736 shall have exclusive jurisdiction.

1737 SECTION 21. Section 27H of said chapter 149, as so appearing, is hereby amended by  
1738 striking out the first sentence and inserting in place thereof the following sentence:- No  
1739 agreement or contract providing for the cleaning and maintenance of a public building or space



1740 rented by a state executive, legislative or judicial department, office, commission, board, bureau,  
1741 institution, regional or independent authority, or any instrumentality thereof, shall be entered into  
1742 or given unless the contract or agreement contains a stipulation requiring prescribed rates of  
1743 wages, as determined by the commissioners, to be paid to the employees of the cleaning and  
1744 maintenance contractor.

1745 SECTION 22. Said section 27H of said chapter 149, as so appearing, is hereby further  
1746 amended by adding the following paragraph:-

1747 Any solicitation by a state department, office, commission, institution or regional  
1748 authority contracting for cleaning and maintenance for any building shall include: (i) a statement  
1749 of required hours; (ii) a worksheet requiring a breakdown of the cost components of the hourly  
1750 proposed rate, as developed by the executive office for administration and finance or its  
1751 designee; and (iii) a provision for annual adjustments to the contract price to reflect increases to  
1752 wage and benefits requirements as determined by the director of the department of labor  
1753 standards.

1754 SECTION 23. Said chapter 149 is hereby further amended by adding the following 13  
1755 sections:-

1756 Section 192. As used in this section and in sections 193 to 203, inclusive, the following  
1757 words shall have the following meanings unless the context clearly requires otherwise:

1758 “Client” or “client company”, a person who enters into a professional employer  
1759 agreement with a professional employer organization.

1760 “Covered employee”, an individual employed in a PEO relationship where the  
1761 individual’s employment is subject to a professional employer agreement; provided, however,  
1762 that “covered employee” shall include individuals who are officers, directors, shareholders,  
1763 partners and managers of the client, except to the extent the professional employer organization  
1764 and the client have expressly agreed in the professional employer agreement that such  
1765 individuals shall not be covered employees; provided further, that such individuals meet the  
1766 criteria of this paragraph and act as operational managers or perform day-to-day operational  
1767 services for the client.

1768 “Director”, the director of the department of labor standards.

1769 “Employment agency”, as defined in section 46A of chapter 140.

1770 “PEO group”, 2 or more professional employer organizations that are majority-owned or  
1771 commonly controlled by the same entity, parent or controlling person.

1772 “PEO relationship”, a co-employment relationship, in which all the rights, duties and  
1773 obligations of an employer that arise out of an employment relationship have been allocated  
1774 between the PEO and the client pursuant to a professional employer agreement; provided,  
1775 however, that a staffing agency and an employment agency shall not be a PEO; provided further,  
1776 that in a PEO relationship: (i) the professional employer organization shall be entitled to enforce  
1777 only such employer rights and is subject to only those obligations allocated in the professional  
1778 employment agreement or as specifically required pursuant to section 192 to 203, inclusive; (ii)  
1779 the client shall be entitled to enforce those rights, and obligated to provide and perform those  
1780 employer obligations, allocated to the client by the written professional employer agreement; (iii)  
1781 the client shall be entitled to enforce any right and obligated to perform any obligation of an

1782 employer not specifically allocated to the PEO or section 192 to 203, inclusive; and (iv) neither  
1783 the client nor the PEO may delegate duties and responsibilities to the other unless such  
1784 delegation is provided in the professional employer agreement and the covered employees are  
1785 informed about this delegation of duties and responsibilities.

1786 “Person”, an individual, partnership, corporation, limited liability company, association  
1787 or any other form of legally recognized entity.

1788 “Professional employer agreement”, a written contract by and between a client and a  
1789 professional employer organization that: (i) provides for the PEO relationship of covered  
1790 employees; (ii) allocates employer rights and obligations between the client and the professional  
1791 employer organization with respect to the covered employees; and (iii) allocates the  
1792 responsibilities between the professional employer organization and the client; provided,  
1793 however, that a professional employer agreement shall not affect, modify or amend any  
1794 employee rights under federal, state, local or municipal law or abrogate obligations of the client  
1795 or the PEO to covered employees under such laws.

1796 “Professional employer organization” or “PEO”, any person engaged in the business of  
1797 providing professional employer services who is subject to registration and regulation pursuant  
1798 to sections 192 to 203, inclusive, regardless of its use of the term or conducting business as a  
1799 professional employer organization staff leasing company, registered staff leasing company,  
1800 employee leasing company, administrative employer or any other name; provided, however, that  
1801 the following shall not be deemed to be professional employer organizations or providing  
1802 professional employment services: (i) arrangements wherein a person, whose principal business  
1803 activity is not entering into professional employer arrangements and that does not hold itself out

1804 as a PEO, shares employees with a commonly owned company within the meaning of section  
1805 414(b) and section 414(c) of the Internal Revenue Code of 1986, as amended; (ii) independent  
1806 contractor arrangements as governed by section 148B; or (iii) services provided by an  
1807 employment agency or staffing agency.

1808 “Professional employer services”, the service of entering into PEO relationships in which  
1809 all or a majority of the employees providing services to a client or to a division or work unit of  
1810 the client are covered employees.

1811 “Registrant”, a PEO registered pursuant to section 196.

1812 “Staffing agency”, as defined in section 159C.

1813 “Wages”, shall include all forms of remuneration for employment.

1814 Section 193. (a) Nothing contained in sections 192 to 203, inclusive, or in any  
1815 professional employer agreement shall affect, modify or amend any collective bargaining  
1816 agreement or the rights or obligations of any client, PEO or covered employee under chapter  
1817 150A, chapter 150E, the federal National Labor Relations Act, the federal Railway Labor Act or  
1818 any other applicable federal or state law.

1819 (b) Collective bargaining, if commenced after an agreement is entered into between a  
1820 PEO and a client, shall be conducted as required by federal and state law.

1821 (c) Nothing in sections 192 to 203, inclusive, or in any professional employer agreement  
1822 shall: (i) diminish, abolish or remove rights of covered employees to a client or obligations of  
1823 such client to a covered employee existing prior to the effective date of the professional

1824 employer agreement under federal or state law; (ii) affect, modify or amend any contractual  
1825 relationship or restrictive covenant between a covered employee and any client in effect at the  
1826 time a professional employer agreement becomes effective or prohibit or amend any contractual  
1827 relationship or restrictive covenant that is entered into subsequently between a client and a  
1828 covered employee; provided, however, that a PEO shall have no responsibility or liability in  
1829 connection with, or arising out of, any such existing or new contractual relationship or restrictive  
1830 covenant unless the PEO has specifically agreed otherwise in writing; or (iii) affect, modify or  
1831 amend any employee rights under federal, state, local or municipal law.

1832           Section 194. (a) Nothing in sections 192 to 203, inclusive, or any professional employer  
1833 agreement shall affect, modify or amend any federal, state or local licensing, registration or  
1834 certification requirement applicable to any client or covered employee.

1835           (b) A covered employee who is required to be licensed, registered or certified according  
1836 to law or regulation shall be deemed solely an employee of the client for purposes of any such  
1837 license, registration or certification requirement.

1838           (c) A PEO shall not be engaged in any occupation, trade, profession or other activity that  
1839 is subject to licensing, registration or certification requirements or is otherwise regulated by a  
1840 government agency solely by entering into and maintaining a PEO relationship with a covered  
1841 employee who is subject to such requirements or regulation.

1842           (d) A client shall have the sole right of direction and control of the professional or  
1843 licensed activities of covered employees and of the client's business. Covered employees and  
1844 clients shall remain subject to regulation by the regulatory or governmental entity responsible for  
1845 licensing, registration or certification of such covered employees or clients.

