

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

---

**The Commonwealth of Massachusetts**

PRESENTED BY:

**Bradley H. Jones, Jr.**

*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 relative to municipal relief.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Viriato Manuel deMacedo	1st Plymouth
Bradley H. Jones, Jr.	20th Middlesex
George N. Peterson, Jr.	9th Worcester
Elizabeth Poirier	14th Bristol

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 31 OF 2007-2008.]

## The Commonwealth of Massachusetts

---

In the Year Two Thousand and Nine

---

### AN ACT RELATIVE TO MUNICIPAL RELIEF.

*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. This act shall be known and may be cited as the “Comprehensive Taxpayer and  
2 Municipal Relief Act of 2009.”

3

4 SECTION 2. Subsection (e) of section 38C of chapter 7 of the General Laws, as most recently  
5 amended by section 4 of chapter 304 the acts of 2008, is hereby amended, in clause (i), by  
6 striking out the words "ten thousand dollars" and inserting in place thereof the following:--  
7 \$20,000.

8

9 SECTION 3. Subsection (e) of section 38C of chapter 7, as so amended, is hereby further  
10 amended in clause (ii), by striking out the words "one hundred thousand dollars", and inserting in  
11 place thereof the following figures: -- \$200,000.

12

13 SECTION 4. Section 38K of chapter 7 of the General Laws, as appearing in the 2006 Official  
14 Edition, is hereby amended in line 3 by striking out the words "one hundred thousand dollars",  
15 and inserting in place thereof the following:-- \$200,000.

16

17 SECTION 5. Paragraph (a) of section 39M of chapter 30 of the General Laws, as appearing in  
18 the 2006 Official Edition, is hereby amended, in lines 2 and 3, by striking out the words "or for  
19 the purchase of any material."

20

21 SECTION 6. Paragraph (a) of section 39M of chapter 30 of the General Laws, as so appearing, is  
22 further hereby amended, in lines 5 and 6, by striking out the words "ten thousand dollars" and  
23 inserting in place thereof the following:- \$50,000.

24

25 SECTION 7. Paragraph (a) of section 39M of chapter 30 of the General Laws, as so appearing,  
26 is hereby further amended, in lines 9 and 10, by striking out the words "\$25,000 but not more  
27 than \$100,000" and inserting in place thereof the following:-- \$50,000 but not more than  
28 \$200,000.

29

30 SECTION 8. Paragraph (d) of section 39M of chapter 30 of the General Laws, as so appearing,  
31 is hereby further amended, in lines 92 through 97, by striking out the words "(4) to any contract

32 of not more than twenty-five thousand dollars awarded by a governmental body, as defined by  
33 section two of chapter thirty B, in accordance with the provisions of section five of said chapter  
34 thirty B; and (5) to any contract solely for the purchase of material awarded by a governmental  
35 body, as defined by section 2 of chapter 30B, in accordance with section 5 of said chapter 30B"  
36 and inserting in place thereof the following words:-- (4) to any contracts solely for the purchase  
37 of materials and said contracts shall be procured using the provisions of said chapter 30B by  
38 governmental bodies subject to said chapter 30B or the provisions of section 22 of chapter 7 by  
39 the commonwealth or political subdivision thereof subject to the provisions of said chapter or  
40 such other procurement procedures to which a governmental body may be subject.

41

42 SECTION 9. Section 39M of chapter 30 of the General Laws, as so appearing, is hereby further  
43 amended by inserting the following new paragraph:--

44 (f) For any contract for the construction, reconstruction, alteration, remodeling, or repair  
45 of any public work and every contract for the construction, reconstruction, installation,  
46 demolition, maintenance, or repair of any public building by the commonwealth, or political  
47 subdivision thereof, or by any county, city, town, district or housing authority, estimated by the  
48 governmental body to cost more than ten thousand dollars but not more than fifty thousand shall  
49 be awarded in accordance with the provisions of section 4 of chapter 30B by governmental  
50 bodies subject to said chapter 30B, or the provisions of section 22 of chapter 7 by the  
51 commonwealth or political subdivision thereof subject to the provisions of said chapter, or such  
52 other procurement procedures to which a governmental body may be subject.

53

54 SECTION 10. Subsection (a) of section 4 of chapter 30B of the General Laws, as appearing in  
55 the 2006 Official Edition, is hereby amended, in line 3, by striking out the words "\$5,000 or  
56 greater, but less than \$25,000," and inserting in place thereof the following:-- \$10,000 or greater,  
57 but less than \$50,000.

58

59 SECTION 11. Subsection (a) of section 4 of chapter 30B, as so appearing, is hereby further  
60 amended, in lines 9 and 10, by striking out the words "\$25,000 be based on written quotations or  
61 be subject to the provisions of section five" and inserting in place thereof the following:--  
62 "\$50,000 based on written quotations or be subject to the provisions of section five or section  
63 six."

