

Chap. 749. AN ACT REDUCING THE REGISTRATION FEES OF GASOLINE DRIVEN MOTOR VEHICLES USED FOR THE TRANSPORTATION OF GOODS, WARES AND MERCHANDISE.

Be it enacted, etc., as follows:

SECTION 1. Subdivision (2) of section 33 of chapter 90 of the General Laws, as amended by section 12 of chapter 679 of the acts of 1965, is hereby further amended by striking out, in line 8, the word "six" and inserting in place thereof the word: — five.

SECTION 2. Subdivision (4) of said section 33 of said chapter 90, as so amended, is hereby further amended by striking out, in line 1, the word "six" and inserting in place thereof the word: — five.

SECTION 3. Subdivision (5) of said section 33 of said chapter 90, as so amended, is hereby further amended by striking out, in line 2, the word "six" and inserting in place thereof the word: — five.

SECTION 4. Subdivision (6) of said section 33 of said chapter 90, as so amended, is hereby further amended by striking out, in line 5, the word "six" and inserting in place thereof the word: — five.

SECTION 5. The provisions of this act shall apply to the registration fees for periods commencing on and after January first, nineteen hundred and sixty-nine.

Approved July 24, 1968.

Chap. 750. AN ACT ESTABLISHING A GREATER LAWRENCE SANITARY DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. A water pollution abatement district, to be known as the Greater Lawrence Sanitary District, hereinafter called the district, is hereby established and shall include the territory of the city of Lawrence and the towns of Andover, Methuen and North Andover.

SECTION 2. The district shall be a body politic and corporate. There shall be a commission to be known as the district commission. An executive director and a treasurer shall be appointed by the district commission.

The district commission upon formation shall consist of three members from the city of Lawrence, two members from the town of Methuen, one member from the town of Andover and one member from the town of North Andover. The original membership of the district commission shall be expanded beginning with the nineteen hundred and seventy federal census of population and the nineteen hundred and seventy-five state census of population and every five years thereafter when the following conditions are recorded:

1. The city of Lawrence shall appoint one additional member when its population is recorded at eighty thousand persons.

2. The town of Methuen shall appoint one additional member when its population is recorded at sixty thousand persons.

3. The town of Andover shall appoint one additional member when its population is recorded at forty thousand persons.

4. The town of North Andover shall appoint one additional member when its population is recorded at forty thousand persons.

Additional members from each town or city shall be appointed for each unit of population comprising twenty thousand persons in

addition to the maximum populations listed in said items one to four, inclusive.

Each member of the commission shall be sworn and shall serve for three years or until his successor is selected and qualified. Such member shall be compensated for his services at the rate of thirty dollars per diem, but in no event to exceed three hundred and sixty dollars in any year, and shall be reimbursed for expenses incurred.

The district commission shall employ a registered professional engineer who shall be the executive director of the district, and, with the approval of the chairman of the water resources commission, shall fix his salary. Said director shall be the executive and administrative head of the district.

The district commission shall employ a person with accounting and financial experience who shall be the treasurer of the district, and shall fix his salary. Said treasurer shall give a bond for the faithful performance of his duties in an amount required by the director.

The executive director may, with the approval of the district commission, employ such other persons as he shall deem necessary, and such persons shall be subject to chapter thirty-one of the General Laws.

SECTION 3. The district commission (1) may act by a majority vote on all matters with the exception of items (a) through (d) below, and on such special exceptions a two thirds majority vote shall be required and shall be comprised of at least one vote from three of the four municipalities comprising the district:

(a) The undertaking of any capital outlay project costing more than one hundred thousand dollars;

(b) the incurrence of debt;

(c) the removal of the executive director;