1846           Section 195. (a) For purposes of the determination of tax credits and other economic  
1847 incentives provided by the commonwealth or other government entity and based on employment,  
1848 covered employees shall be deemed solely the client's employees. A client shall be entitled to the  
1849 benefit of any tax credit, economic incentive or other benefit arising as the result of the  
1850 employment of covered employees of such client. Notwithstanding that the PEO is the reporting  
1851 employer for the purposes of the federal Internal Revenue Service form W-2, the client shall  
1852 continue to qualify for the benefit, incentive or credit. If the grant or amount of any benefit,  
1853 incentive or credit is based on number of employees, then each client shall be treated as  
1854 employing only those covered employees involved in a PEO relationship by such client. Covered  
1855 employees working for other clients of the PEO shall not be counted. Each PEO shall provide,  
1856 upon request by a client or by agency employment information reasonably required for  
1857 administration of any tax credit or economic incentive and necessary to support any request,  
1858 claim, application or other action by a client seeking any tax credit or economic incentive.

1859           (b) With respect to a bid, contract, purchase order or agreement entered into with the  
1860 commonwealth or a political subdivision thereof, a client company's status or certification under  
1861 federal or state law as a small, minority-owned, disadvantaged, woman-owned business or other  
1862 underutilized class of enterprise shall not be affected because the client company has entered into  
1863 a PEO relationship.

1864           Section 196. (a) Except as otherwise provided in sections 192 to 203, inclusive, no person  
1865 shall provide, advertise or otherwise hold itself out as providing professional employer services  
1866 in the commonwealth, unless such person is registered pursuant to this section.

1867 (b) Each applicant for registration shall provide the department with the following  
1868 information: (i) the name or names under which the PEO conducts business or will conduct  
1869 business; (ii) the address of the principal place of business of the PEO and the address of each  
1870 office it maintains in the commonwealth; (iii) the taxpayer or employer identification number of  
1871 the PEO; (iv) a list by jurisdiction of each name under which the PEO has operated in the  
1872 preceding 5 years, including any alternative names, names of predecessors and, if known,  
1873 successor business entities; (v) a statement of ownership, which shall include the name and  
1874 evidence of the business experience of any person that, individually or acting in concert with one  
1875 or more other persons, owns or controls or will own or control if known or reasonably known at  
1876 the time of registration, directly or indirectly, not less than 25 per cent of the equity interests of  
1877 the PEO; (vi) a statement of management, which shall include the name and evidence of the  
1878 business experience of any person who serves or will serve, if known or reasonably known at the  
1879 time of registration, as president, chief executive officer or otherwise has the authority to act as  
1880 senior executive officer of the PEO; (vii) A financial statement setting forth the financial  
1881 condition of the PEO or PEO group; provided, however, that at the time of application for a new  
1882 license, as part of the financial statement, the applicant shall submit an audit of the applicant,  
1883 which shall be the most recent audit available and shall not be more than 13 months old;  
1884 provided further, that nothing in this clause shall be construed as to require the department to  
1885 conduct the audit; provided further, that a PEO or PEO group shall file on an annual basis, at the  
1886 time of renewal, a succeeding audit; provided further, that an applicant may apply for an  
1887 extension with the department but any such request shall be accompanied by a letter from the  
1888 auditors stating the reasons for the delay and the anticipated audit completion date; provided  
1889 further, that the financial statement shall be prepared in accordance with generally accepted

1890 accounting principles and the audit shall be conducted by an independent certified public  
1891 accountant licensed to practice in the jurisdiction in which such accountant is located and shall  
1892 be without qualification as to the going concern status of the PEO; provided further, that a PEO  
1893 group or a PEO that is part of an organizational structure in which it is majority owned or  
1894 commonly controlled by an entity, parent or controlling person may submit combined or  
1895 consolidated audited financial statements to meet the requirements of this section; and provided  
1896 further, that a PEO that has not had sufficient operating history to have audited financials based  
1897 upon not less than 12 months of operating history shall meet the financial capacity requirements  
1898 in subsections (l) and (m) and shall present financial statements reviewed by a certified public  
1899 accountant; and (viii) a list of clients including client name, physical address, telephone number  
1900 and federal identification number.

1901 (c) A PEO shall complete its initial registration prior to initiating operations within the  
1902 commonwealth. If a PEO that is not registered in the commonwealth becomes aware that an  
1903 existing client not based in the commonwealth has employees and operations in the  
1904 commonwealth, the PEO shall decline to provide PEO services for those employees or notify the  
1905 department within 5 business days of its knowledge of the fact and file a full business  
1906 registration within 5 business days if there are more than 15 covered employees. The department  
1907 may issue an interim operating permit for the period the registration applications are pending if:  
1908 (i) the PEO is currently registered or licensed by another state; and (ii) the department  
1909 determines it to be in the best interests of the potential covered employees.

1910 (d) Upon expiration of its registration, the registrant shall renew its registration by  
1911 notifying the department of any changes in the information provided in the registrant's most



1912 recent registration or renewal. A registrant's existing registration shall remain in effect during the  
1913 pendency of a renewal application.

1914 (e) PEOs in a PEO group may satisfy the reporting and financial requirements established  
1915 pursuant to this section on a combined or consolidated basis; provided, however, that each  
1916 member of the PEO group guarantees the financial capacity obligations pursuant to clause (vii)  
1917 of subsection (b) for each member of the PEO group. In the case of a PEO group that submits a  
1918 combined or consolidated audited financial statement, including entities that are not PEOs or that  
1919 are not in the PEO group, the controlling entity of the PEO group under the consolidated or  
1920 combined statement shall guarantee the obligations of the PEOs in the PEO group.

1921 (f) A PEO that is part of an organizational structure in which it is majority owned or  
1922 commonly controlled by an entity, parent or controlling person may submit a combined or  
1923 consolidated audited financial statement provided the controlling entity under the consolidated or  
1924 combined statement guarantees the obligations of the PEO.

1925 (g) The department shall maintain a list of PEOs registered pursuant to this section and  
1926 shall make the list readily available to the public by electronic or other means.

1927 (h) The department may prescribe forms necessary to promote the efficient  
1928 administration of this section.

1929 (i) Applications, documents, reports and other filings shall be submitted in a manner  
1930 determined by the director, which may also include the acceptance of electronic filings and other  
1931 assurance by an independent and qualified assurance organization approved by the director that  
1932 provides satisfactory assurance of compliance acceptable to the director consistent with or in lieu

1933 of the requirements of subsections (b) to (g), inclusive, subsection (k) and other requirements of  
1934 sections 192 to 203, inclusive. The director shall permit a PEO to authorize such an approved  
1935 assurance organization to act on the PEO's behalf in complying with the registration  
1936 requirements pursuant to this section, including electronic filings of information and payment of  
1937 registration fees. Use of such an approved assurance organization shall be optional and not  
1938 mandatory for a registrant. Nothing in this subsection shall limit or change the department's  
1939 authority to register or terminate registration of a professional employer organization or to  
1940 investigate or enforce this chapter.

1941 (j) All records, reports and other information obtained from a PEO for the purposes of  
1942 section 196, except to the extent necessary for the department's proper administration of this  
1943 chapter, shall be confidential and shall not be published or open to public inspection except  
1944 public employees in the performance of their public duties or otherwise in accordance with  
1945 federal or state law.

1946 (k) The department shall establish by regulation any fee to be charged for initial  
1947 registration, renewal or group registration.

1948 (l) Except as provided by subsection (e) and (f), each PEO or collectively each PEO  
1949 group shall maintain: (i) positive working capital, as defined by generally accepted accounting  
1950 principles, proof of which shall be submitted at registration as reflected in the financial  
1951 statements submitted to the department with the initial registration and each annual renewal; and  
1952 (ii) a surety bond in the amount of \$250,000, proof of which shall be submitted at the time of  
1953 registration; provided, however, that the surety bond required shall be in a form acceptable to the

1954 director and maintained while the license remains in effect or any obligations or liabilities of the  
1955 registrant remain outstanding.

1956 (m) A PEO or PEO group without positive working capital may provide a bond,  
1957 irrevocable letter of credit or securities with a minimum market value equaling the deficiency  
1958 plus \$250,000. Such bond shall be held by a depository designated by the department, securing  
1959 payment by the PEO of all taxes, wages, benefits or other entitlement due to or with respect to  
1960 covered employees, if the PEO does not make such payments when due.