64

65 SECTION 12. Subsection (c) of section 4 of chapter 30B, as so appearing, is hereby amended, in  
66 line 14, by striking out the figure "\$5,000", and inserting in place thereof the following:--  
67 \$10,000.

68

69 SECTION 13. Section 4 of chapter 30B of the General Laws, as so appearing, is hereby further  
70 amended by adding at the end thereof the following paragraph:--

71 (e) The provisions of subsection (a) of this section shall apply to contracts for the  
72 construction, reconstruction, alteration, remodeling or repair of any public work by the  
73 commonwealth, or political subdivision thereof, or by any county, city, town, district, or housing  
74 authority, and estimated by the awarding authority to cost more than \$10,000 but not more than

75 \$50,000, and every contract for the construction, reconstruction, installation, demolition,  
76 maintenance, or repair of any building by a public agency as defined by subsection one of  
77 section 44A of chapter 149, estimated to cost more than \$10,000 but not more than \$50,000.

78

79 SECTION 14. Subsection (a) of section 5 of chapter 30B, as appearing in the 2006 Official  
80 Edition, is hereby amended, in line 2, by striking out the figure "\$25,000" and inserting in place  
81 thereof the following: --\$50,000.

82

83 SECTION 15. Subsection (a) of section 6 of chapter 30B, as appearing in the 2006 Official  
84 Edition, is hereby amended, in line 2, by striking out the figure "\$25,000" and inserting in place  
85 thereof the following figures:-- \$50,000.

86

87 SECTION 16. Section 23B of chapter 39 of the General Laws, as appearing in the 2006 Official  
88 Edition, is hereby amended by inserting after the word "section" in line 78 the following new  
89 paragraph:--

90 (10) To discuss strategy with respect to contract negotiations for the provision of cable  
91 television service to residents of the city, region or town, if such discussions may have a  
92 detrimental effect on the negotiating position of the governmental body and a person, firm or  
93 corporation.

94

95 SECTION 17. Section 20 of chapter 40B of the General Laws, as appearing in the 2006 Official  
96 Edition, is hereby amended by striking the definition of “consistent with local needs”, and  
97 inserting in place thereof the following definition:--

98 "Consistent with local needs", requirements and regulations shall be considered  
99 consistent with local needs if they are reasonable in view of the regional need for low and  
100 moderate income housing considered with the number of low income persons in the city or town  
101 affected and the need to protect the health or safety of the occupants of the proposed housing or  
102 of the residents of the city or town, to promote better site and building design in relation to the  
103 surroundings, to preserve the municipal water supply or the region’s natural water resources, or  
104 to preserve open spaces, and if such requirements and regulations are applied as equally as  
105 possible to both subsidized and unsubsidized housing. Requirements or regulations shall be  
106 consistent with local needs when imposed by a board of zoning appeals after comprehensive  
107 hearing in a city or town where (1) low or moderate income housing exists which is in excess of  
108 ten per cent of the housing units reported in the latest federal decennial census of the city or town  
109 or on sites comprising one and one half per cent or more of the total land area zoned for  
110 residential, commercial or industrial use or (2) the application before the board would result in  
111 the commencement of construction of such housing on sites comprising more than three tenths of  
112 one per cent of such land area or ten acres, whichever is larger, in any one calendar year;  
113 provided, however, that land area owned by the United States, the commonwealth or any  
114 political subdivision thereof, or any public authority shall be excluded from the total land area  
115 referred to above when making such determination of consistency with local needs.

116

117 SECTION 18. Section 3 of chapter 44B of the General Laws, as appearing in the 2006 Official  
118 Edition, is hereby amended by adding the following new subsection:--

119 (j) Upon acceptance of sections 3 to 7, inclusive, every subsequent five years, the city or town  
120 clerk or the state secretary shall place before the voters of said city or town the following ballot  
121 question: “Shall this (city or town) re-accept sections 3 through 7, inclusive, of chapter 44B of  
122 the General laws, as approved by its legislative body, a summary of which appears below”. (Set  
123 forth here a fair, concise summary and purpose of the law to be acted upon, as determined by the  
124 city solicitor or town counsel, including in said summary the percentage of the surcharge to be  
125 imposed.) If a majority of voters voting on said ballot question vote in the affirmative, then its  
126 provisions shall remain in effect for an additional five years; otherwise, the act shall cease.

127

128 SECTION 19. Subsection (b) of section 5 of chapter 44B of the General Laws, as appearing in  
129 the 2006 Official Edition, is hereby amended by inserting at the end thereof the following  
130 subdivision:-- (4) In the event that a project meeting the qualifications outlined in subdivision (2)  
131 was authorized and financed by a town’s legislative body not more than 2 years prior to the  
132 acceptance of sections 3 through 7, inclusive, by the voters pursuant to section 3, the community  
133 preservation committee may then include in its recommendations to the legislative body a  
134 recommendation to expend funds for such project, whether to augment existing funds or to  
135 replace funds otherwise dedicated to such project.

