

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce J. Ayers

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

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

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

PETITION OF:

NAME:

Bruce J. Ayers

DISTRICT/ADDRESS:

1st Norfolk

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 630 OF 2007-2008.]

The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine
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AN ACT ESTABLISHING A REVOLVING FUND TO SUPPLEMENT THE FUNDING OF WATERWAY PROJECTS AND COASTAL PROTECTION INITIATIVES..

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

1 SECTION 1. Chapter 91 of the General Laws, as appearing in the 2004 Official Edition, is
2 hereby amended by inserting the following new section after section 10A1/2:—
3 Section 10A3/4. There is hereby established a fund to be known as the Coastal Protection and
4 Harbor Maintenance Revolving Fund to which shall be credited such sums as may from time to
5 time be provided by appropriation. Notwithstanding the provisions of any general or special law
6 to the contrary, the department of environmental management is hereby authorized and directed
7 to utilize the appropriations credited to this fund for providing financial assistance to local
8 government units to meet debt service obligations or bonds incurred by such local government
9 units after January 1, 2009, to finance costs of coastal protection and harbor maintenance
10 projects, or portions thereof, which have been approved by the department.
11 As used in this section, the term “coastal protection and harbor maintenance project” shall mean
12 the planning, including study, professional consultation, engineering, evaluation, preliminary and
13 final design and pre-construction activity, including construction, supervision and purchase of
14 equipment for post-construction maintenance for projects approved by the department that
15 increase or maintain harbor access and maintain or augment structures that provide protection to
16 the coastline and development along the same. The department shall promulgate regulations to
17 define typical projects that are approved for assistance and shall therein provide a process for
18 municipalities to submit additional proposals for consideration should a municipality believe that
19 a project meets the criteria for a coastal protection or harbor maintenance project but is not
20 specifically defined as such in the regulations.
21 Subject to appropriation, the department shall provide financial assistance for each coastal
22 protection and harbor maintenance project or portion thereof authorized by this section in such

23 manner and under such terms and conditions as defined under regulations to be promulgated by
24 the department, including zero or low-interest loans to the municipality, in an aggregate amount
25 equal to 50 percent percent of the approved costs of such project or portion thereof approved by
26 the department of environmental management. This assistance shall not be construed as a
27 replacement and shall not be used in lieu of any other form of grant or other assistance available
28 through the department, but shall assist municipalities in affording and financing their portion of
29 approved and necessary projects.

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

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

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