1961 Section 197. (a) Except as specifically provided in sections 192 to 203, inclusive, and in  
1962 the professional employer agreement pursuant to this section, or under any subsequent written  
1963 agreement or amendment, in each PEO relationship: (i) the client shall be entitled to exercise all  
1964 rights, and shall be obligated to perform all duties and responsibilities, otherwise applicable to an  
1965 employer in an employment relationship; (ii) the PEO shall be entitled to exercise only those  
1966 rights, and obligated to perform only those duties and responsibilities, specifically required  
1967 pursuant to sections 192 to 203, inclusive, or those set forth in the professional employer  
1968 agreement; provided, however, that the rights, duties and obligations of the PEO with respect to  
1969 any covered employee shall be limited to those arising pursuant to the professional employer  
1970 agreement and those required pursuant to this chapter during the term of the PEO relationship  
1971 with such covered employee; and (iii) unless otherwise expressly agreed to by the PEO and the  
1972 client in a professional employer agreement, the client retains the exclusive right to direct and  
1973 control the covered employees as is necessary to conduct the client's business, to discharge any  
1974 of the client's fiduciary responsibilities or to comply with any licensure requirements applicable  
1975 to the client or to the covered employees.

1976 (b) Except as specifically provided in sections 192 to 203, inclusive, the PEO relationship  
1977 between the client and the PEO, the relationship between the PEO and each covered employee  
1978 and the relationship between the client and each covered employee shall be governed by the  
1979 professional employer agreement.

1980 Each professional employer agreement shall include: (i) the allocation of rights, duties  
1981 and obligations as described in subsection (a); (ii) the extent that the PEO has assumed  
1982 responsibility in the professional employer agreement; (A) where the PEO shall have  
1983 responsibility to pay such wages to covered employees; (B) to withhold, collect, report and remit  
1984 payroll-related and unemployment taxes; and (C) to make payments for employee benefits for  
1985 covered employees; and (iii) that the PEO shall have a right to hire and terminate a covered  
1986 employee as may be necessary to fulfill the PEO's responsibilities pursuant to sections 192 to  
1987 203, inclusive, the professional employer agreement or as actually delegated by the client;  
1988 provided, however, that the client shall have a right to hire, discipline and terminate a covered  
1989 employee.

1990 (c) Upon initiation of the PEO relationship: (i) the PEO shall provide the client a notice;  
1991 (ii) the client shall post said notice in a conspicuous place at the client's worksite; and (iii)  
1992 depending on the customary way that the client communicates with its employees, the client  
1993 shall provide a hard copy or an electronic copy of the notice to the employees. The notice shall  
1994 contain: (i) notice of the general nature of the co-employment relationship between and among  
1995 the professional employer organization, the client and such covered employees, including the  
1996 rights, responsibilities and duties that the PEO and the client have with respect to the covered  
1997 employees; (ii) the name and telephone number of the department; (iii) the name and telephone  
1998 number of the PEO; (iv) disclosure if the benefit plan is self-funded or is not fully insured; (v)

1999 the name of the workers' compensation carrier and the policy number; (vi) whether the PEO or  
2000 the client maintains the workers' compensation policy and performs safety inspections at the  
2001 workplace; (vii) a phone number or contact to report injuries and hazardous worksite conditions;  
2002 and (vi) a multilingual tagline on the notice provided by the department in languages required  
2003 under clause (iii) of subsection (d) of section 62A of chapter 151A that includes the name and  
2004 telephone number of the department and states that the notice contains important information  
2005 that should be translated.

2006 (d) Upon termination, and in accordance with applicable federal and state law, the PEO  
2007 shall provide covered employees with written notice of the termination of the PEO relationship.  
2008 The notice can be provided electronically if that is the customary manner in which the client and  
2009 the PEO communicate with the covered employee.

2010 (e) Except to the extent otherwise expressly provided by the applicable professional  
2011 employer agreement: (i) a client shall be solely responsible for the quality, adequacy or safety of  
2012 the goods or service produced or sold in the client's business; (ii) a client shall be solely  
2013 responsible for directing, supervising, training and controlling the work of the covered  
2014 employees with respect to the business activities of the client and solely responsible for the acts,  
2015 errors or omissions of the covered employees with regard to such activities; (iii) a client shall be  
2016 solely responsible for the payment of any wages to covered employees and to make payments for  
2017 employee benefits for covered employees; (iv) a client shall be solely responsible for safety, risk  
2018 and hazard control at the worksite and compliance with related state and federal laws; (v) upon  
2019 termination of the PEO relationship, the client shall be solely responsible for providing  
2020 employees with information regarding the handling of claims and benefits; (vi) a client shall not  
2021 be liable for the acts, errors or omissions of a PEO, or of any covered employee of the client and

2022 a PEO, when such covered employee is acting under the express direction and control of the  
2023 PEO; (vii) a PEO shall not be liable for the acts, errors or omissions of a client, or of any covered  
2024 employee of the client, when such covered employee is acting under the express direction and  
2025 control of the client; (viii) nothing in this subsection shall serve to limit any contractual liability  
2026 or obligation specifically provided in the written professional employer agreement; (ix) a  
2027 covered employee shall not be, solely as the result of being a covered employee of a PEO, an  
2028 employee of the PEO for purposes of general liability insurance, fidelity bonds, surety bonds,  
2029 employer's liability that is not covered by workers' compensation or liquor liability insurance  
2030 carried by the PEO unless the covered employees are included by specific reference in the  
2031 professional employer agreement and applicable prearranged employment contract, insurance  
2032 contract or bond; (x) nothing in this section shall in any way limit the liabilities and obligations  
2033 of any PEO or client to covered employees as required by this chapter; (xi) the client shall be  
2034 solely responsible for notifying the PEO of all covered employees; provided, however, that  
2035 where the client has failed to notify the PEO, the client will be deemed to be the sole employer of  
2036 the employee; and (xii) the client shall retain all records in compliance with state and federal law  
2037 including, but not limited to, section 52C, section 15 of chapter 151 and 29 CFR 516; provided,  
2038 however, that if an obligation under this clause is allocated to a PEO, the PEO shall disclose to a  
2039 covered employee, upon request, the documents retained under this clause as required by state  
2040 and federal law.

2041 Section 198. (a) A tax assessed or an assessment or a mandated expenditure on a per  
2042 capita or per employee basis shall be assessed against the client for covered employees and  
2043 against the PEO for its employees who are not covered employees involved in a PEO  
2044 relationship with a client. Benefits or monetary consideration that meet the requirements of

2045 mandates imposed on a client and that are received by covered employees through the PEO  
2046 through payroll or through benefit plans sponsored by the PEO shall be credited against the  
2047 client's obligation to fulfill such mandates.

2048 (b) If there is a tax or an assessment imposed or calculated upon the basis of total payroll,  
2049 the PEO shall be eligible to apply any small business allowance or exemption available to the  
2050 client for the covered employees for purpose of computing the tax.

2051 Section 199. (a) Workers' compensation coverage shall be provided pursuant to section  
2052 14A of chapter 152 and regulations promulgated pursuant to said chapter 152.

2053 (b) PEOs and clients shall comply with employer posting notices pursuant to sections 21  
2054 and 22 of said chapter 152.

2055 (c) To the extent the PEO has assumed responsibility in the professional employer  
2056 agreement, the PEO shall maintain responsibility for the management of workers' compensation  
2057 claims.

2058 (d) The professional employer agreement shall specify the allocation of responsibilities  
2059 between the PEO and the client for workplace safety, risk and hazard control including the  
2060 responsibility for disclosing information about workplace injuries and illness required by the  
2061 federal Occupational Safety and Health Act and for performing workplace safety inspections of  
2062 all premises where covered employees are employed.

2063 (e) Where the PEO has workers' compensation coverage and has executed an alternate  
2064 employer endorsement naming the client as an additional insured, both the client and the PEO  
2065 shall be considered the employer for purpose of coverage under said chapter 152.

2066 (f) Where the client has workers' compensation coverage and has executed an alternate  
2067 employer endorsement naming the PEO as an additional insured, both the client and the PEO  
2068 shall be considered the employer for the purpose of coverage under said chapter 152.