(d) the exercise of the power of eminent domain; and (2) shall adopt by-laws and regulations for the conduct of its affairs, (3) shall adopt a name and a corporate seal, (4) may sue and be sued, (5) may enter into contracts, (6) may incur expenses in order to carry out the purpose of this act, (7) may issue bonds and notes as hereinafter provided, (8) may acquire, dispose of and encumber real and personal property for the purposes of the district, (9) may manage, control and supervise abatement facilities, (10) may construct, acquire, improve and maintain and operate abatement facilities, (11) may exercise the power of eminent domain under chapter seventy-nine of the General Laws, (12) shall provide revenue to carry out the purposes of the district, in accordance with clauses (9) and (10), (13) may apply for, accept and receive financial assistance from the federal government and from the commonwealth or any other source, (14) shall make regulations as to the quality and character of any sewage, drainage or other wastes discharged into the system. The district shall connect its abatement facilities only to such outfalls as exist at the time of the establishment of the district. For the purposes of this act abatement facilities, hereinafter termed facilities, shall include facilities for the purpose of treating, neutralizing or stabilizing sewage and such industrial and other wastes as are disposed of by means of the facilities, including treatment or disposal plants, the necessary intercepting, outfall and outlet sewers, pumping stations integral to such

facilities and sewers, equipment and furnishings thereof and their appurtenances, and (15) may enforce whether through the courts or otherwise any of its duly adopted regulations including the right to seek injunctive relief in cases considered appropriate by the district commission.

SECTION 4. The district may apply to the division of water pollution control, hereinafter called the division, for a planning grant by the commonwealth for the purpose of assisting the district in developing a comprehensive water pollution abatement plan for such district. Upon approval by said division the division may grant for such purpose a sum not to exceed fifteen thousand dollars. In no case shall a grant exceed the reasonable and necessary cost of such planning, after subtracting therefrom any federal grant made to such district for the same purpose. The division may direct that such planning be undertaken in such a manner as to maximize federal reimbursement, or to minimize the cost to the commonwealth, including, in appropriate cases, metropolitan wide comprehensive planning and programming for coordinating activities affecting the development of the area. Planning grants authorized under this section need not be repaid to the commonwealth and shall be in addition to financial assistance made available under chapter twenty-one of the General Laws.

SECTION 5. The district shall present a plan for abatement of water pollution to the state division of water pollution control within one year after its establishment or such greater or lesser period as the division may prescribe. Such plan shall include detail as to the sources of pollution within the district, the means by which and the extent to which such pollution is to be abated, a project or projects for the construction, acquisition, extension or improvement of facilities required by the plan, estimates of the capital outlay costs thereof, the amount of federal grants applicable to such costs and the amount of federal grants applicable to such costs for which the district proposes to apply.

The cost of the maintenance and operation of the district and its facilities, exclusive of principal and interest on bonds issued for capital outlay purposes, shall be apportioned among the municipalities on the basis of the metered flow of sewage contributed by each municipality. Until such time as the plant facilities are in operation or flows can be measured, whichever occurs first, the cost of the maintenance and operation of the district shall be apportioned among the municipalities in the ratio of their current estimated populations served by sewers divided by the total estimated population of the district served by sewers.

The costs of capital outlay, including principal payments and interest shall be apportioned among the municipalities according to the ratio of the estimated cost of separate water pollution abatement facilities for each city and town divided by the total estimated cost of the district's individual facilities which will service all of the municipalities.

Any city or town aggrieved by the decision of the district commission concerning apportionment of capital outlay costs may appeal to the superior court which shall have jurisdiction to fix the estimated cost for the purpose of determining the proper apportionment to each

city or town. The cost of the court in arriving at such apportionment shall be paid by the city or town requesting such court action.

The division shall not approve a plan unless it finds that the abatement of water pollution which the plan will effect will be consistent with the standards of water quality, as established by the commonwealth or by the United States government for the waters affected by the facilities' operation.

SECTION 6. After a plan has been approved by the division, the division shall, in accordance with criteria used by the division in determining the priority of projects for federal financial assistance, authorize and direct the district to apply for a grant or grants by the United States government applicable to the capital outlay costs of facilities included in the project or projects contained in the district's approved plan.

If a grant anticipated from the United States government is conditioned on a matching grant by the commonwealth, the commonwealth, in authorizing the district's application, may undertake to provide a grant to the extent of funds available or to be made available therefor as hereinafter provided of whatever per cent of the capital outlay costs is required to satisfy the condition that the anticipated federal grant be matched. Irrespective of any such condition, to the extent that a grant anticipated from the United States government in response to such application is less than sixty per cent of the capital outlay costs of the facility, or if there is no grant anticipated, the division may grant the district an amount which shall insure the district that its share of the said costs shall in no event exceed forty per cent.