136

137 SECTION 20. Section 6 of chapter 44B of the General Laws, as so appearing, is hereby  
138 amended by striking out the final sentence in its entirety and inserting in place thereof the



139 following sentence:-- The community preservation funds shall not replace existing operating  
140 funds, only augment them; provided, that projects approved and financed by a legislative body  
141 not more than 2 years prior to the acceptance of sections 3 through 7, inclusive, by the voters  
142 pursuant to section 3 shall be exempt from this requirement.

143

144 SECTION 21. Section 21C of Chapter 59 of the General Laws, as most recently amended by  
145 chapter 91 of the acts of 2007, is hereby further amended in paragraph (i½), in the second  
146 sentence, by striking out the words “nineteen hundred” and inserting in place thereof the  
147 following:-- two thousand.

148

149 SECTION 22. Section 23 of chapter 60 of the General Laws, as appearing in the 2006 Official  
150 Edition, is hereby amended, in line 22, by striking out the words “twenty-five dollars” and  
151 inserting in place thereof the following:-- \$35.

152

153 SECTION 23. Chapter 64A of the General Laws, as appearing in the 2006 Official Edition, is  
154 hereby amended by inserting, after section 7A, the following section:--

155 Section 7B. The sale of fuel to a city or town which having consumed the same for any  
156 municipal purpose shall be exempt from the excise established by this chapter.

157

158 SECTION 24. Section 3 of chapter 70B of the General Laws, as appearing in the 2006 Official  
159 Edition, is hereby amended by inserting after subsection (w) the following new subsection:-

160 (x)The authority shall acquire an electronic data base system in order to file, track and update  
161 all pending school building assistance projects. The authority may decide which data base system  
162 shall be the most effective in tracking all pending and new school building projects before  
163 purchasing this system.

164

165 SECTION 25. Section 17A of chapter 131 of the General Laws, as appearing in the 2006  
166 Official Edition, is hereby amended, in line 3, by striking out the words “one dollar” and  
167 inserting in place thereof the following:-- \$3.

168

169 SECTION 26. Section 29 of chapter 149 of the General Laws, as appearing in the 2006 Official  
170 Edition, is hereby amended, in lines 6 and 7, by striking out the words “in the case of the  
171 commonwealth is more than five thousand dollars, and in any other case is more than two  
172 thousand dollars” and inserting in place thereof the following:-- is more than \$50,000.

173

174 SECTION 27. Subdivision (A) of subsection (2) of section 44A of chapter 149 of the General  
175 Laws, as appearing in the 2006 Official Edition, is hereby amended, in line 47, by striking out  
176 the figure “\$10,000” and inserting in place thereof the following:-- \$200,000.

177

178 SECTION 28. Subsection (1)(a) of section 44F of chapter 149 of the General Laws, as appearing  
179 in the 2006 Official Edition, is hereby amended, in line 6, by striking the figure \$20,000 and  
180 inserting in place thereof the following:-- \$25,000.

181

182 SECTION 29. Notwithstanding any general or special law to the contrary, the commissioner of  
183 the department of fisheries, wildlife and environmental law enforcement, in coordination with  
184 the director of fisheries and wildlife, is hereby directed to study methods of improving the  
185 process of issuing hunting and fishing licenses in the commonwealth, including but not limited to  
186 the complete privatization of the responsibility for issuing said licenses. The commissioner shall  
187 file a written report of his findings, together with any recommendations for administrative or  
188 statutory revision, with the clerks of the House and Senate and the chairmen of the House and  
189 Senate committees on ways and means not later than December 31, 2010.

190

191 SECTION 30. Notwithstanding any general or special law to the contrary, there shall be a  
192 special commission to study and report on ways to improve the teacher licensure process. The  
193 commission shall consist of the commissioner of education; 3 members of the house of  
194 representatives, 2 of whom shall to be appointed by the speaker of the house, and 1 of whom  
195 shall be appointed by the minority leader of the house; 3 members of the senate, 2 of whom shall  
196 be appointed by the senate president, and 1 of whom shall be appointed by the senate minority  
197 leader; the chancellor of higher education; a representative of the Massachusetts Teacher  
198 Association; and a member appointed by the governor. The scope of the commission's study  
199 shall include, but shall not be limited to, the following: researching the current process of teacher

200 licensure and ways to streamline the process of certifying qualified applicants without sacrificing  
201 quality or public safety; analyzing the effectiveness, clarity and accessibility of applications and  
202 certification via email and the internet; examining the feasibility of streamlining the application  
203 process for teachers who have previous extensive experience in a public or a private school  
204 system; evaluating possible options to simplify or lessen current state teacher licensure  
205 regulations; and examining the capacity of the department to process all teacher applications and  
206 certifications in a timely manner. The commission shall submit its report to the board of  
207 education, the joint committee on education, arts and humanities and the senate and house clerks  
208 not later than December 31, 2010.