2069 Section 200. (a) For purposes of chapter 151A, covered employees of a PEO shall be  
2070 considered the employees of the client and the PEO shall be responsible for the payment of  
2071 contributions, penalties and interest on wages paid by the PEO to its covered employees during  
2072 the term of the applicable professional employer agreement.

2073 (b) The PEO shall report and pay all required contributions to the unemployment  
2074 compensation fund using the state employer account number and the experience rate of the client  
2075 company pursuant to chapter 151A and the regulations promulgated pursuant to said chapter  
2076 151A.

2077 Section 201. Except as otherwise provided in this chapter, for the purposes of federal,  
2078 state or local laws relating to employee count, including, but not limited to, paid and unpaid  
2079 leave, health and transportation benefits and protection under fair employment laws, the  
2080 employee count shall include all of the client company's employees, including the client's  
2081 employees who are covered employees under the PEO relationship between the client and the  
2082 PEO.

2083 Section 202. (a) A person shall not knowingly and intentionally: (i) offer or provide  
2084 professional employer services or use the names PEO, professional employer organization, staff  
2085 leasing, employee leasing, administrative employer or other title representing professional  
2086 employer services without registering with the department pursuant to section 196; (ii) provide  
2087 false or fraudulent information to the department in conjunction with any registration, renewal or



2088 in any report required pursuant to sections 192 to 203, inclusive; (iii) enter into a PEO  
2089 relationship and split a client workforce for the sole purpose of avoiding compliance with  
2090 federal, state or municipal laws; or (iv) make a material misrepresentation to the department, to  
2091 other governmental agencies or to covered employees.

2092 (b) Disciplinary action may be taken by the department for violation of sections 192 to  
2093 203, inclusive, including for: (i) the conviction of a PEO or a controlling person of a PEO of a  
2094 crime that relates to the operation of a PEO or the ability of the licensee or a controlling person  
2095 of a licensee to operate a PEO; (ii) knowingly making a material misrepresentation to the  
2096 department or other governmental agency; or (iii) a willful violation of sections 192 to 203,  
2097 inclusive, or any related order or regulation.

2098 (c) Any individual may file a complaint with the department against a PEO, PEO group,  
2099 controlling person of a PEO, person offering professional employer services or client. The  
2100 complaint shall be filed in writing, with the department, in a form prescribed by the director.

2101 (1) Upon receipt of a complaint, the department shall proceed to review and investigate  
2102 the complaint to determine if further action is warranted.

2103 (2) If the director, after investigation, has cause to believe that there have been a violation  
2104 of this chapter, the director may refer the complaint to the office of the attorney general.

2105 (d) Upon finding, after notice and opportunity for hearing, that a PEO, PEO group,  
2106 controlling person of a PEO, person offering professional employer services or client has  
2107 violated 1 or more provisions of this chapter, including the failure to furnish records and  
2108 requested information to the department and its inspectors, or has hindered or interfered with any

2109 authorized inspector while in the performance of the inspector's duties, subject to any appeal, the  
2110 director may: (i) deny an application for a license; (ii) revoke, suspend, restrict or refuse to renew  
2111 a license; (iii) impose an administrative penalty in an amount not to exceed \$1,000 for each  
2112 material violation; (iv) place the licensee on probation for the period and subject to conditions  
2113 that the department specifies; or (v) issue a cease and desist order.

2114           Section 203. Wages shall be paid in accordance with section 148 of this chapter and any  
2115 minimum wage and overtime requirements as provided for in chapter 151. A PEO who fails to  
2116 pay wages, to the extent the PEO has assumed responsibility in the professional employer  
2117 agreement or subsequent written agreement and as required under this chapter, shall be subject to  
2118 penalties under this chapter.

2119           Section 204. (a) To the extent not preempted by federal law, a provision in a contract  
2120 waiving a substantive or procedural right or remedy relating to a claim of discrimination,  
2121 nonpayment of wages or benefits, retaliation or harassment in employment shall be  
2122 unconscionable, void and unenforceable with respect to any such claim arising after the waiver is  
2123 made. No right or remedy arising under this section, chapter, chapter 151B, common law, the  
2124 constitution or a rule of procedure may be prospectively waived. If a provision of a contract is  
2125 found to be unconscionable, void or unenforceable under this section, the remaining provisions  
2126 of the contract shall continue in full force and effect.

2127           (b) Whoever enforces or attempts to enforce a waiver found to be unconscionable, void  
2128 or unenforceable under this section shall be liable for reasonable attorneys' fees and costs.

2129           (c) No person or employer shall take retaliatory action including, but not limited to,  
2130 failure to hire, discharge, suspend, demote or discriminate in the terms, conditions or privileges

2131 of employment, or any other adverse action, against a person because the person refuses to enter  
2132 into a contract that contains a waiver that would be unconscionable, void or unenforceable under  
2133 this section.

2134 A person aggrieved by a violation of this section may, not later than 3 years after the  
2135 violation, commence a civil action in that person's own name and on that person's own behalf  
2136 for damages and injunctive relief. If the court finds that a person was aggrieved by a violation of  
2137 this section, the person may recover reasonable attorneys' fees and costs. The rights and  
2138 remedies in this section shall not be exclusive and shall not preempt other available procedures  
2139 and remedies for retaliatory actions including, but not limited to, those contained in section 150  
2140 of chapter 149 and section 4 of chapter 151B.

2141 (d) The attorney general may enforce this section if the substantive or procedural right or  
2142 remedy at issue arises under section 150.

2143 (e) The Massachusetts Commission Against Discrimination may enforce this section if  
2144 the substantive or procedural right or remedy at issue arises under chapter 151B.

2145 (f) A person aggrieved by a violation of chapter 151B who seeks a remedy other than: (i)  
2146 nonenforcement of a provision prohibited by this section; or (ii) reasonable attorneys' fees and  
2147 costs for enforcement of a provision prohibited by this section shall seek that remedy under said  
2148 chapter 151B.

2149 (g) Nothing in this section shall expand or limit the use of collective bargaining  
2150 agreements.

2151 SECTION 24. Section 14L of chapter 151A of the General Laws, as appearing in the  
2152 2016 Official edition, is hereby amended by adding the following subsection:-

2153 (c) Annually, not later than September 1, the director of career services shall file a report  
2154 with the joint committee on labor and workforce development and the house and senate  
2155 committees on ways and means concerning the collection of the workforce training contributions  
2156 pursuant to subsection (a) for the calendar year ending on the preceding December 31. The report  
2157 shall include, but not be limited to: (i) the amount collected in each quarter and the total amount  
2158 collected for the calendar year; (ii) the total number of employers that contributed to the fund and  
2159 the total number of employees employed by that group of employers; and (iii) the contribution  
2160 rate, to the extent it differs from 0.056 per cent.

2161 SECTION 25. Chapter 166A of the General Laws is hereby amended by adding  
2162 following section:-

2163 Section 23. (a) A cable television operator shall provide a public, educational or  
2164 governmental access channel and connection so that the channel is delivered, and subscribers  
2165 receive, the public, educational or governmental access channel with a good quality signal and in  
2166 the same format as the primary local broadcast signals, including a high definition format and a  
2167 standard digital format if such formats are delivered and received by subscribers for the primary  
2168 local broadcast signals; provided, however, that a cable television operator shall not be required  
2169 to provide the signal of a public, educational or governmental access channel to a subscriber on  
2170 any particular channel number or to provide such signals in any particular order.

2171 (b) A cable television operator shall provide a public, educational or governmental access  
2172 channel in a nondiscriminatory manner on any navigational device, on-screen program guide or

2173 menu such that a subscriber may access the public, educational or governmental access channel  
2174 in the same manner as local broadcast channels.

2175 (c) For the purposes of this section, a cable television operator shall include a cable  
2176 operator and a multichannel video programming distributor as defined in 47 U.S.C. 522.

2177 (d) Nothing in this section shall prohibit, condition or restrict a cable television operator's  
2178 use of any type of subscriber equipment or any transmission technology.