In the event that sufficient federal funds are not immediately available under the Federal Water Pollution Control Act or otherwise for a federal grant to a district, the director of the division may advance to the district, in addition to the state grant, a sum of money not to exceed the amount of the anticipated federal grant; provided, that the federal payments made in reimbursement of funds so advanced and used in such project shall be paid back to the commonwealth; and, provided further, that said payments shall be credited to the account from which said sum of money had been advanced and may be used for the purposes of this section without further appropriation.

Prior to so advancing the federal share, the director of the division of water pollution shall obtain a statement of eligibility and approval from the proper federal authorities of the project or projects and shall require the district to agree to do all that is necessary to make the project approvable and eligible for the federal grant.

The district shall assign the anticipated federal reimbursement for such project or projects to the commonwealth.

If federal funds for contract plans and specifications for the construction of a pollution abatement facility are not available to a district at the time of its scheduled planning, the division may advance to the district, a sum up to seven per cent of the estimated construction cost. The funds advanced to the district shall be considered a part of the total amount of the state grant provided above.

In determining the amount of financial assistance to be granted a district by the division, the costs of construction, acquisition, extension or improvement of the facility shall be the actual costs thereof as determined by the division, or the estimated reasonable costs thereof as determined by the division, whichever is lower.

Payments of financial assistance by the commonwealth to the district, including advancement of the anticipated federal grant, shall be made in accordance with a payment schedule approved by the commissioner of administration. The division may require any information from the district commission necessary to ensure that said commission is acting in compliance with the plan, and may withdraw its approval of the project if such information is not supplied or if said plan is not being followed by said commission. In such a case the division shall notify the commissioner of administration, and payments shall cease forthwith, and shall not be resumed until the division again certifies its approval.

SECTION 7. The division shall supervise the operation and maintenance of the facilities of the district, and the director may require the district commission to take such remedial action as may be necessary to maintain required standards.

SECTION 8. The district by vote of the commissioners is authorized to issue, from time to time, general obligation serial bonds or notes of the district to pay for its share of the costs of capital outlay required in connection with the project or projects contained in an approved plan, in such amount or amounts as the district commissioners may determine and as may be approved by the division, and may refund any such serial bonds or notes. Such serial bonds or notes may be callable with or without premium, shall contain such terms and conditions, bear such rate or rates of interest, be sold in such manner, as public or private sale, and mature at such times and in such amounts as the commissioners shall determine; provided, however, that each issue of such bonds or notes shall be payable in annual installments, the first of which shall be payable not later than three years after its date and the last of which shall be payable not later than thirty years from said date.

If the district votes to issue serial bonds or notes, the commissioners may authorize the issuance, in the name of the district, of general obligation temporary notes for a period of not more than two years in anticipation of the money to be received from the sale of such serial bonds or notes; but the time within which such serial bonds or notes shall become payable shall not be extended by reason of the making of such temporary loans beyond the time fixed in the vote authorizing such serial bonds or notes.

The district by vote of the commissioners is authorized to issue, from time to time, general obligation temporary notes of the district in anticipation of assessments and other revenues of the district of the year in which such notes are issued. Temporary notes in anticipation of assessments or other revenues shall be payable not more than one year from their dates. If at any time any principal or interest is due or about to become due on any bond or note issued by a district and funds to pay the same are not available, the district may temporarily borrow money and issue temporary general obligation notes of the

district, payable not more than one year from their dates, to pay such principal and interest.

Temporary notes issued under this section for a shorter period than the maximum permitted may be renewed by the issuance of other temporary notes maturing within the required period; provided, that the period from the date of issue of the original temporary note to the date of maturity of the renewal note shall not exceed the maximum period for which the original temporary note may have been issued. Such temporary notes or renewal notes may be sold at discount or with interest payable at or at and before maturity.

Notes or bonds authorized by this section shall be signed by the treasurer and countersigned by the executive director of the district and serial notes and bonds shall have the district seal affixed. Sections sixteen B and sixteen C of chapter forty-four of the General Laws shall be applicable to such bonds and notes.