2179 SECTION 26. Section 168 of chapter 175 of the General Laws, as appearing in the 2016  
2180 Official Edition, is hereby amended by striking out subsection (d) and inserting in place thereof  
2181 the following subsection:-

2182 (d)(1) Each person so licensed shall keep a separate account of the business done under  
2183 the license and shall file forthwith a certified copy of each such account with the commissioner.  
2184 Each account so filed shall include, but not be limited to: (i) the exact amount of such insurance  
2185 placed for each person whose home state is the commonwealth; (ii) the gross premium charged  
2186 for such insurance; (iii) the company that issued the insurance policy; (iv) the date and term of  
2187 each policy; and (v) a report in the same detail of each cancelled policy, with the gross return  
2188 premiums thereon.

2189 (2) Each person so licensed shall, annually, not later than January 31, file a sworn  
2190 statement with the state treasurer providing the gross premiums charged for insurance procured  
2191 or placed and the gross return premiums on such insurance cancelled under the license during the  
2192 year ending on December 31 last preceding. At the time of filing such statement, each person  
2193 licensed as a special insurance broker shall pay a fee to the commonwealth in an amount equal to  
2194 4 per cent of such gross premiums, less such gross return premiums, on properties, risks or

2195 exposures located or to be performed in the commonwealth or any other state if the insured's  
2196 home state is the commonwealth.

2197 SECTION 27. Said section 168 of said chapter 175 of the General Laws, as so appearing,  
2198 is hereby further amended by striking out, in line 161, the words "collected pursuant to clause (3)  
2199 of subsection (d).

2200 SECTION 28. Section 28 of chapter 246 of the General Laws, as so appearing, is hereby  
2201 amended by adding the following paragraph:-

2202 This section shall not apply in a proceeding to attach earnings or a pension to satisfy a  
2203 judgment for collection of a consumer debt, as defined in section 1 of chapter 93N, and in such  
2204 an action said chapter 93N shall apply.

2205 SECTION 29. Section 1 of chapter 255E of the General Laws, as so appearing, is hereby  
2206 amended by striking out the definition of "Commissioner" and inserting in place thereof the  
2207 following 3 definitions:-

2208 "Bona fide nonprofit affordable homeownership organization", a nonprofit corporation of  
2209 the commonwealth with a primary purpose of helping qualified low-income individuals build,  
2210 repair and purchase affordable housing and that meets the criteria required to be a bona fide  
2211 nonprofit organization under 12 CFR 1008.103(e)(7)(ii).

2212 "Commissioner", the commissioner of banks.

2213 "Instrumentality created by the United States or any state", (i) a Federal, state, municipal  
2214 government or quasi-government entity; or (ii) a nonprofit agency or corporation incorporated  
2215 under the laws of the commonwealth that has a tax exempt status granted under section 501(c)(3)

2216 of the federal Internal Revenue Code, that exclusively makes or issues commitments for  
2217 mortgage loans on residential property to be financed with public funds or negotiates, places,  
2218 assists in placement of, finds or offers to negotiate, place, assist in placement of or find mortgage  
2219 loans on residential property to be financed with public funds only under a contract with a  
2220 federal, state or municipal government, any instrumentality thereof or any quasi-government  
2221 entity as determined by the commissioner; provided, however, that the making of a mortgage  
2222 loan includes being named as the lender or mortgagee on the note, mortgage or other loan  
2223 documents.

2224 SECTION 30. Section 2 of said chapter 255E, as so appearing, is hereby amended by  
2225 adding the following 3 paragraphs:-

2226 The commissioner may make a determination that a bona fide nonprofit affordable  
2227 homeownership organization is exempt from this chapter upon application for an exemption by  
2228 the organization. The application shall be approved upon the commissioner's determination that  
2229 the organization satisfies the following criteria: (i) the organization is a nonprofit corporation of  
2230 the commonwealth with a primary purpose of helping qualified low-income individuals build,  
2231 repair and purchase affordable housing; (ii) the organization is exempt from federal income  
2232 taxation under section 501(c)(3) of the federal Internal Revenue Code; (iii) the organization does  
2233 not charge loan origination fees; (iv) the organization does not provide residential mortgage  
2234 loans that do not fully amortize over the term of the loans; (v) the organization does not  
2235 compensate any employees based on the number or size of mortgage loans originated by the  
2236 employee or otherwise incentivize any employees to act other than in the best interests of the  
2237 borrower; (vi) the organization provides mortgage products that meet the federal Consumer  
2238 Financial Protection Bureau's ability-to-repay rule and its qualified mortgage standards; and (vii)

2239 the organization determines that a borrower has a reasonable ability to repay a mortgage before  
2240 consummation. A borrower's debt-to-income ratio shall not exceed 43 per cent.

2241 The division of banks may periodically monitor an exempted bona fide nonprofit  
2242 affordable homeownership organization and a nonprofit entity that is an instrumentality created  
2243 by the United States or any state under section 2 of chapter 255F and examine its books and  
2244 activities to confirm it remains in compliance with this chapter.

2245 The commissioner may revoke a bona fide nonprofit affordable homeownership  
2246 organization's exempt status if the commissioner determines it no longer meets the criteria of  
2247 this section.

2248 SECTION 31. Section 2 of chapter 255F of the General Laws, as so appearing, is hereby  
2249 amended by striking out, in line 30, the word "and".

2250 SECTION 32. Said section 2 of said chapter 255F, as so appearing, is hereby further  
2251 amended by inserting after the figure "101(53D)", in line 32, the following words:- ; (viii) any  
2252 person who otherwise meets the definition of a mortgage loan originator under section 1 but who  
2253 is employed by an organization determined by the commissioner to be a bona fide nonprofit  
2254 affordable homeownership organization pursuant to section 2 of chapter 255E; and (ix) any  
2255 person who otherwise meets the definition of a mortgage loan originator under section 1 but who  
2256 is employed by, or is operating on behalf of, an instrumentality created by the United States or  
2257 any state as defined in section 1 of chapter 255E.



2258 SECTION 33. Chapter 47 of the acts of 1997 is hereby amended by striking out section  
2259 22, as appearing in section 86 of chapter 287 of the acts of 2014, and inserting in place thereof  
2260 the following section:-

2261 Section 22. Notwithstanding any general or special law to the contrary, in fiscal years  
2262 2019 to 2025, inclusive, the office of Medicaid shall allocate \$2,000,000 annually for a Fishing  
2263 Partnership Health Plan Corporation project that shall provide services to fishermen and fishing  
2264 families; provided, however, that such services shall include, but not be limited to, assisting  
2265 fishermen and fishing families in obtaining health insurance coverage.

2266 SECTION 34. Notwithstanding any general or special law to the contrary, a city or town  
2267 that has received a grant from the executive office of housing and economic development or  
2268 Massachusetts Broadband Institute for the purpose of constructing a municipally owned  
2269 broadband network shall have the power and authority to: (i) provide internet access service to  
2270 premises located in an adjacent municipality; and (ii) accept or acquire an easement or other real  
2271 property interest in an adjacent city or town for the purpose of constructing, owning, maintaining  
2272 and operating infrastructure for providing internet access service to its own residents or to  
2273 premises located in an adjacent municipality.

2274 SECTION 35. (a) Notwithstanding any general or special law to the contrary, for the  
2275 days of August 11, 2018 and August 12, 2018, an excise shall not be imposed upon nonbusiness  
2276 sales at retail of tangible personal property, as defined by section 1 of chapter 64H of the General  
2277 Laws. For the purposes of this act, tangible personal property shall not include  
2278 telecommunications services, tobacco products subject to the excise imposed by chapter 64C of  
2279 the General Laws, marijuana or marijuana products subject to the excise tax imposed by chapter

2280 64H of the General Laws, gas, steam, electricity, motor vehicles, motorboats, meals or a single  
2281 item the price of which is in excess of \$2,500.

2282 (b) Notwithstanding any general or special law to the contrary, for the days of August 11,  
2283 2018 and August 12, 2018, a vendor shall not add to the sales price or collect from a nonbusiness  
2284 purchaser an excise upon sales at retail of tangible personal property, as defined by section 1 of  
2285 chapter 64H of the General Laws. The commissioner of revenue shall not require a vendor to  
2286 collect and pay excise upon sales at retail of tangible personal property purchased on August 11,  
2287 2018 and August 12, 2018. An excise erroneously or improperly collected during the days of  
2288 August 11, 2018 and August 12, 2018 shall be remitted to the department of revenue. This  
2289 section shall not apply to the sale of telecommunications services, tobacco products subject to  
2290 the excise imposed by chapter 64C of the General Laws, marijuana or marijuana products subject  
2291 to the excise tax imposed by chapter 64H of the General Laws, gas, steam, electricity, motor  
2292 vehicles, motorboats, meals or a single item the price of which is in excess of \$2,500.

2293 (c) Reporting requirements imposed upon vendors of tangible personal property, by law  
2294 or by regulation, including, but not limited to, the requirements for filing returns required by  
2295 chapter 62C of the General Laws, shall remain in effect for sales for the days of August 11, 2018  
2296 and August 12, 2018.

2297 (d) On or before December 31, 2018, the commissioner of revenue shall certify to the  
2298 comptroller the amount of sales tax forgone, as well as new revenue raised from personal and  
2299 corporate income taxes and other sources, pursuant to this act. The commissioner shall file a  
2300 report with the joint committee on revenue and the house and senate committees on ways and  
2301 means detailing by fund the amounts under general and special laws governing the distribution of

2302 revenues under chapter 64H of the General Laws which would have been deposited in each fund  
2303 without this act.

2304 (e) The commissioner of revenue shall issue instructions or forms, or promulgate rules or  
2305 regulations, necessary for the implementation of this act.

2306 (f) Eligible sales at retail of tangible personal property under subsections (a) or (b) are  
2307 restricted to those transactions occurring on August 11, 2018 and August 12, 2018. Transfer of  
2308 possession of or payment in full for the property shall occur on 1 of those days, and prior sales or  
2309 layaway sales shall be ineligible.

2310 SECTION 36. Notwithstanding any general or special law to the contrary, to meet the  
2311 expenditures necessary in carrying out section 2A, the state treasurer shall, upon receipt of a  
2312 request by the governor, issue and sell bonds of the commonwealth in an amount to be specified  
2313 by the governor from time to time but not exceeding, in the aggregate, \$807,355,000. All bonds  
2314 issued by the commonwealth, as aforesaid, shall be designated on their face “Commonwealth  
2315 Economic Development Act of 2018” and shall be issued for a maximum term of years, not  
2316 exceeding 30 years, as recommended by the governor in a message to the General court dated  
2317 March 9, 2018 pursuant to section 3 of Article LXII of the Amendments to the Constitution;  
2318 provided, however, that all such bonds shall be payable not later than June 30, 2053. All interest  
2319 and payments on account of principal on such obligations shall be payable from the General  
2320 Fund. Notwithstanding any other provision of this act, bonds and interest thereon issued under  
2321 this section shall be general obligations of the commonwealth.

2322 SECTION 37. Each professional employment organization as defined by section 192 of  
2323 chapter 149 of the General Laws operating within the commonwealth as of the effective date of

2324 this act shall complete its initial registration not more than 180 days after the effective date of  
2325 this act. Initial registration shall be valid for 1 year after the date of issuance.

2326 SECTION 38. The department of labor standards shall promulgate regulations to  
2327 effectuate the purposes of sections 192 to 203, inclusive, of chapter 149 of the General Laws and  
2328 section 18A.

2329 SECTION 39. Notwithstanding any general or special law to the contrary, to meet the  
2330 expenditures necessary in carrying out section 2B, the state treasurer shall, upon receipt of a  
2331 request by the governor, issue and sell bonds of the commonwealth in an amount to be specified  
2332 by the governor from time to time but not exceeding, in the aggregate, \$225,000,000. All bonds  
2333 issued by the commonwealth, as aforesaid, shall be designated on their face “Commonwealth  
2334 Economic Development Act of 2018” and shall be issued for a maximum term of years, not  
2335 exceeding 30 years, as recommended by the governor in a message to the general court dated  
2336 March 9, 2018 pursuant to section 3 of Article LXII of the Amendments to the Constitution;  
2337 provided, however, that all such bonds shall be payable not later than June 30, 2053. All interest  
2338 and payments on account of principal on such obligations shall be payable from the General  
2339 Fund. Notwithstanding any other provision of this act, bonds and interest thereon issued under  
2340 this section shall be general obligations of the commonwealth.

2341 SECTION 40. A taxpayer may claim a credit in a taxable year pursuant to section 8A or  
2342 or section 8B, but not both. Any EMAC supplement or employer shared responsibility payment  
2343 may not be taken into account in calculating more than 1 credit by a taxpayer or combination of  
2344 taxpayers. The terms used in this section shall have the meanings defined in sections 8A and 8B.

2345 SECTION 41. Section 192 of chapter 149 of the General Laws shall apply to contracts  
2346 entered into on or after the effective date of this act.

2347 SECTION 42. Notwithstanding any general or special law to the contrary, the  
2348 Massachusetts Department of Transportation shall conduct a study to determine the feasibility of  
2349 increasing the width of state highway route 2 between the town of Concord and the city of  
2350 Gardner. The study shall evaluate the cost of adding a lane in either direction, including the cost  
2351 of relocating crossings and exits and rebuilding existing bridges. The study shall also take into  
2352 account the existing traffic flow and congestion and the extent to which an additional lane would  
2353 improve traffic flow and congestion. The department shall submit a report with the results of the  
2354 study to the clerks of the house of representatives and the senate and the joint committee on  
2355 transportation not later than December 31, 2019.

2356 SECTION 43. (a) The Massachusetts Department of Transportation, in conjunction with  
2357 the executive office of housing and economic development, shall conduct a feasibility study  
2358 relative to the re-establishment of a crossing over the Westfield river at the site of the former  
2359 Woronoco paper mill located in the town of Russell. The study shall examine and evaluate the  
2360 costs of and economic and redevelopment opportunities related to re-establishing a crossing over  
2361 Westfield river including, but not limited to: (i) the projected capital costs; (ii) the projected  
2362 operating costs; (iii) the projected use levels; (iv) the environmental and community impact  
2363 estimates; (v) the availability of federal, state, local and private sector funding sources; and (vi)  
2364 the resulting economic, social and cultural benefits to the town of Russell and the surrounding  
2365 region.

2366 (b) The department shall file a report of the results of its study with the clerks of the  
2367 senate and house of representatives, the senate and house committees on ways and means and the  
2368 joint committee on transportation not later than September 31, 2019.

2369 SECTION 44. There shall be a task force to study and develop recommendations on the  
2370 impact of annual closures of Cape Cod bay to protect the right whale population on the  
2371 Massachusetts fishing industry. The task force shall consist of the following members or their  
2372 designees: the commissioner of the department of conservation and recreation, who shall serve as  
2373 chair; the secretary of labor and workforce development; the director of the division of marine  
2374 fisheries; and 4 persons to be appointed by the governor, 1 of whom shall be a representative  
2375 from the Massachusetts lobstermen's association, 1 of whom shall be a representative from the  
2376 Cape Cod commercial fishermen's alliance, 1 of whom shall be a representative from the  
2377 Massachusetts fishermen's partnership and 1 of whom shall be a representative from the  
2378 Gloucester fishermen's wives association.

2379 The task force shall: (i) research the financial impacts on individual fishermen and the  
2380 fishing industry as a whole of the annual closure of Cape Cod bay to protect the right whale  
2381 population; (ii) investigate additional impacts of emergency closures of Cape Cod bay in  
2382 instances when the right whale population stays beyond May 1; and (iii) research existing  
2383 programs to assist fishermen who are unable to earn a living based on external factors beyond  
2384 their control.

2385 SECTION 45. (a) Notwithstanding sections 33 to 37, inclusive, of chapter 7C of the  
2386 General Laws or any general or special law to the contrary, the commissioner of capital asset  
2387 management and maintenance may convey a certain parcel of land in the city of Lynn to the

2388 Neighborhood Development Associates, Inc. for nominal consideration for the purpose of  
2389 providing services to veterans. The parcel contains approximately 0.68 acres and is located 38  
2390 South Common street in the city of Lynn. The parcel shall be conveyed by deed without  
2391 warranties or representations by the commonwealth.