"Capital outlay", as used in this section and in sections five and six, shall mean the cost of construction, acquisition, extension or improvement of facilities included in the project or projects contained in an approved plan, the cost of acquisition of all the land, or interest therein of any nature or description, for such construction, extension, acquisition or improvement, and any legal appraisal or surveys, fees or services with relation thereto, the cost of demolition or the removal of any buildings or structures on land so acquired, the cost of furnishings and equipment, financing charges, insurance during construction, cost of architectural, engineering, legal or other expenses, plans, specifications, estimates and costs and such other expense as may be necessary or incidental to any construction, extension, acquisition or improvement of such facilities; and the placing of such facilities in operation.

"Improvement", as used in this section, shall include the cost of acquiring more equipment, the cost of converting the existing facility into a new condition of completeness or efficiency from a worn, damaged or deteriorated condition whenever the plans for such improvement have been approved by the division.

Indebtedness incurred under this section shall not be included in computing the limit of indebtedness of any city or town any portion of which is included in the district.

SECTION 9. The district commission shall annually determine the amounts required for the payment of principal and interest on such bonds and notes issued or to be issued by the district which will be due during the ensuing calendar year and shall apportion the amounts so determined among the municipalities in the district in accordance with the provisions of the plan approved under section five. The district commission shall also annually determine the amounts necessary to be raised to maintain and operate the district during said year, for capital outlay items the cost of which is not to be funded, and for all other matters for which the district is required to raise money, and if and to the extent said plan so requires shall apportion among the municipalities the amounts so determined in accordance with the provisions of said plan reduced by the amounts of revenues of funds which are available or are to be received by the district during said year and are applicable to costs of maintenance and operations. Each

amount so apportioned for each municipality shall prior to December thirty-first in each year be certified by the district commission to the assessors of each municipality in the district. The assessors of each municipality shall without further vote include each amount so certified in those amounts to be annually raised by taxes under section twenty-three of chapter fifty-nine of the General Laws. The respective city or town treasurers shall pay the amount so certified to the treasurer of the district in four substantially equal payments, to be made on or before the first day of March, June, September and December.

A city or town in the district may raise all or a portion of the amounts certified annually by the district to the assessors of such cities and towns as provided in the preceding paragraph, through equitable and proportional charges against inhabitants, corporations and other users for the services rendered by the district in each city or town. For the purpose of establishing an equitable and proportional schedule or reasonable charges, the property benefited by the services of the district may be classified taking into consideration the volume of water, including surface or drain waters, the character of the sewerage or industrial or other wastes, and the nature of the use made of the sewerage system, including the facilities. The charges may include standby charges to property not connected but for which the district's facilities have been made available.

The schedule thus established may be modified in accordance with the plan and as may be necessary to raise the amounts required by the district. The failure of such user charges to raise the amounts required by the district in any year shall not relieve any city or town from its obligation to provide the amounts assessed by the district hereunder.

SECTION 10. The executive director of the district or his authorized representatives may enter at reasonable times any property, public or private, for the purpose of investigation or inspection of any condition relating to pollution or the possible pollution of any waters and may make such tests as may be necessary to determine sources of pollution.

Said director or such authorized representatives may examine any records or papers pertaining to the operation of a disposal system or treatment works. Nothing in this section shall be deemed to authorize access to any confidential information relative to secret processes or to economies of operation.

Approved July 24, 1968.

Chap. 751. AN ACT PROVIDING THAT MILK PRODUCERS SHALL NOTIFY THE COMMISSIONER OF AGRICULTURE OF THE FAILURE OF MILK DEALERS TO PAY FOR THEIR MILK WHEN PAYMENT IS DUE.

Be it enacted, etc., as follows:

Section 42C of said chapter 94, as appearing in section 2 of chapter 338 of the acts of 1933, is hereby amended by inserting before the first sentence the following sentence: — Each producer shall notify the commissioner in writing of any default in the timely payment for milk on the part of a licensee, such notification to be made within ninety days after the date on which payment for milk is regularly due under the