2392 (b) The use of the parcel shall be restricted to the provision of veterans programs and  
2393 services, which may include veterans housing. Notwithstanding the foregoing or any general or  
2394 special law to the contrary, Neighborhood Development Associates, Inc. may lease the parcel or  
2395 portions thereof to 1 or more entities and enter into agreements with 1 or more entities for the  
2396 purpose of developing, constructing, operating and maintaining improvements related to the  
2397 provision of veterans programs and services on the parcel.

2398 (c) The deed or other instrument conveying the parcel to Neighborhood Development  
2399 Associates, Inc. shall provide that the parcel conveyed shall be used solely for the purposes  
2400 described in this act and shall include a reversionary clause that stipulates that, if the parcel  
2401 ceases at any time to be used for the purposes set forth in this act, title to the parcel shall, at the  
2402 election of the commonwealth, revert to the commonwealth.

2403 (d) Notwithstanding any general or special law to the contrary, Neighborhood  
2404 Development Associates, Inc. shall be responsible for all costs and expenses of the transaction  
2405 authorized in this act as determined by the commissioner of capital asset management and  
2406 maintenance including, but not limited to, the costs of any engineering, surveys, appraisals, title  
2407 examinations, recording fees and deed preparation related to the conveyance of the parcel and all  
2408 costs, liabilities and expenses of any nature and kind for its ownership. Neighborhood  
2409 Development Associates, Inc. shall acquire the property thereon in its present condition.

2410 (e) If Neighborhood Development Associates, Inc. does not complete a purchase of the  
2411 property described in subsection (a) not later than January 31, 2019, then, notwithstanding  
2412 sections 33 to 37 inclusive of chapter 7C of the General Laws or any other general or special law  
2413 to the contrary, the commissioner may sell, lease for terms up to 99 years, including all renewals  
2414 and extensions, or otherwise grant, convey or transfer to purchasers or lessees an interest in the  
2415 property described in subsection (a) or portions thereof, subject to this section and on such terms  
2416 and conditions that the commissioner considers appropriate. In making any such disposition  
2417 pursuant to this section, the commissioner shall use appropriate competitive bidding processes  
2418 and procedures. Not less than 30 days before the date on which bids, proposals or other offers to  
2419 purchase or lease a property, or any portion thereof, are due, the commissioner shall place a  
2420 notice in the central register published by the state secretary pursuant to section 20A of chapter 9  
2421 of the General Laws stating the availability of the property, the nature of the competitive bidding  
2422 process and other information that the commissioner considers relevant, including the time, place  
2423 and manner for the submission of bids and proposals and the opening of the bids or proposals.

2424 SECTION 46. (a) Notwithstanding any general or special law to the contrary, the  
2425 commissioner of capital asset management and maintenance, on behalf of and in consultation  
2426 with the department of conservation and recreation, may lease, for a term not to exceed 35 years,  
2427 inclusive of any options for renewal or extension of such lease, all or a portion of the land,  
2428 tidelands and piers, together with the buildings, structures and appurtenances thereon, known as  
2429 the New Bedford State Pier and the Fall River State Pier located in the cities of New Bedford and  
2430 Fall River, respectively, to the Massachusetts Development Finance Agency established in  
2431 chapter 23G of the Massachusetts General Laws, or any affiliated or subsidiary entity controlled  
2432 by the Massachusetts Development Finance Agency, to be used for public purposes.



2433 (b) The lessee may sublease all or portions of the piers and buildings and facilities  
2434 located thereon to 1 or more public or private entities for commercial, industrial and other uses  
2435 that the lessee determines will serve a public purpose including, but not limited to, generating  
2436 revenue for the upkeep, maintenance and improvement of the New Bedford State Pier and the  
2437 Fall River State Pier; provided, however, that neither the New Bedford State Pier nor the Fall  
2438 River State Pier shall be used to support facilities for offshore oil and gas exploration or  
2439 development; provided further, that no person or entity or group of affiliated persons or entities  
2440 shall be permitted the exclusive use of either the New Bedford State Pier or the Fall River State  
2441 Pier; provided further, that the unexpended balance in item 6720-1350, as authorized pursuant to  
2442 chapter 286 of the acts of 2014, shall be made available for the purposes of and subject to the  
2443 conditions stated in the original authorizations and any amendments to such authorization; and  
2444 provided further, that any use of either the New Bedford State Pier or the Fall River State Pier  
2445 shall conform to conditions set forth in 310 C.M.R. 9.00 to support public and private efforts to  
2446 revitalize unproductive property along the waterfronts of the cities of New Bedford and Fall  
2447 River in a manner that promotes public use and enjoyment of the water.

2448 SECTION 47. There shall be an independent contractor task force to study and make  
2449 recommendations on independent contractor status in the commonwealth. The task force shall  
2450 consist of the following members or their designees: the house and senate chairs of the joint  
2451 committee on labor and workforce development, who shall serve as co-chairs; the secretary of  
2452 housing and economic development; the secretary of labor and workforce development; the  
2453 attorney general; 1 person to be appointed by the speaker of the house of representatives; 1  
2454 person to be appointed by the minority leader of the house of representatives; 1 person to be  
2455 appointed by the senate president; 1 person to be appointed by the minority leader of the senate;

2456 and 6 persons to be appointed by the governor, 1 of whom shall be an economist experienced in  
2457 labor and workforce development, 1 of whom shall be an attorney experienced in labor and  
2458 workforce development, 2 of whom shall be representatives from labor unions selected from a  
2459 list of 3 nominees from the Massachusetts Building Trades Council and 2 of whom shall be  
2460 representatives from business associations.

2461           The task force shall study and make recommendations on independent contractor status in  
2462 the commonwealth and shall examine the practices of neighboring states and other relevant  
2463 jurisdictions. The task force shall provide an analysis of: (i) individuals who are required to be  
2464 classified as employees who should be, or wish to be, classified as independent contractors; (ii)  
2465 individuals misclassified as independent contractors who should be classified as employees; (iii)  
2466 uncertainty of independent contractor or employee status due to the burgeoning shared and on-  
2467 demand economy in the commonwealth; (iv) the economic impact of an employee or  
2468 independent contractor designation on an individual and on the employer or party relying on the  
2469 services of an independent contractor or employee; and (v) models of employee classification in  
2470 other jurisdictions including, but not limited to, a dependent contractor designation.

2471           The task force shall convene its first meeting not later than 90 days after the effective  
2472 date of this act and shall submit a report, together with drafts of legislation necessary to carry  
2473 those recommendations into effect, by filing the same with the clerks of the senate and house of  
2474 representatives, the joint committee on labor and workforce development and the house and  
2475 senate committees on ways and means not later than December 31, 2019.

2476           SECTION 48. Section 3 of Chapter 93N of the General Laws shall not apply to a  
2477 consumer debt for which the cause of action accrued before January 1, 2019; provided, however,

2478 that subsection (b) of section 3 of said chapter 93N shall apply to payments made after the  
2479 effective date of this act; provided further, that subsection (b) of section 6 of said chapter 93N  
2480 shall not apply to a contract, including a consumer form contract, that is in effect before January  
2481 1, 2019.

2482 SECTION 49. (a) There shall be a special commission to study data related to programs  
2483 that provide joint support for stable housing and to increase economic self-sufficiency. The  
2484 commission will examine various program components, program outcomes including changes in  
2485 earned income, education, and state and federally funded services and the feedback of  
2486 participants and those not enrolled in programs, for the purpose of producing a report with  
2487 recommendations for criteria for economic mobility and financial stability programs for families  
2488 and individuals with extremely low incomes, as defined by the United States Department of  
2489 Housing and Urban Development, that can be offered across the commonwealth. The  
2490 Commission shall examine the impacts of cliff effects on households with low incomes and  
2491 determine ways to adjust assistance in response to changes in income, including automatic  
2492 adjustments tied to minimum wage increases.

2493 (b) The commission shall be chaired by the house and senate chairs of the joint  
2494 committee on children, families, and persons with disabilities. The commission shall consist of,  
2495 but shall not be limited to, the following members or their designees: the secretary of  
2496 administration and finance; secretary of education; the secretary of labor and workforce  
2497 development; the undersecretary of housing and economic development, the commissioner of  
2498 transitional assistance; the president of the senate; the speaker of the house of representatives; the  
2499 senate and house chairs of the joint committee on housing; the senate and house chairs of the  
2500 joint committee on labor and workforce development; and 1 representative of each of the

2501 following organizations: Abt Associates; Cambridge Housing Authority; Central Massachusetts  
2502 Housing Alliance; Citizens’ Housing and Planning Association; Compass Collaborative;  
2503 CONNECT; Economic Mobility Pathways, Inc.; Father Bill’s & MainSpring; Franklin County  
2504 Regional Housing and Redevelopment Authority; Homes for Families, Inc.; Housing Assistance  
2505 Corporation; Local Initiatives Support Corporation; Massachusetts Chapter of the National  
2506 Association of Housing and Redevelopment Organizations; Massachusetts Association for  
2507 Community Action; Massachusetts Coalition for the Homeless; Massachusetts Law Reform  
2508 Institute, Inc.; Massachusetts Union of Public Housing Tenants, Inc.; Metro Housing Boston;  
2509 MIDAS Collaborative, Inc.; Regional Housing Network of Massachusetts, Inc.; United Way of  
2510 Massachusetts Bay, Inc.; United Way of Merrimack Valley, Inc.; the University of  
2511 Massachusetts center for social policy; Way Finders; and People Acting in Community  
2512 Endeavors, Inc.

2513 (c) The commission shall file a report of its findings and recommendations, together with  
2514 drafts of legislation necessary to carry out the recommendations, with the clerks of the senate and  
2515 the house of representatives, the senate and house chairs of the joint committee on housing and  
2516 the house and senate committees on ways and means not later than December 31, 2018.

2517 SECTION 50. The rotary on state highway route 28 in the town of Bourne at the entrance  
2518 to Joint Base Cape Cod shall be designated and known as “Heroes Circle” in honor of the service  
2519 of the men and women of the Armed Forces of the United States of America. The Massachusetts  
2520 Department of Transportation shall erect and maintain suitable markers near the rotary bearing  
2521 the designation in compliance with the standards of the department.

2522 SECTION 51. There shall be a special senate oversight task force to study the public  
2523 safety and consumer protection implications of the recent lockout of gasworkers by National  
2524 Grid. The study shall include, but shall not be limited to, investigation of the number of  
2525 complaints and documented incidents of violations and issues pertaining to public safety, the  
2526 impact on consumers and ratepayers, changes to operating plans and procedures due to whole  
2527 scale change in workforce and impact on services and standards.

2528 The task force shall consist of the senate chair of the joint committee on public safety and  
2529 homeland security, who shall serve as chair; the senate ranking member of the committee on  
2530 public safety and homeland security, or a designee; the senate chair of the joint committee on  
2531 telecommunications, utilities and energy; the senate chair of the joint committee on labor and  
2532 workforce development; the senate chair of the committee on consumer protection and  
2533 professional licensure; and the senate minority leader, or a designee.

2534 The task force shall hold not less than 1 oversight hearing that is open to the public. The  
2535 task force shall produce a report of its findings and shall file the report with the clerk of the  
2536 senate not later than September 1, 2018.

2537 SECTION 52. There shall be a special commission to plan, develop and implement  
2538 strategies to support and promote minority-owned real estate and financial services organizations  
2539 in the commonwealth. The commission shall also identify barriers to professional licensure for  
2540 socially and economically disadvantaged persons including, but not limited to, barriers to  
2541 obtaining mortgage lending and broker licenses, state bank charters and insurance or carrier  
2542 licenses. The commission shall consist of: the commissioner of banks or a designee; the director  
2543 of the division of professional licensure or a designee; 1 representative of the National

2544 Association of Real Estate Brokers; and 2 minority business enterprise owners, as described in  
2545 section 58 of chapter 7 of the General Laws, appointed by the governor. The commission shall  
2546 file a report of its findings and recommendations with the clerks of the senate and house of  
2547 representatives and the chairs of the senate and house committees on ways and means not later  
2548 than June 30, 2019.

2549 SECTION 53. (a) There shall be an industrial mill building revitalization task force to  
2550 stimulate the re-development, rehabilitation and revitalization of industrial mill buildings and  
2551 surrounding areas in the commonwealth. The task force shall: (i) review current laws and  
2552 regulations beneficial the revitalization of mill buildings and surrounding areas, including, but  
2553 not limited to, federal and state tax incentives and renewable energy production; (ii) create a list  
2554 of existing mill buildings, their locations, whether they are active or inactive and current uses, if  
2555 applicable, in the commonwealth; (iii) investigate potential new uses for mill buildings based on  
2556 market conditions that increase economic development; (iv) identify strategies to improve mill  
2557 building energy efficiency and prevent further structural and environmental degradation; (v)  
2558 explore innovative permitting processes, zoning regulations and building codes to encourage  
2559 redevelopment; and (vi) consider any other action in furtherance of its purpose.

2560 (b) The task force shall consist of the secretary of housing and economic development, or  
2561 a designee, who shall serve as chair; the secretary of energy and environmental affairs, or a  
2562 designee; the chairs of the joint committee on economic development and emerging  
2563 technologies, or their designees; the director of MassDevelopment, or a designee; 2 members of  
2564 the house of representatives who represent communities with mill buildings, designated by the  
2565 speaker of the house of representatives; 2 members of the senate who represent communities  
2566 with mill buildings, designated by the senate president; the director of the Massachusetts clean

2567 energy center, or a designee; 2 residents of the commonwealth who own mill buildings, 1 active  
2568 and 1 inactive, designated by the chair; 1 representative of a Massachusetts utility company,  
2569 designated by the chair; 1 representative from an economic development organization,  
2570 designated by the chair; 3 representatives of Massachusetts planning organizations, 1 of whom  
2571 shall be from the western region of the state, 1 of whom shall be from the central region of the  
2572 state and 1 of whom shall be from the eastern region of the state, designated by the chair.

2573 (c) The task force shall submit its report and recommendations, together with drafts of  
2574 legislation to carry its recommendations into effect, to the chairs of the joint committee on  
2575 economic development and emerging technologies and the clerks of the senate and the house of  
2576 representatives not later than August 1, 2019.

2577 SECTION 54. Notwithstanding any general or special law to the contrary, there shall be  
2578 an interagency working group within the Executive Branch to monitor the pre and post shutdown  
2579 decommissioning process at Pilgrim Nuclear Power Station. This working group shall consist of  
2580 members of the Executive Branch, as well as a member of the Attorney General's office, to lead  
2581 and coordinate state agency involvement in any matters pertaining to the plant's  
2582 decommissioning. Such matters may include: decommissioning radiological and environmental  
2583 standards, off-site emergency preparedness and funding, site restoration, on-going environmental  
2584 and radiological monitoring requirements and standards, and ensuring that Entergy and its  
2585 successors have and maintain sufficient funds to complete the decommissioning process;  
2586 provided, however, that such matters are within the participating agencies' respective authorities.

2587 SECTION 55. Section 24L of chapter 149 of the General Laws shall apply to employee  
2588 noncompetition agreements entered into on or after October 1, 2018.

2589           SECTION 56. Chapter 93L of the General Laws, inserted by section 18, shall take effect  
2590 on October 1, 2018 and shall not apply to misappropriation commencing prior to the October 1,  
2591 2018, regardless of whether such misappropriation continues after that date.

2592           SECTION 57. Chapter 93N of the General Laws, inserted by section 18, shall take effect  
2593 on January 1, 2019.

2594           SECTION 58. Sections 5, 11 and 14 shall take effect on January 1, 2019 and shall apply  
2595 to tax years beginning on or after January 1, 2019.

2596           SECTION 59. Sections 13, 15 and 40 shall take effect on January 1, 2018.